

BENCHMARKING PPP PROCUREMENT 2017 IN JORDAN

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:	The Public Private Partnership Law no. 31 of 2014 ("PPP Law") is the main law currently governing PPPs in Jordan. Pursuant to Articles 5(c) & 22 of the PPP Law, the Regulation on Public Private Partnership Projects no. 98 of 2015 ("PPP Regulation") and Instructions for the Regulation of the Work of the Partnership Council ("PPP Instructions") were issued. The PPP Regulation addresses, inter alia, the procedures for the various stages of the PPP procurement and tender process; whereas, the PPP Instructions exclusively set the mechanism for, inter alia, the meetings and decision-making process of the PPP Council established pursuant to the PPP Law. The previous instruments set out the general framework for regulating PPPs in Jordan 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.mof.gov.jo/en-us/datacenter/legislations/laws.aspx www.pppu.gov.jo
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	n/a

legal/regulatory provisions:	
Telecom	No
If yes, please provide the relevant legal/regulatory provisions:	n/a
Health	No
If yes, please provide the relevant legal/regulatory provisions:	n/a
Education	No
If yes, please provide the relevant legal/regulatory provisions:	n/a
Other	Yes
If yes, please provide the relevant legal/regulatory provisions:	According to Article 4 of the PPP Law, PPP Projects may be established in all economic sectors except those the Council of Ministers excludes based on the PPP Council's recommendations.
Please identify the PPP procuring authorities in country_name and provide their website(s) (if available):	The Contracting Entity is the PPP procuring authority in Jordan. This Entity is the "Government Entity" which implements the PPP contract with the private entity. The Government Entity is defined under the PPP Law as any ministry, department, public institution, commission, council, authority, municipality or corporation that is either wholly owned by the Government of Jordan ("GOJ") or which the government of Jordan owns no less than 50% of its shares. The Ministry of Transportation is the relevant entity for purposes of the case study assumption, http://www.mot.gov.jo/
In addition to the PPP procuring authorities listed above, is there a specialized government entity that facilitates the PPP program (PPP Unit)?	Yes
If yes, please indicate its name, and its website (if available):	The Public-Private Partnerships Unit ("PPP Unit") located in the Ministry of Finance. www.pppu.gov.jo
If yes, what are the main responsibilities of the PPP Unit (check all that apply). PPP regulation.	Yes
PPP policy guidance and capacity	Yes

building for other public authorities.	
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.	Yes
Oversight of PPP implementation.	Yes
Other	No
please specify:	n/a
Preparation of PPPs	Score: 29
Does the Ministry of Finance or Central Budgetary Authority approve the PPP project before launching the procurement process?	No
If yes, please provide the relevant legal/regulatory provisions (if any):	n/a
If yes, is a second approval by the Ministry of Finance or Central Budgetary Authority required before signing the PPP contract?	No
If yes, please provide the relevant legal/regulatory provisions (if any):	n/a
Besides the procuring authority and the Ministry of Finance or Central Budgetary Authority, does any	Yes

other authority(s) approve the PPP project before launching the procurement process?	
If yes, please specify the relevant authority	The Council of Ministers in addition to the PPP Council
and provide the relevant legal/regulatory provisions (if any):	According to Articles 6 (a) (3) and 17 of the PPP Law, the PPP Council must obtain the Council of Ministers' approval for PPP projects. Article 6 of the PPP Regulation provides that the Council's approval is to be procured before launching the procurement process. Article 5 of the Law provides that the Council shall be comprised of 6 members, two of which shall be the Minister of Finance and the Governor of the Central Bank.
If yes, is a second approval by the same authority required before signing the PPP contract?	Yes
If yes, please provide the relevant legal/regulatory provisions (if any):	According to Articles 6 (a) (4) and 17 of the PPP Law and Article 32/f of the PPP Regulation, the Council must approve the PPP contract in its final version. Article 5 and 32 of the PPP Regulation stipulates that the Council has to approve the final award of the partnership project bid and the winning proposal, in addition to that, the Council has to approve the final draft of the partnership contract.
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	n/a

<p>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.</p>	
<p>If yes, please specify:</p>	<p>n/a</p>
<p>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.</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 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>n/a</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>

Relevant legal/regulatory provision (if any)	According to Articles 10 (A) of the PPP Law and 2 & 5 (a) (1) (F) of the PPP Regulation, a feasibility study shall be prepared. This study is defined as an analytical study that covers different aspects such as legal, technical, social, economic, environmental, financial and financing aspects of the project. The PPP Unit shall evaluate this study in accordance with Article 3 (d) (2) (b) of the PPP Regulation based on the previously mentioned criteria.
Is there a specific methodology?	No
If yes, elaborate.	n/a
Affordability assessment, including the identification of the required long term public commitments (explicit and implicit)	Yes
Relevant legal/regulatory provision (if any)	According to Articles 10(A) of the PPP Law and 2 & 5 (b) (2) of the PPP Regulation, a feasibility study shall be prepared. This study is defined as an analytical study that covers different aspects such as legal, technical, social, economic, environmental, financial and financing aspects of the project. The PPP Unit shall evaluate this study in accordance with Article 3 (d) (2) (b) of the PPP Regulation based on the previously mentioned criteria.
Is there a specific methodology?	No
If yes, elaborate	n/a
Risk identification, allocation and assessment (risk matrix)	Yes
Relevant legal/regulatory provision (if any)	Practice
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	Yes

procurement alternatives	
Relevant legal/regulatory provision (if any)	Articles 10 (a) of the PPP Law and 5 (b) (2) of the PPP Regulation identify that the contracting authority shall prepare a cost-benefit analysis and feasibility study to be submitted to the PPP Unit, in which contributors provided includes a Value for Money analysis to conclude whether PPPs are the best option for the project.
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)	Article 5 (a) (1) of the PPP Regulation provides that it is incumbent on the contracting party to prepare a partnership project proposal memorandum in accordance with the form prepared by the Unit, which contains the following data: 5 (a) (1) (g): The extent of the interest of the private sector and its capability of implementing the partnership project.
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 conducted? Please elaborate:	Most 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):	The PPP contract and the request for proposal are part of the tender documents according to Article 19 (b) of the PPP Regulation.
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	n/a

government-supported website where the mentioned standards are available or provide an electronic copy of them:	
Does the procuring authority obtain the permits necessary to develop and operate the PPP project before calling for tenders in any of the following areas? Environmental permits.	Yes
If yes, please provide the relevant legal/regulatory provisions (if any):	Although not explicit, but according to Article 7 (b) (11) of the PPP Law, the PPP Unit shall assist the contracting authorities in obtaining the necessary permits and approvals in coordination with the Investment Authority.
Urban and zoning permits.	Yes
If yes, please provide the relevant legal/regulatory provisions (if any):	Although not explicit, but according to Article 7 (b) (11) of the PPP Law, the PPP Unit shall assist the contracting authorities in obtaining the necessary permits and approvals in coordination with the Investment Authority.
Other permits.	Yes
If yes, please provide the relevant legal/regulatory provisions (if any):	Although not explicit, but according to Article 7 (b) (11) of the PPP Law, the PPP Unit shall assist the contracting authorities in obtaining the necessary permits and approvals in coordination with the Investment Authority.
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):	Practice
If no, please elaborate (provide explanation):	n/a
Does the procuring authority make available to PPPCo	Yes

the necessary land or right of way to develop the PPP project (if any)? Right of way	
If yes, please provide the relevant legal/regulatory provisions (if any):	Practice
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?	Yes
If yes, please provide the relevant legal/regulatory provisions:	According to Article 18 (a) (3) of the PPP Law, the Council of Ministers shall issue a regulation that includes simplified procedures identified in the public-private partnership projects in which the valued capital expenditures required for its implementation does not exceed the specified amount by the PPP Council.
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:	185
Obtaining the required approvals from other relevant authorities:	135
Preparing the draft PPP contract:	255
Obtaining any permits, land and/or right of way that the procuring authority must provide according to the regulatory framework:	150
PPP Procurement	Score: 78

Are the bid evaluation committee members required to meet specific qualifications?	<p>Yes</p>
If yes, please specify and provide the relevant legal/regulatory provisions (if any	<p>Primarily, there are two committees of bid evaluation which may be formed pursuant to the PPP Law, more specifically, a steering committee and a technical committee. The technical committee evaluates the bids and provides the steering committee with its findings/report. Article 4 (b) of the PPP Regulation indicates that the steering committee includes representatives of the relevant Government Entities who have the legal, financial, technical and other expertise necessary for the project in addition to a representative of the PPP Unit and the person in charge of the project as appointed as such by the Contracting Entity. The steering committee has a chairman. The chairman of the steering committee is appointed by the Contracting Entity. On the other hand, there is nothing in the PPP Law and the PPP Regulation relating to specific qualifications of the technical committee. The PPP Regulation under Article 4 (c) merely sets out that the chairman of the technical committee is the person in charge of the project as appointed as such by the Contracting Entity.</p>
If no, please elaborate (provide examples):	<p>n/a</p>
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.	<p>No</p>
If yes, please specify:	<p>n/a</p>
The regulatory framework requires generally sufficient qualification without detailing the specific qualifications required to be a member of the bid evaluation committee.	<p>Yes</p>

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):	<p>According to Articles 8 & 10(a) of the PPP Regulation, publication is made by the Contracting Entity in Arabic and English in two local daily newspapers, on the websites of both the Contracting Entity and the PPP Unit, and, if necessary, in a foreign newspaper published abroad. Publication in such means covers:</p> <ol style="list-style-type: none"> 1. the request for expression of interest prior to the initiation of the PPP tender process and in the event the PPP Unit determines that such publication is needed. 2. the request for pre-qualification once the PPP tender process has been initiated.
If yes, is the public procurement notice published online?	Yes
If yes, please specify the website:	The website of the procuring entity and the PPP Unit. The PPP Unit's website is www.pppu.gov.jo
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):	<p>Article 19 of the PPP Regulation provides, "The documents relating to placement of tender of the partnership project and its award include the following:</p> <p>A- Invitation to tender, including</p> <ol style="list-style-type: none"> 1- Integrated information relating to the partnership project. 2- Conditions and procedures for preparing and receiving bids (proposals), the number of copies to be submitted, and the deadline for submission of bids, as well as the location for delivery." And Article 22(H) of the same Regulation provides, "Any proposal submitted after the deadline for submitting the bids will be disqualified."
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):	<p>Article 11 (d) of the PPP Regulation discusses the pre-qualification phase, and requires the invitation for pre-qualification phase (if any); the invitation shall specify the criteria for qualification, the description of the project, the role of the private partner, the procedures, venue and deadline for submission. Article 19(a) of the PPP Regulation provide, "The documents relating to placement of tender of the partnership project and its award include the following:</p> <p>A- Invitation to tender, including:</p>

	2- Conditions and procedures for preparing and receiving bids (proposals), the number of copies to be submitted, and the deadline for submission of bids, as well as the location for delivery”.
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):	Articles 9 - 17 of the PPP Regulation address the request for pre-qualification that is open to all bidders.
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 11 of the PPP Regulation provides that the initial-qualification criteria is defined in the initial qualification invitation.
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 and/or the request for proposals?	Yes
If yes, please provide the relevant	Article 13(c) of the PPP Regulation implies that potential bidders can submit questions regarding pre-qualification as it mandates the technical committee to respond to any

legal/regulatory provisions (if any):	clarification requests. Additionally, Article 20(a) of the PPP Regulation allows the Contracting Entity in coordination with the PPP Unit to invite pre-qualified bidders prior to submitting their proposals to a preliminary meeting (pre-bid conference). The purpose of the preliminary meeting is to discuss matters relating to the project and provide the pre-qualified bidders with the opportunity to request clarification. The Contracting Entity will provide responses to the clarifications requested by the pre-qualified bidders irrespective of whether or not they were present at such meeting.
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):	Contributors provided that such questions and clarifications would be disclosed if they were presented in the context of the preliminary meeting mentioned in Article 20(a) of the PPP Regulation, which states that the Contracting Entity will provide responses to the clarifications requested by the pre-qualified bidders irrespective of whether or not they were present at such meeting.
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?	Yes
If yes, please specify and provide the relevant legal/regulatory provisions (if any):	Article 20 of the PPP Regulation provides, "The contracting party in coordination with the Unit, may call the prequalified bidders to a preliminary meeting, preceding the submission of proposals, to discuss matters relating to the project specifications and preliminary conditions, provided that the inquiries and replies are provided to the prequalified bidders who have attended the preliminary meeting or those absent."
If yes, does the procuring authority disclose the content and the results of the dialogue to all	Yes

of the potential bidders?	
If yes, please provide the relevant legal/regulatory provisions (if any):	<p>Article 20(a) of the PPP Regulation provides that the inquiries and replies are provided to the prequalified bidders who have attended the preliminary meeting or those absent.</p>
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:	<p>All of the projects</p>
Does the procuring authority require the bidders to prepare and present a financial model with their proposals ?	<p>Yes</p>
If yes, please provide the relevant legal/regulatory provisions (if any):	<p>Article 22 (d) & 27 of the PPP Regulation provides that the financial documents to be presented with the bid shall include the financial proposal of the partnership project. And according to 11 (b) of the same Regulation, the prequalification standards include,</p> <p>2- Financial solvency, including the ability to provide financing and capital if required by the partnership project, in addition to average annual revenues.</p> <p>3- Evidence that the company is a member of a consortium, in case the interested party is in the form of a consortium, and the suggested role of each consortium member in the partnership project.</p> <p>Contributors have confirmed that financial models are required based on these provisions.</p>
If no, please elaborate (provide examples):	<p>n/a</p>
Does the procuring authority evaluate the proposals strictly and solely in accordance with the evaluation criteria stated in the tender documents?	<p>Yes</p>

If yes, please provide the relevant legal/regulatory provisions (if any):	Articles 25 and 27 of the PPP Regulation provide that the technical and financial proposals will be assessed according to the assessment criteria mentioned in the request for proposals.
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):	According to Article 31(a) of the PPP Regulation, it is permissible to cancel the partnership project tender by virtue of a decision issued by the contracting party based on the recommendation of the Unit grounded in the recommendation of the Steering Committee and with the approval of the Council, at any time, in the following cases: 3- In case there is only one bidder in the prequalification stage.
If yes, what of the following options best describes the way the procuring authority deals with sole proposals? (Please select only one). The regulatory framework details a specific procedure that the procuring authority must follow before awarding a PPP contract where only one proposal is submitted.	No
Please specify:	n/a
The regulatory framework considers sole	No

proposals valid as long as they meet the conditions outlined in the tender documents.	
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	Yes
please specify:	According to Article 31(a) of the PPP Regulation, it is permissible to cancel the partnership project tender by virtue of a decision issued by the contracting party based on the recommendation of the Unit grounded in the recommendation of the Steering Committee and with the approval of the Council, at any time, in the following cases: 3- In case there is only one bidder in the prequalification stage.
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:	720
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):	Practice
If yes, is the public procurement award notice published online?	Yes
If yes, please specify the website:	The PPP Unit's website
Does the procuring authority provide all the bidders with the result of the PPP	Yes

procurement process?	
If yes, please provide the relevant legal/regulatory provisions (if any):	<p>According to Articles 26, 29, & 30 of the PPP Regulation, with respect to pre-qualification stage, the Contracting Entity is obliged to notify the pre-qualified applicants whether they have been selected as pre-qualified bidders or their application has been rejected.</p> <p>In the case of award and the evaluation of the proposals, the Contracting Entity is obliged to only notify:</p> <ol style="list-style-type: none"> 1. the persons whose technical proposals have been rejected prior to the review of the financial proposals; 2. the person who has been selected as the bidder with the best offer upon completion of the evaluation of the financial proposal; and 3. the person who has been awarded the PPP project.
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):	<p>According to Article 26 of the PPP Regulation, "The technical proposals that do not meet the minimum extent of the technical standards stated in the invitation to tender and the tender documents shall be rejected by virtue of a justified written decision issued by the contracting party on the recommendation of the Technical Committee based on the recommendation of the Steering Committee." Contributors have provided that this applies generally to winning and unsuccessful bidders.</p>
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:	<p>According to Article 32 of the PPP Regulation, the negotiations, which are precisely between the PPP Steering Committee and the winner, cannot affect the terms which were previously designated in the tender documents as non-negotiable terms, the basis of risk allocation as set out in the viability report, and the financial and technical conditions based on which the bidder was selected as the bidder with the best offer.</p>
Among the PPP procurement processes conducted within the last two (2) years, in how many	Most of the projects

of them were the terms and conditions changed between the award and the signature of the PPP contract? Please elaborate:	
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>According to Article 18 (a) (3) of the PPP Law, the Council of Ministers shall issue a regulation that includes simplified procedures identified in the public-private partnership projects in which the valued capital expenditures required for its implementation does not exceed the specified amount by the PPP Council. And Article 36 of the PPP Regulation provides that the PPP Council may classify a project as a small project. In this case, the PPP Council based on the recommendation of the PPP Unit may exempt such project from:</p> <ol style="list-style-type: none"> 1. The obligation to appoint consultants for the project. 2. Preparation of a brief on the project or a request for expression of interest. 3. Any other procedure determined by the PPP Council based on the joint recommendation of the PPP Unit and the Contracting Entity.
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	Article 11 of the PPP Law provides that any private party can propose directly the idea of a partnership project to any of the governmental authorities under certain conditions.

legal/regulatory provisions:	
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?	Yes
If yes, please specify and provide the relevant legal/regulatory provisions (if any):	Article 11 of the PPP Law provides that private party submitting the unsolicited proposal must prepare a feasibility study and sustainability report. The PPP Unit shall review the aforementioned and submit it to the PPP Council with its recommendation for a final decision.
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):	Article 11 (a) (3) of the PPP Law provides that the unsolicited proposal has to be consistent with the priorities of the procuring authority. Article 35 (1) of the PPP Regulation reiterates this.
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 government priorities without establishing specific procedures to achieve that goal.	Yes
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:	No Data
Does the procuring authority initiate a competitive PPP procurement procedure when proceeding with the unsolicited proposal?	Yes
If yes, please provide the relevant legal/regulatory provisions (if any):	Article 35 (c) of the PPP Regulation provides that the unsolicited proposal shall be subject to the bidding process in accordance with the general rules set out in the Regulation.
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	n/a

legal/regulatory provisions (if any):	
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.	Yes
Developer's fee (reimbursing the original proponent for the project development cost).	Yes
Bid bonus.	Yes
Swiss challenge (If unsuccessful, the original proponent has the option to match the winning bid and win the contract).	No
Other	No
please specify:	n/a
Please provide the relevant legal/regulatory provisions (if any):	Article 35 (c) of the PPP Regulation.
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 9 (k) of the PPP Law and Article 4 of the PPP Regulation, the contracting authority would refer to the PPP Council in order to establish a technical committee with a project officer (director) shall be chairman formed by the contracting party for purposes of assisting the steering committee in its tasks during the implementation phase the partnership project, and its members must be specifically equipped to monitor the implementation of the PPP contract. The head of the committee would be appointed by the concerned contacting authority. The Contracting Authority

	would specifically oversee the performance of partnership projects after concluding the contract, and submit relevant periodic reports to the Unit.
If yes, which of the following tools does it include (check all that apply)? Establishment of a PPP contract management team.	Yes
If yes, please provide the relevant legal/regulatory provisions (if any):	According to Article 9 (k) of the PPP Law and Article 4 of the PPP Regulation, the contracting authority would refer to the PPP Council in order to establish a technical committee with a project officer (director) shall be chairman formed by the contracting party for purposes of assisting the steering committee in its tasks during the implementation phase the partnership project, and its members must be specifically equipped to monitor the implementation of the PPP contract. The head of the committee would be appointed by the concerned contacting authority. The Contracting Authority would specifically oversee the performance of partnership projects after concluding the contract, and submit relevant periodic reports to the Unit.
Participation of the members of the PPP contract management team in the PPP procurement process.	No
If yes, please provide the relevant legal/regulatory provisions (if any):	n/a
Possibility to consult with PPP procurement experts when managing the PPP contract.	No
If yes, please provide the relevant legal/regulatory provisions (if any):	n/a
Elaboration of a PPP implementation manual or an equivalent document.	Yes
If yes, please provide the relevant legal/regulatory provisions (if any):	According to Article 3 (d) of the PPP Regulation, the PPP Unit may "Prepare general guidelines and approval forms and publish them published on the website of the Unit, which are able to be downloaded, with a view to guiding the contracting parties and assisting them with the procedures of registering and developing the partnership project, and the procedures of implementing the contract. Guidelines and forms shall include the following: 1- Application for registering the partnership project to be completed by the contracting

	<p>authority.</p> <p>2- A manual to identify the requirements and technical information relating to the preparation of the following:</p> <p>a. Partnership project proposal memorandum.</p> <p>b. Feasibility study and analysis of the costs and benefits of the partnership project.</p> <p>c. Sustainability report.</p> <p>3- Expression of interest invitation form.</p> <p>4- Prequalification invitation form.</p> <p>5- Invitation to bid form.</p> <p>6- Contract form for the partnership projects.</p> <p>7- Evaluation and follow-up report forms subsequent to the signing of the contract.</p> <p>8- Any other documents which the Council and Unit deem necessary for the implementation of the partnership project.</p>
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:	No Data
Does the procuring or contract management authority establish a monitoring and evaluation system of the PPP contract?	Yes
If yes, please provide the relevant legal/regulatory provisions (if any):	<p>Article 5 (d) (1) of the PPP Regulation provides that the contracting parties shall, after signing the contract, fulfill the preconditions for the effectiveness of the contract, and complete the financial closure of the project.</p> <p>Article 5 (d) (2) of the Regulation provides that the contracting authority shall, with the help of the Unit, monitor the private partner's execution of his contractual obligations, or/and any modification inserted into the contract with taking into account s.14 of the Law which requires the consent of the Council of Ministers.</p> <p>And Article 5 (d) (3) of the Regulation provides that the competent regulatory governmental entities identified in the contract shall monitor, audit and control the implementation of the obligations of the parties.</p>
If yes, which of the following tools does it include (check all that apply)? PPPCo must provide the	Yes

procuring or contract management authority with periodic operational and financial data.	
If yes, please provide the relevant legal/regulatory provisions (if any):	Article 37 (n) of the PPP regulation states that the contract shall include: Financial, technical, and administrative supervision, and the methodology of monitoring the multiple stages of the partnership project and following up on their implementation, and the requirements of preparing the report relating to monitoring activities and agreement to be reached on the quarters that will bear the costs of monitoring.
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):	Article 9 (k) of the PPP Law provides that the Contracting Authority would specifically oversee the performance of partnership projects after concluding the contract, and submit relevant periodic reports to the Unit.
The procuring or contract management authority must establish a risk mitigation mechanism.	No
If yes, please provide the relevant legal/regulatory provisions (if any):	n/a
The PPP contract performance information must be available to the public.	No
If yes, please provide the relevant legal/regulatory provisions (if any):	n/a
Other	No
please specify:	n/a
Is PPP contract performance information publicly available online?	No
If yes, please specify the website:	n/a

<p>Does the regulatory framework expressly regulate a change in the structure (i.e. stakeholder composition) of PPPCo?</p>	<p>No</p>
<p>If yes, please provide the relevant legal/regulatory provisions:</p>	<p>n/a</p>
<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</p>	<p>Yes</p>

the modification or renegotiation of the PPP contract (once the contract is signed)?	
If yes, please provide the relevant legal/ regulatory provisions:	<p>Article 37 of the PPP Regulation provides that the contract shall include the contract's amendment procedures. Article 14 of the PPP Law provides that the prior written approval of the Council of Ministers shall be obtained in case of any amendments with respect to the price, duration, waiver of the contractor's rights which might significantly affect the risk allocation or the assumptions provided in the Sustainability Report. Moreover, paragraph (a) 3 of Article 14 of this Law provides that any other amendments shall be made with the prior consent of the Contracting Authority and after consultation with the Ministry of Finance.</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>No</p>
If yes, please provide the relevant legal/regulatory provisions:	<p>n/a</p>
A change in the risk allocation of the contract.	<p>Yes</p>
If yes, please provide the relevant legal/regulatory provisions:	<p>Article 14 of the PPP Law provides that the prior written approval of the Council of Ministers shall be obtained in case of any amendments with respect to the price, duration, waiver of the contractor's rights which might significantly affect the risk allocation or the assumptions provided in the Sustainability Report.</p>
A change in the investment plan or duration of the contract.	<p>Yes</p>
If yes, please provide the relevant legal/regulatory provisions:	<p>Article 14 of the PPP Law provides that the prior written approval of the Council of Ministers shall be obtained in case of any amendments with respect to the price, duration, waiver of the contractor's rights which might significantly affect the risk allocation or the assumptions provided in the Sustainability Report.</p>
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.	<p>Yes</p>

If yes, please provide the relevant legal/regulatory provisions:	<p>Article 37 of the PPP Regulation sets out the minimum contract terms that the PPP contract should regulate, which includes:</p> <ol style="list-style-type: none"> 1. force majeure; 2. change in law; 3. unforeseen circumstances; 4. early termination and termination by the Contracting Entity; 5. reporting requirements; 6. the procedure for transfer of the PPP project upon expiry of the contract term or early termination; and 7. financing obligations of the parties to the PPP contract; 8. Methods of settlement and dispute resolution; 9. Method of undertaking amendments of the contract conditions after signing it.
Material Adverse government action.	<p>Yes</p>
If yes, please provide the relevant legal/regulatory provisions:	<p>Article 37 of the PPP Regulation sets out the minimum contract terms that the PPP contract should regulate, which includes:</p> <ol style="list-style-type: none"> 1. force majeure; 2. change in law; 3. unforeseen circumstances; 4. early termination and termination by the Contracting Entity;
Change in the Law.	<p>Yes</p>
If yes, please provide the relevant legal/regulatory provisions:	<p>Article 37 of the PPP Regulation sets out the minimum contract terms that the PPP contract should regulate, which includes:</p> <ol style="list-style-type: none"> 1. force majeure; 2. change in law; 3. unforeseen circumstances; 4. early termination and termination by the Contracting Entity; 5. reporting requirements; 6. the procedure for transfer of the PPP project upon expiry of the contract term or early termination; and 7. financing obligations of the parties to the PPP contract.
Refinancing.	<p>No</p>
If yes, please provide the relevant legal/regulatory provisions:	<p>n/a</p>
Other.	<p>No</p>
If yes, please specify and provide the relevant legal/regulatory provisions:	<p>n/a</p>
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	Article 17 of the PPP Law provides that the parties to the contract can agree to settle their disputes under alternative dispute resolution mechanisms. Article 37 of the PPP regulation states that the contract should include methods of settlement and dispute resolution.
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?	No
If yes, please specify:	n/a
and provide the relevant legal/regulatory provisions:	n/a
If yes, does the regulatory framework also establish the consequences for the termination of the PPP contract?	n/a
If yes, please provide the relevant	n/a

legal/regulatory provisions:	
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:	The PPP Regulation and the PPP Instruction were issued in the 2015. Additionally, the PPP Unit is in the process of adopting policy papers
Are you aware of any reforms (in practice or in laws, regulations, policies, etc.) related to PPPs that: 50.2. Are ongoing and/or are planned to be adopted AFTER June 1, 2016?	Yes
Please describe:	The Infrastructure Investment Fund Law is currently under consideration by the government. The new law, if passed in the current format will give the council of ministers the ability to exclude certain projects from the PPP law including some planned mega projects.