

BENCHMARKING PPP PROCUREMENT 2017 IN KAZAKHSTAN

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>The relevant laws and regulations that apply to this area are as follows: (1) Civil Code (General Part) approved in 1994; Civil Code (Special Part) approved in 1999 (the "Civil Code"); (2) Law of the Republic of Kazakhstan "On PPP" approved in 2015 (the "PPP Law"); (3) Law of the Republic of Kazakhstan "On Concessions" approved in 2006; (4) Decree of the President of the Republic of Kazakhstan "On the List of Objects not Transferrable for Implementation of PPP Projects" approved in 2016 (the "List"); (5) Resolution of the Government of the Republic of Kazakhstan "On Certain Queries re Centre of Development of PPP" approved in 2015; (6) Resolution of the Government of the Republic of Kazakhstan "On Determination of the Legal Entity on Support of Republican Projects of PPP" approved in 2015; (7) Order of the acting Minister of National Economy of the Republic of Kazakhstan "On Approval of the Rules of Acceptance of Objects of PPP into State Ownership" approved in 2015; (8) Order of the Minister of National Economy of the Republic of Kazakhstan "On Approval of the Methodology of Determination of Limits of State Obligations under PPP Projects including State Concession Obligations, Government of the Republic of Kazakhstan and local executive bodies" approved in 2015; (9) Order of the Minister of National Economy of the Republic of Kazakhstan "On Approval of the Rules of Development and Approval of Tariffs (Prices and Sets of Fees) on Regulated Services (Goods, Works) of Subjects of Natural Monopolies Operating under PPP Agreement including under Concession Agreement" approved in 2015.</p> <p>Please note that our analysis is heavily based on Law No. 379-V On Public Private Partnership, 2015 (the "PPP Law").</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>PPP Law: http://adilet.zan.kz/rus/docs/Z1500000379, Concession Law: http://adilet.zan.kz/rus/docs/Z060000167_</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.	Yes
If yes, please provide the relevant legal/regulatory provisions:	<p>According to the Decree of the RK President 'On List of Objects Which Cannot Be Transferred Into Concession' No. 294 dated 5 March 2007 ('Decree'), high-level railway system, navigable waterways, beacons, devices and navigation signs regulating and guaranteeing safety of navigation cannot be transferred into concession.</p>
Water and irrigation	Yes
If yes, please provide the relevant legal/regulatory provisions:	<p>According to the Decree, water cannot be transferred into concession, but only as a part of land-use for the purposes of realisation of a concession project. In addition, water</p>

	management constructions (dams, water-engineering systems, other hydraulic engineering constructions) having a special strategic importance except for water management constructions (the water intaking constructions, pump stations, water treatment facilities) providing water supply of the following cities: 1) Astana; 2) Almaty; 3) Aktau; 4) Aktobe; 5) Atyrau; 6) Karaganda; 7) Kokshetau; 8) Kostanay; 9) Kyzylorda; 10) Pavlodar; 11) Petropavlovsk; 12) Taldykorgan; 13) Taraz; 14) Uralsk; 15) Ust Kamenogorsk; 16) Shymkent; 17) Semey; 18) Turkestan; 19) Temirtau; 20) Ekibastuz; 21) Rudniy; 22) Zhezkazgan; 23) Kentau; 24) Balkhash; 25) Zhanaozen; 26) Satpayev; 27) Aksu; 28) Ridder; 29) Arys; 30) Stepnogorsk; 31) Shakhtinsk; 32) Saran; 33) Kapchagay; 34) Arkalyk; 35) Lisakovsk; 36) Priozersk.
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	Yes
If yes, please provide the relevant legal/regulatory provisions:	According to Paragraph 7 of the President's Decree No. 172 dated January 16, 2016, the public health organizations acting in the area of blood supply service, prevention of HIV/AIDS and organizations of emergency medicine cannot be transferred through public-private partnerships.
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):	Government of the Republic of Kazakhstan (http://www.government.kz/en/); Ministry of National Economy (http://economy.gov.kz/ru/); Ministry of Finance (http://www.minfin.gov.kz/irj/portal/anonymous); Committee of State Property and Privatisation of the Ministry of Finance; other authorised ministries and local akimats.
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):	1. JSC "Kazakhstan Public-Private Partnerships center" (http://kzppp.kz/). 2. LLP "Public private partnerships advisory center" (pppac.kz), a joint venture between JSC "National Holding" Baiterek and the PPP Center.
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).	No
Procurement of PPPs.	No
Oversight of PPP implementation.	No
Other	No
please specify:	n/a
Preparation of PPPs	Score: 56
Does the Ministry of Finance or Central Budgetary Authority approve the PPP project before launching the procurement process?	Yes
If yes, please provide the relevant legal/regulatory provisions (if any):	Pursuant to Article 21 (3) of the PPP Law, the Ministry of Finance (Central Budgetary Authority) approves the tender documentation of the PPP project and drafts PPP contract, including in case of introducing respective amendments into the national PPP projects.
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?	No
If yes, please specify the relevant authority	n/a
and provide the relevant legal/regulatory provisions (if any):	n/a
If yes, is a second approval by the same authority required before signing the PPP contract?	No

If yes, please provide the relevant legal/regulatory provisions (if any):	n/a
Does the government integrate the prioritization of PPP projects with all other public investment project prioritization? (e.g. in the context of a national public investment system)?	Yes
If yes, please provide the relevant legal/regulatory provisions (if any):	Order of Acting Minister of National Economy of the Republic of Kazakhstan dated November 25, 2015 № 725. registered in the Ministry of Justice of the Republic of Kazakhstan December 31, 2015 № 12717 "On some issues of planning and implementation of public-private partnership projects" includes Criteria for inclusion of the project of public-private partnerships the project of public-private partnership of special importance.
If yes, which of the following options best describes the way your government prioritizes PPP projects? (Please select only one). The regulatory framework provides for the inclusion of PPPs in the national public investment system and/or details a specific procedure to ensure the consistency of PPPs with other public investment priorities.	No
If yes, please specify:	n/a
The regulatory framework prescribes the need for PPPs to be consistent with all other investment priorities without establishing a specific procedure to achieve that goal.	Yes
The regulatory framework does not include any provisions.	No
Other	No
please specify:	n/a
Among the PPP projects procured within the last two (2) years, how many of them were prioritized along with all other public investment projects? Please elaborate:	Some of the projects
Which of the following assessments are conducted when identifying and	Yes

preparing a PPP? (check all that apply): 10.1. Socio-economic analysis (cost-benefit analysis of the socio-economic impact of the project)	
Relevant legal/regulatory provision (if any)	According to MNE Order No. 725/2015, the evaluation of social issues that may arise as a result of the project including the estimated cost of their solution is conducted.
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 MNE Order No. 725/2015, a preliminary assessment of the total capital investment required as well as the estimation of costs of operation and maintenance are conducted.
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)	Pursuant to Article 14 of the PPP Law: 1. The list of risks arising in the various stages of a public-private partnership, is determined by the central authorized body on state planning. 2. Distribution of risks between the public partner and the private partner, as well as necessary measures to reduce the likelihood of their occurrence and elimination of consequences occurring risks are fixed in the contract of public-private partnership. 3. Distribution of risks in the contract of public-private partnership between the public partner and the private partner is carried out taking into account the features of the project of public-private partnership on the condition imposing risks on the side that can best manage them cost-effectively.
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)	Practice
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:	Some of the projects
Does the procuring authority include a draft PPP contract in the request for proposals?	Yes
If yes, please provide the relevant legal/regulatory provisions (if any):	Pursuant to Article 37 (2) (4) of the PPP Law, the procuring authority shall include a draft of PPP contract in request for proposal.
If no, please elaborate (provide examples):	n/a
Have standardized PPP model contracts and/or transaction documents been developed?	Yes
If yes, please specify and provide a government-supported website where the mentioned standards are available or provide an electronic copy of them:	A standard-form PPP contract is set out in Order of Acting Ministry of National Economy No. 724, dated 25 November 2015, which is available at http://adilet.zan.kz/rus/docs/V1500012495#z7
Does the procuring authority obtain the permits necessary to develop and operate the PPP project before calling for tenders in any of the following areas? Environmental permits.	No
If yes, please provide the relevant legal/regulatory provisions (if any):	n/a
Urban and zoning permits.	No
If yes, please provide the relevant legal/regulatory provisions (if any):	n/a
Other permits.	No

If yes, please provide the relevant legal/regulatory provisions (if any):	n/a
Does the procuring authority make available to PPPCo the necessary land or right of way to develop the PPP project (if any)? Land	Yes
If yes, please provide the relevant legal/regulatory provisions (if any):	Pursuant to Article 27 (1) (1) of the PPP Law, the state bodies are involved in the PPP in many ways, which includes the provision of land in accordance with the land legislation of Kazakhstan.
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 27 (1) (1) of the PPP Law, the state bodies are involved in the PPP in many ways, which includes the provision of land in accordance with the land legislation of Kazakhstan.
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:	50
Obtaining the required approvals from other relevant authorities:	51
Preparing the draft PPP contract:	63
Obtaining any permits, land and/or right of way that the procuring authority must provide according to the regulatory framework:	60
PPP Procurement	Score: 63

Are the bid evaluation committee members required to meet specific qualifications?	No
If yes, please specify and provide the relevant legal/regulatory provisions (if any)	n/a
If no, please elaborate (provide examples):	Generally, legislation of Kazakhstan does not provide any specific requirements for the members of the bid evaluation committee. However, as follows from Article 35 (2) of the PPP Law the procuring authority that establishes the bid evaluation committee may have its own internal qualifications requirements for the members of the bid evaluation committee.
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.	n/a
If yes, please specify:	n/a
The regulatory framework requires generally sufficient qualification without detailing the specific qualifications required to be a member of the bid evaluation committee.	n/a
The regulatory framework does not include any provisions.	n/a
Other	n/a
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 36 of the PPP Law, information on the tender to determine the private partner is placed on the official website of the organizer of the competition and published in the newspaper in both Kazakh and Russian. Information on the tender to determine the private partner includes information about the project of public-private partnership as well as the date, place and time of the competition to determine the private partner.
If yes, is the public procurement notice published online?	Yes
If yes, please specify the website:	Website varies depending on the procuring authority (i.e., tender organizer).

Does the procuring authority grant the potential bidders a minimum period of time to submit their bids?	Yes
If yes, please provide the relevant legal/regulatory provisions (if any):	Pursuant to Article 38 of the PPP Law, the bids must be submitted by the potential bidders to the procuring authority within the timeframe established by the bidding documentation.
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>Pursuant to Article 37 (2) of the PPP Law, the procuring authority provides all potential private partners with the bid documentation on PPP project, which includes the following information:</p> <ol style="list-style-type: none"> 1) requirements to the documents confirming compliance with potential private partners and qualification requirements; 2) the location of the object of public-private partnership; 3) the expected type and amount of state support, and also sources of cost recovery and income generating project of public-private partnerships; 4) draft contract of public-private partnership; 5) a description of the criteria for determining the best tender bid; 6) indication of the currency, which should be expressed in the parameters of the project of public-private partnership, and the exchange rate that will be applied to bring the single currency for the purpose of comparison and evaluation; 7) requirements to the language of the bid documentation; 8) indication of the right to a potential private partner modify or withdraw its tender bid before the deadline for submission of bids; 9) The contents of the tender application, the manner, place, and deadline for submission of bids and actions, as well as the modalities of ensuring a competitive bid; 10) methods of obtaining clarification on the content of the tender documentation for the project of public-private partnerships; 11) The procedures, place, date, and time of opening envelopes with bids.
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 42 of the PPP Law, a pre-qualification can be done when using a two-stage procedure for the selection of the private partner. At the first stage, the procuring authority provides the potential bidders with the technical assignment. In its turn, the potential bidders submit the technical solutions for the assignment for consideration by the procuring authority. The potential bidders with the best technical solutions are then invited to proceed to the second stage by the procuring authority.
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 42 (2) (2) and Article 42 (2) (3) of the PPP Law, the organizer announces to the public the competition to determine a private partner with the use of a two-stage procedure. The organizer then presents the technical specifications of the project to potential private partners.
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	None 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 legal/regulatory provisions (if any):	Pursuant to Article 37 (4) of the PPP Law, the potential private partner may apply to the organizer of the contest with a request for clarification of the tender documentation for the project of public-private partnerships, but not later than thirty calendar days before the deadline for submission of bids, and during the re-tender to determine the private partner - not later than fifteen calendar days, before the expiry of the deadline for submission of bid.
If yes, does the procuring authority disclose those questions and clarifications to all of the potential bidders?	Yes
If yes, please provide the relevant legal/regulatory provisions (if any):	Pursuant to Article 37 (4) of the PPP Law, within three days from the date of registration of the request for clarification, the organizer of the contest gives an explanation/clarification on the question to all of the potential private partners.
Among the PPP procurement processes conducted within the last two (2) years where questions were submitted, in how many were the questions and clarifications disclosed to all of the potential bidders? Please elaborate:	Most of the projects
Besides questions and clarifications, can the procuring authority conduct other types of dialogue with the potential bidders?	No
If yes, please specify and provide the relevant legal/regulatory provisions (if any):	n/a
If yes, does the procuring authority disclose the content	n/a

and the results of the dialogue to all of the potential bidders?	
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 such express requirement exist for either concession projects or PPP projects in general. For concession projects Annex 6 to the MNE Order No. 157 stipulates that analysis of bid offers includes, among others, evaluation of commercial effectiveness, budget effectiveness and sources of income, if any, and reimbursement of expenses.
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):	Rules on Organization of Tender for Selection of a Private Partner and Criteria for Selection of the Best Tender Bid approved by Order No.157 of the Minister of National Economy dated 22 December 2014.
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):	Article 40 (4) of PPP Law: in case of only one bid, this proposal is considered by the competitive commission in accordance with the first part of this paragraph. Meaning that it does not follow any special provision and evaluates is regularly.

If yes, what of the following options best describes the way the procuring authority deals with sole proposals? (Please select only one). The regulatory framework details a specific procedure that the procuring authority must follow before awarding a PPP contract where only one proposal is submitted.	No
Please specify:	n/a
The regulatory framework considers sole proposals valid as long as they meet the conditions outlined in the tender documents.	Yes
The regulatory framework does not allow the award of a PPP contract if only one proposal is submitted.	No
The regulatory framework does not include any provisions.	No
Other	No
please specify:	n/a
In practice, what is the average number of calendar days between the initial publication of the PPP public procurement notice and the award of the PPP? Number of calendar days:	90
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):	Pursuant to Article 35 (3) of the PPP Law, information on the results of the competition to determine the private partner, except for information that constitutes as state secrets, shall be published on the website of the procuring authority as well as in the official Gazette.
If yes, is the public procurement award notice published online?	Yes
If yes, please specify the website:	The website of the relevant organiser of the procurement process (public partner).
Does the procuring authority provide all the bidders with the result of the PPP procurement process?	No

If yes, please provide the relevant legal/regulatory provisions (if any):	n/a
If no, please elaborate (provide examples):	There is no statutory requirement to personally notify each bidder on the tender results, except, pursuant to Article 41 of the PPP Law, in the case of a closed competitive tender.
If yes, does the notification of the result of the PPP procurement process include the grounds for the selection of the winning bid?	n/a
If yes, please provide the relevant legal/regulatory provisions (if any):	n/a
Does the regulatory framework restrict or regulate in any way negotiations with the selected bidder between the award and the signature of the PPP contract?	Yes
If yes, please provide the relevant legal/regulatory provisions:	Pursuant to Article 40 (10) of the PPP Law, the contract negotiation period after the selection of the private partner cannot be longer that ninety (90) calendar days.
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:	None 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: 33

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 44 of the PPP Law provides for a possibility to select private partner through direct negotiations. Direct negotiations are allowed if the PPP project is initiated by a private partner which possesses the PPP object/ facility based on private ownership or long-term lease right.
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:	0
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 44 (2) (3) of the PPP Law, a project initiated by the private partner is subject to the assessment by the state.
If yes, does it ensure that the unsolicited proposal is consistent with the existing government priorities?	No
If yes, please provide the relevant legal/regulatory provisions (if any):	n/a
If yes, which of the following options best describes how unsolicited proposals are evaluated against existing government priorities? (Please select only one). The regulatory framework details a specific procedure to ensure the consistency of PPPs with other public investment priorities.	n/a
If yes, please specify:	n/a
The regulatory framework requires unsolicited proposals to be among the existing government priorities without establishing specific procedures to achieve that goal.	n/a

The regulatory framework does not include any provisions.	n/a
Other	n/a
please specify:	n/a
Among the unsolicited proposals approved within the last two (2) years, how many of them were a part of the existing government priorities? Please elaborate:	No Data
Does the procuring authority initiate a competitive PPP procurement procedure when proceeding with the unsolicited proposal?	Yes
If yes, please provide the relevant legal/regulatory provisions (if any):	Pursuant to Article 44(3) of the PPP Law, procuring authority may initiate a competitive PPP procurement procedure when proceeding with the unsolicited proposal. Note that this occurs if the amount of proposals exceeds necessity in the relevant goods, works and services.
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.	No
Swiss challenge (If unsuccessful, the original proponent has the option to match the winning bid and win the contract).	No
Other	No
please specify:	n/a

Please provide the relevant legal/regulatory provisions (if any):	n/a
PPP Contract Management	Score: 58
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 Articles 26 (2) (5) and Article 28 (4) of the PPP Law, the PPP Development Centre and the National Chamber of Entrepreneurs have the right to evaluate and manage the implementation of the PPP project.
If yes, which of the following tools does it include (check all that apply)? Establishment of a PPP contract management team.	No
If yes, please provide the relevant legal/regulatory provisions (if any):	n/a
Participation of the members of the PPP contract management team in the PPP procurement process.	No
If yes, please provide the relevant legal/regulatory provisions (if any):	n/a
Possibility to consult with PPP procurement experts when managing the PPP contract.	No
If yes, please provide the relevant legal/regulatory provisions (if any):	n/a
Elaboration of a PPP implementation manual or an equivalent document.	No
If yes, please provide the relevant legal/regulatory provisions (if any):	n/a
Other	Yes
please specify:	Pursuant to Article 17 (3) of the PPP Law, the public partner has the right and obligation to perform an inspection of the private partner's financial & operational activities, including through the involvement of auditing organizations in the framework of public-private partnership contracts.
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	None of the projects

the contact management team? Please elaborate:	
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):	Articles 22, 23, 25 and 26 of the PPP Law set out the competencies and authorized state body on state property management in the area of PPPs, the authorized state body in the relevant sector in the area of PPPs, competency of the local executive bodies of oblsasts (states) and cities in the area of PPPs, and the responsibility of the Center for Development of PPPs. In each case, the regulatory frameworks sets out that those bodies have the power to manage and monitor the implementation of the PPP contract, and sets out some procedures and responsibilities for doing so.
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.	Yes
If yes, please provide the relevant legal/regulatory provisions (if any):	Practice
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):	Pursuant to Article 25 (6) of the PPP Law, the local executive body monitors the contracts of public-private partnerships and the implementation of local public-private partnership projects;
The procuring or contract management authority must establish a risk mitigation mechanism.	No
If yes, please provide the relevant legal/regulatory provisions (if any):	n/a
The PPP contract performance information must be available to the public.	No
If yes, please provide the relevant legal/regulatory provisions (if any):	n/a
Other	No
please specify:	n/a
Is PPP contract performance information publicly available online?	No

If yes, please specify the website:	n/a
Does the regulatory framework expressly regulate a change in the structure (i.e. stakeholder composition) of PPPCo?	Yes
If yes, please provide the relevant legal/regulatory provisions:	Pursuant to Article 54 (3) of the PPP Law, without the consent of the public and the private partner, it is not permitted to have: 1) an increase in the share capital of a public-private partnership or amendments and (or) additions to its charter, with the exception of changes and (or) additions to the mandatory introduction of which is stipulated by the legislation of the Republic of Kazakhstan ; 2) issue by public-private partnership bonds and other securities; 3) the reorganization and liquidation of the company's public-private partnership; 4) other actions, for which the contract of public-private partnership, or the charter company's public-private partnership requires the consent of public partner and the private partner.
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.	No
If yes, please provide the relevant legal/regulatory provisions:	n/a
Flexibility to substitute non-controlling interest after the initial period.	No
If yes, please provide the relevant legal/regulatory provisions:	n/a
Does the regulatory framework expressly regulate the modification or renegotiation of the PPP contract (once the contract is signed)?	Yes
If yes, please provide the relevant legal/ regulatory provisions:	Pursuant to Article 49 (1) of the PPP Law, PPP Contract may be amended by the mutual agreement of the parties. Furthermore, Article 16 (1) of the PPP Law provides for the private partner's right to suggest the introduction of amendments into a contract. Lastly, Article 46 of the PPP Law generally provides for a possibility to introduce amendments

	into a contract, where the possibility to introduce the amendments into the contract are regulated by the contract itself.
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:	Pursuant to Article 48 (3) of the PPP Law, the period of validity of the contract of public-private partnership may be extended by the court in the manner specified by the contract of public-private partnership, in the following cases: 1) the delay or suspension of the project of public-private partnerships as a result of circumstances beyond the control of the state-party agreement on the private partnership; 2) suspension of the project of public-private partnerships as a result of acts or omissions of the public partner and (or) the state bodies; 3) the increase in expenses related to the implementation of the project of public-private partnership.
Does the regulatory framework expressly regulate the following circumstances that may occur during the life of the PPP contract? (check all that apply): Force Majeure.	Yes
If yes, please provide the relevant legal/regulatory provisions:	Pursuant to Article 48 (3) (1) of the PPP Law, the period of validity of the contract of public-private partnership may be extended by the court in the manner specified by the contract of public-private partnership, if there is a delay or suspension of the project of public-private partnerships as a result of circumstances beyond the control of the state-party agreement private partnerships.
Material Adverse government action.	Yes
If yes, please provide the relevant legal/regulatory provisions:	Pursuant to Article 48 (3) (2) of the PPP Law, the period of validity of the contract of public-private partnership may be extended by the court in the manner specified by the contract of public-private partnership, due to the suspension of the project of public-private partnerships as a result of acts or omissions by the public partner and (or) the state bodies.
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	<p>Pursuant to Article 57 of the PPP Law:</p> <ol style="list-style-type: none"> 1. Disputes relating to the execution and termination of the contract of public-private partnership shall be resolved in accordance with the legislation of the Republic of Kazakhstan and the contract of public-private partnership. 2. If a dispute relating to the execution and termination of the contract of public-private partnership cannot be resolved in accordance with paragraph 1 of this Article, the parties to the contract of public-private partnership have the right to settle the dispute in accordance with the requirements of the Republic of Kazakhstan legislation in the courts, and by reference to arbitration in accordance with the Law of the Republic of Kazakhstan "on arbitration". With regard to public-private partnership projects of special importance in the case where the private partner is a non-resident of the Republic of Kazakhstan, arbitration is determined by agreement of the parties of the contract of public-private partnership. 3. Disputes relating to the definition of the procedure of the private partner shall be settled in the courts of the Republic of Kazakhstan.
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	Yes

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?	
If yes, please provide the relevant legal/regulatory provisions:	<p>Pursuant to Article 47(3) of the PPP Law, in a case of material breach of the PPP contract by the private partner, the lenders may request to replace such private partner. Please note that more specifically, Articles 47 (3) and 47 (4) of the PPP Law state:</p> <p>Article 47 (3) of PPP Law: the right of creditors of the private partner to demand the replacement of the private partner in the event of a material breach of its obligations under the contract of public-private partnerships capable of under the terms of public-contract private partnership lead to its failure, as well as nominate a new private partner is available under the direct agreement with the creditors of the private partner.</p> <p>Article 47 (4) of PPP Law: the procedure for the replacement of the private partner in the cases provided for in Article 47 (3).</p>
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.	No
The regulatory framework prescribes that a direct agreement should be signed with the lenders.	Yes
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:	<p>PPP contract can be terminated by a court order at the initiative of the state partner in the following cases: (1) material breach of the contract by the private partner; (2) if the private partner is not able to implement the PPP project due to its insolvency (bankruptcy); (3) in the interests of public order and state, including in order to ensure national security, public health and morals. PPP contract can be terminated at the request of a private partner only in case of material breach of the contract by the state partner and (or) a state authority.</p>
and provide the relevant legal/regulatory provisions:	Article 49 of the PPP Law. Furthermore, Article 46 (17) of the PPP Law states that the PPP contract should include the grounds for the amendment or termination of the contract.
If yes, does the regulatory framework also establish the	No

consequences for the termination of the PPP contract?	
If yes, please provide the relevant legal/regulatory provisions:	n/a
Are you aware of any reforms (in practice or in laws, regulations, policies, etc.) related to PPPs that: Took place in 2015, are ongoing and/or are planned to be adopted BEFORE June 1, 2016?	Yes
Please describe:	<p>1. Rules for the formation and approval of tariffs (prices, fee rates) for the regulated services (goods, works) of natural monopoly entities that operate under PPP contracts, including concession agreements ; 2. Methods of determining the limits of government commitments to PPPs, including public concession obligations of the Government of the Republic of Kazakhstan and local executive bodies; 3. Rules for project planning and implementation of PPPs; 4. Standard bidding documents for PPP projects and PPP model contracts.</p> <p>Furthermore, the PPP Law was adopted on the 31st of October, 2015.</p>
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