

**BENCHMARKING PPP PROCUREMENT 2017 IN KOREA**

<b>Regulatory and Institutional Framework for PPPs</b>	
<b>Does the regulatory framework in your country allow procuring PPPs?</b>	Yes
<b>Yes. If yes, please specify the relevant regulatory framework and the year of adoption:</b>	<p>The regulatory framework for PPPs in Korea includes the Act on Public-Private Partnerships in Infrastructure, Act no. 12248, Jan. 14, 2014 ("PPP Act") and the Enforcement Decree of the Act on Public-Private Partnerships in Infrastructure, last amended by Presidential Decree No. 25358, May 22, 2014 ("PPP Decree"). Those texts are precised by the Basic plan for public-private partnership projects of 2015 prepared by the Ministry of strategy and finance (the "2015 basic plans"), the detailed guideline for value-for-money test for build-transfer-operate public-private partnership projects of June 2010 ("Guidelines on VfM") and the General Guidelines for Preliminary Feasibility Studies (fifth edition), December 2008, Public and Private Infrastructure Investment Management Center ("Guidelines for PFS").</p> <p>In addition, the following documents provide relevant information about PPPs : the Draft standard concession agreement for BTO projects – Road projects, March 2010; the 2007 study report summary of study on standard financial model for public-private partnership projects, December 2007; and the Standard request for proposals for build-transfer-operate (BTO) public-private partnership (PPP) projects – Road projects, March 2010.</p>
<b>and provide a link to a government-supported website where the mentioned regulatory framework is available or provide an electronic copy of it:</b>	<a href="http://pimac.kdi.re.kr/eng/mission/ppp_guide.jsp">http://pimac.kdi.re.kr/eng/mission/ppp_guide.jsp</a>
<b>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.</b>	No
<b>If yes, please provide the relevant legal/regulatory provisions:</b>	n/a
<b>Water and irrigation</b>	No
<b>If yes, please provide the relevant legal/regulatory provisions:</b>	n/a
<b>Energy generation and distribution</b>	No
<b>If yes, please provide the relevant legal/regulatory provisions:</b>	n/a
<b>Telecom</b>	No

<b>If yes, please provide the relevant legal/regulatory provisions:</b>	n/a
<b>Health</b>	No
<b>If yes, please provide the relevant legal/regulatory provisions:</b>	n/a
<b>Education</b>	No
<b>If yes, please provide the relevant legal/regulatory provisions:</b>	n/a
<b>Other</b>	No
<b>If yes, please provide the relevant legal/regulatory provisions:</b>	n/a
<b>Please identify the PPP procuring authorities in country_name and provide their website(s) (if available):</b>	Pursuant to Article 2 (4) of the PPP Act, the term "competent authority" means the head of an administrative agency in charge of the affairs concerning infrastructure facilities projects pursuant to the related Acts and subordinate statutes; All government ministries as well as regional governments may work as procuring authorities.
<b>In addition to the PPP procuring authorities listed above, is there a specialized government entity that facilitates the PPP program (PPP Unit)?</b>	Yes
<b>If yes, please indicate its name, and its website (if available):</b>	Public and Private Infrastructure Investment Management Center (PIMAC) <a href="http://pimac.kdi.re.kr/eng/mission/ppp_role.jsp">http://pimac.kdi.re.kr/eng/mission/ppp_role.jsp</a>
<b>If yes, what are the main responsibilities of the PPP Unit (check all that apply). PPP regulation.</b>	Yes
<b>PPP policy guidance and capacity building for other public authorities.</b>	Yes
<b>PPP promotion among the public and/or private sectors in national and international forums.</b>	Yes
<b>Technical support in implementing PPP projects.</b>	Yes
<b>Gatekeeping (approval of PPP projects).</b>	Yes
<b>Procurement of PPPs.</b>	No
<b>Oversight of PPP implementation.</b>	Yes
<b>Other</b>	Yes

<b>please specify:</b>	PIMAC is in charge of conducting the entire process of Preliminary Feasibility Study in accordance to the General Guideline for Preliminary Feasibility Study and sector-specific standard guidelines which are developed and revised by PIMAC.
<b>Preparation of PPPs</b>	<b>Score: 83</b>
<b>Does the Ministry of Finance or Central Budgetary Authority approve the PPP project before launching the procurement process?</b>	Yes
<b>If yes, please provide the relevant legal/regulatory provisions (if any):</b>	<p>Articles 63 to 66 (Designation of Eligible Projects) of 2015 PPP Basic Plans</p> <p>Article 63 (Preliminary Feasibility Study)</p> <p>(1) If the competent authority intends to implement a project with a total project cost of not less than KRW 50 billion, out of which KRW 30 billion or more shall be subsidized by the central government, as a PPP project, he/she shall file an application for the preliminary feasibility study under Article 38 of the National Finance Act and Article 13 of the Enforcement Decree of said Act with the Minister of Strategy and Finance</p> <p>(2) Upon receiving an application for the preliminary feasibility study under paragraph (1), the Minister of Strategy and Finance shall request a specialized institution to conduct the preliminary feasibility study.</p>
<b>If yes, is a second approval by the Ministry of Finance or Central Budgetary Authority required before signing the PPP contract?</b>	Yes
<b>If yes, please provide the relevant legal/regulatory provisions (if any):</b>	Practice
<b>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?</b>	Yes
<b>If yes, please specify the relevant authority</b>	PPP review committee or, in some cases, a specialized institution designated by the head of the competent ministry.
<b>and provide the relevant legal/regulatory provisions (if any):</b>	<p>Article 38 (Committees for Review on PPPs) of the 2015 PPP Basic Plans :</p> <p>(1) Matters subject to prior review by the Review Committee pursuant to Article 5 of the Act are as follows:</p> <ol style="list-style-type: none"> <li>1. Designation of a project [...]</li> <li>2. Establishment and public notification of the request for proposals and designation of a project eligible for PPP and the request for alternate proposals for such projects [...]</li> <li>3. Where the request for proposals for a project is revised and re-notice thereof [...]</li> <li>4. Designation of the concessionaire of a PPP project</li> </ol> <p>[...]</p> <p>Article 107 (Feasibility Analysis) of 2015 PPP Basic Plans (4) Notwithstanding paragraph (3), in cases of a project with a total project cost of not less than KRW 100 billion, a project for complex facilities, or a BTL PPP project autonomously implemented by a local</p>

	<p>government without central government subsidies, the review by the Public and Private Infrastructure Investment Management Center may be substituted with a review requested to a specialized institution designated by the head of the competent ministry through consultation with the Minister of Strategy and Finance. In such cases, the specialized institution requested to conduct a review shall prepare a review opinion and submit it to the competent authority and the Minister of Strategy and Finance.</p>
<p><b>If yes, is a second approval by the same authority required before signing the PPP contract?</b></p>	<p>Yes</p>
<p><b>If yes, please provide the relevant legal/regulatory provisions (if any):</b></p>	<p>PPP Act Article 15 (Approval or Approval of Modification, etc. of Specific Implementation Plan)  (1) The concessionaire shall prepare a detailed implementation plan and obtain the approval thereof from the competent authority as prescribed by Presidential Decree before implementing the project concerned.  Article 17 (2) If a competent authority intends to approve the implementation or modification of the detailed implementation plan pursuant to Article 15 (1), it shall have a prior consultation with the head of the related administrative agency on the compatibility with other Acts as prescribed in paragraph (1).  Details are provided in the PPP Decree - Article 16 (Approval of Detailed Implementation Plan).</p> <p>Article 38 (Committees for Review on PPPs) of the 2015 PPP Basic Plans:  (1) Matters subject to prior review by the Review Committee pursuant to Article 5 of the Act are as follows:  2. Establishment and public notification of the request for proposals and designation of a project eligible for PPP and the request for alternate proposals for such projects [...]  3. Where the request for proposals for a project is revised and re-notice thereof [...]  4. Designation of the concessionaire of a PPP project [...]</p>
<p><b>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)?</b></p>	<p>Yes</p>
<p><b>If yes, please provide the relevant legal/regulatory provisions (if any):</b></p>	<p>PPP Act Article 7 (Formulation and Public Notification, etc. of Master Plans for Public-Private Partnerships in Infrastructure)  (1) The Government shall formulate and publicly notify (including cases where announcement is made through the Internet) master plans for public-private partnerships in infrastructure to accommodate greater public convenience, raise the competitiveness of the industries of Korea, and encourage a balanced development of the national territory. The same shall apply to any modification of the publicly notified master plan.  (2) The Government shall formulate the master plans for public-private partnerships in infrastructure as prescribed in paragraph (1) with due consideration for national investment priorities and mid-to long-term plans for infrastructure facilities. The plan shall be conducive to the creativity and efficiency of the private sector while ensuring the function of infrastructure facilities in serving the public interest.</p>

	<p>PPP Act Article 8-2 (Designation of Potential Public-Private Partnership Project)</p> <p>(1) Where the competent authority intends to implement an infrastructure facilities project by means of private investment, it shall designate the project as a potential public-private partnership project (hereinafter referred to as the "solicited project") on condition that the project meets the following requirements:</p> <p>1. The project shall be in accord with mid-to long-term plans for infrastructure facilities and national investment priorities.</p>
<p><b>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.</b></p>	<p>No</p>
<p><b>If yes, please specify:</b></p>	<p>n/a</p>
<p><b>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.</b></p>	<p>Yes</p>
<p><b>The regulatory framework does not include any provisions.</b></p>	<p>No</p>
<p><b>Other</b></p>	<p>No</p>
<p><b>please specify:</b></p>	<p>n/a</p>
<p><b>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:</b></p>	<p>Some of the projects</p>
<p><b>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)</b></p>	<p>Yes</p>
<p><b>Relevant legal/regulatory provision (if any)</b></p>	<p>Pursuant to the guidelines on VfM (1. Standards for Feasibility Assessment As discussed above, feasibility assessment), stage 1 of the VfM test of a PFI, is conducted basically by</p>

	<p>applying the methodology for the preliminary feasibility study applicable to government-financed projects. Feasibility assessment is the process of assessing whether the project at issue can ensure socioeconomic feasibility of the State by aggregating the results of the economic analysis and those of the policy analysis. The most important ground for assessment in the economic analysis at this stage is whether the B/C ratio is at least 1.0. If the B/C ratio is at least 1.0, it is interpreted to ensure socioeconomic feasibility.</p> <p>Furthermore, according to the guidelines for Preliminary Feasibility Studies, once the outline and basic data on the natural, living, and social and economic environments of a project are analyzed in detail, the main issues to be dealt with in its preliminary feasibility study are identified. Such issues depend not only on the nature and background of the project but also on the natural and socio-economic environments of the concerned region (III- Identification of Issues).</p>
<b>Is there a specific methodology?</b>	Yes
<b>If yes, elaborate.</b>	<p>Analysis of the Social and Economic Environments Already pointed out was the need to check the population demographics and industrial structure, GRDP, use of land, transportation conditions, etc., namely the socio-economic environment of the target region. The most basic data is that on demographics, industrial structure, and GRDP. This is true regardless of the type of project at issue, and these are important determinants of the project's ripple effects.</p> <p>Demand is higher in densely populated regions, so the project is likely to be more economically feasible. The industrial structure serves as a definite clue as to whether the project is appropriate for the region. GRDP data are important in determining economic feasibility and balanced regional development.</p> <p>(General Guidelines for Preliminary Feasibility Studies, 2.)</p>
<b>Affordability assessment, including the identification of the required long term public commitments (explicit and implicit)</b>	Yes
<b>Relevant legal/regulatory provision (if any)</b>	Pursuant to Article 8.2 (2) of the PPP Act, with respect to infrastructure projects of the specified scale as determined by Presidential Decree or larger, the competent authority shall designate them as solicited projects after the analysis of their feasibility and the deliberation by the Committee thereon, and submit the summary of the analysis to the relevant standing committee of the National Assembly and the Special Committee on Budget and Accounts of the National Assembly.
<b>Is there a specific methodology?</b>	Yes
<b>If yes, elaborate</b>	<p>A Benefit-Cost Ratio (BCR) is first calculated to evaluate economic feasibility. A BCR is the ratio of benefits to costs where both benefits and costs are expressed as discounted present values. In other words, costs and benefits to occur in the future are converted into present values, and the present value of benefits is divided by that of costs. A project is generally economically feasible if the BCR is at least 1.0. [...]</p> <p>Secondly, it is important to calculate the Net Present Value (NPV). The NPV is the total benefits minus total costs incurred by a project (both benefits and costs expressed in discounted present values of the base year).</p> <p>The Internal Rate of Return (IRR) should be calculated, too. It is to calculate a discount rate R where the values of benefits and costs converted into present values become</p>

	equivalent. It is the discount rate that reduces the NPV of the project to zero. (Guidelines for PFS, IV. 1.)
<b>Risk identification, allocation and assessment (risk matrix)</b>	Yes
<b>Relevant legal/regulatory provision (if any)</b>	The Guidelines for VfM (D.) require Risk Quantification. More precisely, after making an adjustment for the like-for-like comparison, a risk cost shall be determined and reflected in each alternative. Various risk factors that can be considered in a PSC and a PFI may be brought up depending upon the project at issue and its nature, and quantifiable risks shall be basically quantified to the maximum and reflected in the VFM analysis. In road projects, the average construction period is approximately 3 years, and thus, there are not many cases where the construction period is extended due to limitations on budget and administrative procedures. At present, the successful bid rate of alternative tender or turn-key projects is applied to the VFM test to reflect the risk of an increase in construction cost or an extension of construction period.
<b>Is there a specific methodology?</b>	Yes
<b>If yes, elaborate</b>	The General Guidelines for Preliminary Feasibility Studies (Table 3-21 Second-Step Qualitative Evaluation Risk distribution) require to ask the following questions: - Will a considerable part of its demand risks be transferred to the private investor so that risk management will be more efficient? - Will its risks related to design and construction be transferred to the private investor to reduce the government's burden? - Are there any restrictions to consider in project implementation (design, construction, operation, acquiring approval, etc.)?
<b>Financial viability or bankability assessment.</b>	Yes
<b>Relevant legal/regulatory provision (if any)</b>	Financial feasibility analysis is conducted for projects of which feasibility in terms of law and policy is recognized at the first-step of checklist evaluation and that can be pursued as BTO projects, or for those proposed as BTO projects in the project plan submitted by the responsible department. Even projects which are not profitable enough to be pursued by a private party can be pursued as PPP projects with some level of government financial support if they are more suitable to be pursued by such party in terms of creativity and efficiency. In this case, financial feasibility analysis needs to be conducted to ascertain an appropriate amount of government financial support. (General Guidelines for PFS, VI.)
<b>Is there a specific methodology?</b>	Yes
<b>If yes, elaborate</b>	An economic analysis measures the economic efficiency of a project by computing benefit-cost ratio (B/C ratio), net present value (NPV), and internal rate of return (IRR). If necessary, a sensitivity analysis is also performed to gauge the impact of changes in key variables such as demand, unit price, and discount rates on economic efficiency so that any errors in estimates can be corrected. (Summary of study on standard financial model for PPP Project, KDI Chapter II, Section 1, 1.)
<b>Comparative assessment to evaluate whether a PPP is the best option when compared to other procurement alternatives</b>	Yes

<b>Relevant legal/regulatory provision (if any)</b>	The Guidelines for VFM Test require to compare different procurement solutions and detail the methodology to do it.
<b>Is there a specific methodology?</b>	Yes
<b>If yes, elaborate</b>	The Guidelines for VfM identify 3 stages to realize a comparative assessment of procurement models, which are as follows: Stage 1: Feasibility Assessment (Decision to Invest); Stage 2: Assessment of Value for Money of a Public-Private Partnership (Decision for PFI) Stage 3: Establishment of PFI Alternative and Determination of Bonus Points. More details on how to conduct those 3 stages are available in the guidelines.
<b>Market assessment (showing evidence of enough interest in the market for the project)</b>	No
<b>Relevant legal/regulatory provision (if any)</b>	n/a
<b>Is there a specific methodology?</b>	n/a
<b>If yes, elaborate</b>	n/a
<b>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:</b>	All of the projects
<b>Does the procuring authority include a draft PPP contract in the request for proposals?</b>	Yes
<b>If yes, please provide the relevant legal/regulatory provisions (if any):</b>	Pursuant to Article 71 of the 2015 Basic plans, the competent authority may prepare a draft concession agreement, including terms and conditions of the implementation of a project, such as stipulations regarding the maintenance, management of operation of the project and the risk allocation, by referring to the standard draft concession agreement, prepared and published by the head of the Public and Private Infrastructure Investment Management Center, and attach it when he/she gives public notice of the request for proposals.
<b>If no, please elaborate (provide examples):</b>	n/a
<b>Have standardized PPP model contracts and/or transaction documents been developed?</b>	Yes
<b>If yes, please specify and provide a government-supported website where the mentioned standards are available or provide an electronic copy of them:</b>	Standards documents have been developed in Korea. In particular, they are as follows : - Draft standard concession agreement for BTO projects, road projects, march 2010, Public and Private Infrastructure Investment Management Center Korea Development Institute - Standard request for proposals for BTO PPP - road projects March 2010 <a href="http://pimac.kdi.re.kr/eng/public/study.jsp?list_num=10&amp;pageNo=1">http://pimac.kdi.re.kr/eng/public/study.jsp?list_num=10&amp;pageNo=1</a>
<b>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.</b>	No

<b>If yes, please provide the relevant legal/regulatory provisions (if any):</b>	n/a
<b>Urban and zoning permits.</b>	No
<b>If yes, please provide the relevant legal/regulatory provisions (if any):</b>	n/a
<b>Other permits.</b>	No
<b>If yes, please provide the relevant legal/regulatory provisions (if any):</b>	n/a
<b>Does the procuring authority make available to PPPCo the necessary land or right of way to develop the PPP project (if any)? Land</b>	Yes
<b>If yes, please provide the relevant legal/regulatory provisions (if any):</b>	Practice
<b>If no, please elaborate (provide explanation):</b>	n/a
<b>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</b>	Yes
<b>If yes, please provide the relevant legal/regulatory provisions (if any):</b>	Practice
<b>If no, please elaborate (provide explanation):</b>	n/a
<b>Does the regulatory framework establish any exceptions where the preparation process described above does not apply or allows for a “fast track” procedure?</b>	Yes
<b>If yes, please provide the relevant legal/regulatory provisions:</b>	Pursuant to Article 107 (Feasibility Analysis) (2) of 2015 PPP Basic Plans, notwithstanding paragraph (1), if bundle projects are for an identical or similar type of facility, the services for the feasibility analysis may be provided in a package, and a simplified VMF test of PPP through quantitative analysis may be conducted for typical facilities in a small scale.
<b>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:</b>	105

<b>Obtaining the required approvals from other relevant authorities:</b>	30
<b>Preparing the draft PPP contract:</b>	60
<b>Obtaining any permits, land and/or right of way that the procuring authority must provide according to the regulatory framework:</b>	30
<b>PPP Procurement</b>	<b>Score: 78</b>
<b>Are the bid evaluation committee members required to meet specific qualifications?</b>	Yes
<b>If yes, please specify and provide the relevant legal/regulatory provisions (if any)</b>	<p>Article 6 of the PPP Act indicates the Composition of Committee:</p> <p>(1) The Committee members shall be composed of the Minister of Strategy and Finance, the vice ministers of administrative ministries in charge of the affairs concerning infrastructure facilities, and eight or fewer members from the private sector with knowledge and experience in private investment, and commissioned by the Minister of Strategy and Finance.</p> <p>(2) The Minister of Strategy and Finance shall be the chairperson of the Committee.</p> <p>(3) If it is deemed that professional or technical advice is necessary for efficiency in the operation of the Committee, the chairperson may establish and operate a Public-Private Partnership Advisory Committee composed of experts in the related fields.</p> <p>(4) If it is deemed necessary for facilitating private investment projects, the head of the competent authority may establish and operate autonomously a deliberation committee of each competent authority in order to deliberate matters concerning public-private partnership projects.</p> <p>The guideline on bid evaluations for competent authorities developed by PIMAC provides a set of criteria (qualification as example) for selecting evaluation committee members.</p>
<b>If no, please elaborate (provide examples):</b>	n/a
<b>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.</b>	Yes
<b>If yes, please specify:</b>	<p>Article 3 (Organization of Public Private Partnerships Deliberation Committee) of the PPPI</p> <p>(1) Ex officio members of the Public Private Partnerships Deliberation Committee referred to in Article 6 (1) of the Act (hereinafter referred to as the "Deliberation Committee") shall be as follows</p> <p>1. The Vice Minister of Strategy and Finance appointed by the Minister of Strategy and Finance;</p>

	<p>2. The Vice Minister of Science, ICT and Future Planning appointed by the Minister of Science, ICT and Future Planning;</p> <p>3. The Vice Minister of Education;</p> <p>4. The Vice Minister of National Defense;</p> <p>5. The Vice Minister of Culture, Sports and Tourism appointed by the Minister of Culture, Sports and Tourism;</p> <p>6. The Vice Minister of Agriculture, Food and Rural Affairs;</p> <p>7. The Vice Minister of Trade, Industry and Energy appointed by the Minister of Trade, Industry and Energy;</p> <p>8. The Vice Minister of Health and Welfare;</p> <p>9. The Vice Minister of Environment;</p> <p>10. The Vice Minister of Land, Infrastructure and Transport appointed by the Minister of Land, Infrastructure and Transport;</p> <p>11. The Vice Minister of Oceans and Fisheries.</p>
<b>The regulatory framework requires generally sufficient qualification without detailing the specific qualifications required to be a member of the bid evaluation committee.</b>	No
<b>The regulatory framework does not include any provisions.</b>	No
<b>Other</b>	No
<b>please specify:</b>	n/a
<b>Does the procuring authority issue a public procurement notice of the PPP?</b>	Yes
<b>If yes, please specify the means of publication and provide the relevant legal/regulatory provisions (if any):</b>	<p>According to Article 70 (4) of 2015 PPP Basic Plan, pursuant to Article 10 of the Decree, the competent authority shall give public notice of a request for proposals through the Official Gazette and three or more daily newspapers and shall also publish it through the web-site of the Public and Private Infrastructure Investment Management Center in such cases.</p> <p>According to IV. 1. of the Standard Request for proposals BTO, road projects, march 2010, this public notice necessary for project proposals shall be published through the Official Gazette, three (nationwide) daily newspapers, and web-sites of the competent authority and the Public and Private Infrastructure Investment Management Center.</p>
<b>If yes, is the public procurement notice published online?</b>	Yes
<b>If yes, please specify the website:</b>	Websites of competent authority and PIMAC <a href="http://pimac.kdi.re.kr/notice/notification_list.jsp">http://pimac.kdi.re.kr/notice/notification_list.jsp</a>
<b>Does the procuring authority grant the potential bidders a minimum period of time to submit their bids?</b>	Yes
<b>If yes, please provide the relevant legal/regulatory provisions (if any):</b>	Pursuant to article 70 (2) of the 2015 basic plans, when the competent authority gives public notice of a request for proposals, he/she shall set a period of not less than 90 days

	within which a private-sector entity can prepare a project plan and submit it to the competent authority: Provided, That the competent authority may set an appropriate period, which shall not be less than 30 days, and give public notice thereof, if there is an urgent demand or it is considered necessary in view of the scale and nature of a project.
<b>and the time in calendar days :</b>	90
<b>Do the tender documents detail the stages of the procurement process?</b>	Yes
<b>If yes, please provide the relevant legal/regulatory provisions (if any):</b>	Article 69 (3) of the Basic plans requires to be included in Requests for Proposals, among other information, form of a project plan and the deadline for the submission of the plan; Methods of determining a potential concessionaire and designating a concessionaire if the project applicant is only one; Time limit for negotiations and the period required for the execution of a concession agreement; Matters regarding a modified proposal by a private-sector entity in regard to provisions of a request for proposals, etc.
<b>If no, please elaborate (provide examples):</b>	n/a
<b>Does the procurement process include a pre-qualification stage to select a number of qualified bidders to present the full proposal?</b>	Yes
<b>If yes, please provide the relevant legal/regulatory provisions (if any):</b>	Pursuant to Article 76 of the basic plans, (1) If the competent authority considers it necessary in selecting a potential concessionaire for the reduction of expenses incurred to a private-sector entity in preparing a proposal and the efficient evaluation, he/she may select qualified persons by examining the qualification of persons who may submit a project plan in advance.
<b>If yes, do the tender documents specify the prequalification criteria in order to make them available to all of the bidders?</b>	Yes
<b>If yes, please provide the relevant legal/regulatory provisions (if any):</b>	Pursuant to Article 76 of the basic plans, (2) If the competent authority intends to conduct the prequalification examination pursuant to paragraph (1), he/she shall establish the prequalification examination criteria with which technology, financing capability, operating capability, etc. can be evaluated comprehensively and shall give public notice of the criteria, along with the request for proposals.
<b>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</b>	Some of the projects
<b>Can interested parties/potential bidders submit questions to clarify the public procurement notice</b>	Yes

<b>and/or the request for proposals?</b>	
<b>If yes, please provide the relevant legal/regulatory provisions (if any):</b>	<p>Pursuant to Article 122 of the 2015 basic plans :</p> <p>(1) The competent authority shall endeavor to provide adequate information about a request for proposals, guarantee opportunities for inquiry and response on at least two occasions until four weeks before the deadline for the submission of a project proposal, and disclose the details of the inquiries and responses to the public.</p> <p>(2) The competent authority shall publish data relevant to a project and necessary information through a web-site simultaneously when he/she designates the project as an eligible project or publicly notifies a request for proposals and shall utilize the web-site as a channel for inquiry and response for the project.</p>
<b>If yes, does the procuring authority disclose those questions and clarifications to all of the potential bidders?</b>	Yes
<b>If yes, please provide the relevant legal/regulatory provisions (if any):</b>	<p>Pursuant to Article 122 of the 2015 basic plans :</p> <p>(1) The competent authority shall endeavor to provide adequate information about a request for proposals, guarantee opportunities for inquiry and response on at least two occasions until four weeks before the deadline for the submission of a project proposal, and disclose the details of the inquiries and responses to the public.</p>
<b>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:</b>	None of the projects
<b>Besides questions and clarifications, can the procuring authority conduct other types of dialogue with the potential bidders?</b>	No
<b>If yes, please specify and provide the relevant legal/regulatory provisions (if any):</b>	n/a
<b>If yes, does the procuring authority disclose the content and the results of the dialogue to all of the potential bidders?</b>	n/a
<b>If yes, please provide the relevant legal/regulatory provisions (if any):</b>	n/a
<b>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</b>	n/a

<b>the potential bidders? Please elaborate:</b>	
<b>Does the procuring authority require the bidders to prepare and present a financial model with their proposals ?</b>	Yes
<b>If yes, please provide the relevant legal/regulatory provisions (if any):</b>	Section 1.2. of the Standard RFP BTO specifies, the form of the financial model to be presented.
<b>If no, please elaborate (provide examples):</b>	n/a
<b>Does the procuring authority evaluate the proposals strictly and solely in accordance with the evaluation criteria stated in the tender documents?</b>	Yes
<b>If yes, please provide the relevant legal/regulatory provisions (if any):</b>	Pursuant to article 79 (3) of the 2015 basic plans, the evaluation criteria shall be presented as objectively and specifically as possible and shall be quantified, whenever possible, and the method of determination shall be presented in advance.
<b>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:</b>	Some of the projects
<b>In the case where only one proposal is submitted (sole proposals), does the procuring authority follow any special procedure before awarding the PPP?</b>	Yes
<b>If yes, please provide the relevant legal/regulatory provisions (if any):</b>	Article 125 (2) of the basic plans regulates the proceedings in the case where only one proposal is submitted : If a potential concessionaire is selected as a result of a sole bid, the competent authority may make it compulsory to select contractors through competitive bidding. In such cases, the total private project cost shall be changed subsequently by reflecting the contractors' successful bid price therein.
<b>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.</b>	No
<b>Please specify:</b>	n/a

<b>The regulatory framework considers sole proposals valid as long as they meet the conditions outlined in the tender documents.</b>	No
<b>The regulatory framework does not allow the award of a PPP contract if only one proposal is submitted.</b>	No
<b>The regulatory framework does not include any provisions.</b>	No
<b>Other</b>	Yes
<b>please specify:</b>	Article 125 (2) of the basic plans regulates the proceedings in the case where only one proposal is submitted : If a potential concessionaire is selected as a result of a sole bid, the competent authority may make it compulsory to select contractors through competitive bidding. In such cases, the total private project cost shall be changed subsequently by reflecting the contractors' successful bid price therein.
<b>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:</b>	180
<b>Does the procuring authority publish the award notice?</b>	Yes
<b>If yes, please specify the means of publication and provide the relevant legal/regulatory provisions (if any):</b>	Practice
<b>If yes, is the public procurement award notice published online?</b>	No
<b>If yes, please specify the website:</b>	n/a
<b>Does the procuring authority provide all the bidders with the result of the PPP procurement process?</b>	Yes
<b>If yes, please provide the relevant legal/regulatory provisions (if any):</b>	Pursuant to article 81 (2) of the PPP basic plans, upon completion of the evaluation, the competent authority shall notify persons who submitted a project plan of the following facts: 1. Overall points of evaluation for each project plan; 2. Points for each major items, such as design, operation, and construction in each project plan; 3. Names of evaluators who participated in the project plan evaluation team and the points graded by each evaluator.
<b>If no, please elaborate (provide examples):</b>	n/a

<p><b>If yes, does the notification of the result of the PPP procurement process include the grounds for the selection of the winning bid?</b></p>	<p>Yes</p>
<p><b>If yes, please provide the relevant legal/regulatory provisions (if any):</b></p>	<p>Article 81 (2) of the PPP basic plans states that, upon completion of the evaluation, the competent authority shall notify persons who submitted a project plan of the following facts:</p> <ol style="list-style-type: none"> <li>1. Overall points of evaluation for each project plan;</li> <li>2. Points for each major items, such as design, operation, and construction in each project plan;</li> <li>3. Names of evaluators who participated in the project plan evaluation team and the points graded by each evaluator.</li> </ol>
<p><b>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?</b></p>	<p>Yes</p>
<p><b>If yes, please provide the relevant legal/regulatory provisions:</b></p>	<p>Article 84 (Negotiation)</p> <ol style="list-style-type: none"> <li>(1) The competent authority shall ensure to finish negotiations on time by maintaining consistency in negotiations and enhancing efficiency.</li> <li>(2) Pursuant to Article 69 (3) 6 and (4), the competent authority shall reach an agreement within the deadline set for negotiation in the relevant request for proposals and, if he/she fails to reach an agreement within the deadline for negotiations, may take necessary measures, such as the commencement of negotiations with the next-ranking potential concessionaire, the renotification of the request for proposals, and the revocation of the designation of the PPP project.</li> <li>(3) The competent authority shall maintain consistency in negotiations, shall not propose, in the course of negotiations, any term or condition inconsistent with terms and conditions publicly notified by the request for proposals, and shall participate in negotiations actively even where he/she requests an external institution to assist in negotiations.</li> <li>(4) If foreigners' share of investment in a project is high, the competent authority shall respect foreign investors' opinions to the utmost in connection with provisions regarding language on the concession agreement, the settlement of disputes, etc.</li> <li>(5) A concessionaire may carry out detail design works and other processes in the course of negotiations in order to commence construction works ahead of schedule.</li> </ol> <p>Article 127 (Curtailed Period of Negotiation) of the basic plans</p> <ol style="list-style-type: none"> <li>(1) The competent authority shall tentatively finalize terms and conditions for the implementation of a project, such as the total project cost and rent, in the course of selecting a potential concessionaire to shorten the period of negotiation for executing a concession agreement to the minimum.</li> <li>(2) Negotiations for executing a concession agreement shall proceed to the stage of adjusting terms and conditions that shall be stipulated in the concession agreement based on the standard concession agreement form, and no potential</li> </ol>

	concessionaire may propose any term or condition more favorable to itself than the terms and conditions proposed in project application documents.
<b>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:</b>	Some of the projects
<b>Does the procuring authority publish the PPP contract?</b>	No
<b>If yes, please specify the means of publication and provide the relevant legal/regulatory provisions (if any):</b>	n/a
<b>If yes, is it published online?</b>	n/a
<b>If yes, please specify the website:</b>	n/a
<b>Does the regulatory framework establish any exceptions where the procurement process described above does not apply or allows for a “fast track” procedure?</b>	No
<b>If yes, please provide the relevant legal/regulatory provisions:</b>	n/a
<b>Unsolicited proposals</b>	<b>Score: 92</b>
<b>Does the regulatory framework allow for the submission of unsolicited proposals? (if no, skip to section F)</b>	Yes
<b>If yes, please provide the relevant legal/regulatory provisions:</b>	The regulatory framework for unsolicited proposals is set up by Article 9 of the PPP Act, Article 7 of the PPP Decree and Chapter II of the basic plans (Articles 92 to 104).
<b>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:</b>	0
<b>Does the procuring authority conduct an assessment to evaluate unsolicited proposals?</b>	Yes

<p><b>If yes, please specify and provide the relevant legal/regulatory provisions (if any):</b></p>	<p>A review of unsolicited proposals is mandatory in accordance with article 7 of the PPP Decree :</p> <p>(3) Where the competent authority deems that the project proposal submitted under paragraph (1) meets the formal requisites and conforms with Acts and subordinate statutes and the policies of the competent authority, it shall ask the Director of the Public and Private Infrastructure Investment Management Center (hereinafter referred to as "PIMAC") under Article 23 (1) of the Act to review the details of the project proposal before deciding upon whether the proposed project is to be implemented as a public private partnership project. In such cases, the competent authority shall request the review of the details within 30 days from the date of the receipt of the project proposal, except in cases of requests for supplements under paragraph (2) or in other inevitable circumstances, and if it is impossible to request the review of the details within the said period, the competent authority shall notify the proponent of the reasons therefor and the scheduled date for requesting the review.</p> <p>(4) The Director of the PIMAC may, where the related data required for the review on the details of a project proposal requested under paragraph (3) are incomplete, request the competent authority to supplement them within a specified period.</p> <p>Article 94 (Review on Contents of Proposal) and Article 95 (Request for Review on Contents of Proposal, etc.) of 2015 PPP Basic Plans provide details on that review.</p>
<p><b>If yes, does it ensure that the unsolicited proposal is consistent with the existing government priorities?</b></p>	<p>Yes</p>
<p><b>If yes, please provide the relevant legal/regulatory provisions (if any):</b></p>	<p>Pursuant to Article 7 (3) of the PPP Decree, where the competent authority deems that the project proposal submitted under paragraph (1) meets the formal requisites and conforms with Acts and subordinate statutes and the policies of the competent authority [...].</p> <p>More specifically, article 95 (4) 1. of the Basic plans indicates that the head of the Public and Private Infrastructure Investment Management Center shall review the details of a private proposal and ensure whether the proposal meets the central government's medium- and long-term plans, the priority order for the central government's investment, etc..</p>
<p><b>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.</b></p>	<p>No</p>
<p><b>If yes, please specify:</b></p>	<p>n/a</p>
<p><b>The regulatory framework requires unsolicited proposals to be among the existing government priorities without</b></p>	<p>Yes</p>

<b>establishing specific procedures to achieve that goal.</b>	
<b>The regulatory framework does not include any provisions.</b>	No
<b>Other</b>	No
<b>please specify:</b>	n/a
<b>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:</b>	None of the projects
<b>Does the procuring authority initiate a competitive PPP procurement procedure when proceeding with the unsolicited proposal?</b>	Yes
<b>If yes, please provide the relevant legal/regulatory provisions (if any):</b>	<p>Pursuant to article 9 of the PPP Act : (3) When the competent authority has decided to promote the project proposed under paragraph (1) as a public-private partnership project, it shall notify the proponent of such project of its decision, and publicly notify the outlines of such proposal to enable a third person, other than the proponent, to make a proposal.</p> <p>(4) The competent authority shall designate a potential concessionaire from among persons who have submitted proposals, after reviewing and evaluating the written proposal submitted by the initial proponent under paragraph (2) and a written proposal by a third person under paragraph (3), as prescribed by Presidential Decree. In such cases, the initial proponent may be treated favorably as prescribed by Presidential Decree.</p> <p>(5) The provisions of Article 13 (3) through (5) shall govern conclusion, etc. of a concession agreement with a potential concessionaire designated under paragraph (4).</p> <p>Furthermore, Except as otherwise provided for regarding the procedure for the implementation of unsolicited projects, the provisions regarding the procedure for the implementation of solicited project in Chapter I of this Part shall apply mutatis mutandis to the procedure for the implementation of unsolicited projects (Article 104 of the basic plans).</p>
<b>Does the procuring authority grant a minimum period of time to additional prospective bidders (besides the proponent) to prepare their proposals?</b>	Yes
<b>If yes, please provide the relevant legal/regulatory provisions (if any):</b>	<p>Pursuant to Article 7 (8) of the PPPI, where the competent authority publicly announces the outline of the proposal pursuant to Article 9 (3) of the Act, it shall publish it in the Official Gazette, three or more daily newspapers, and its own Internet homepage by specifying a period for proposal by a third party of not less than 30 days.</p> <p>However, the basic plans require a period of minimum 90 days : The competent authority shall give a period of at least 90 days in making a request for alternate</p>

	proposals so that third parties can prepare and submit a proposal during the period: Provided, That the competent authority may set an appropriate period, which shall not be less than 30 days, and give public notice thereof, if there is an urgent request or it is considered necessary in view of the scale and nature of a project (Article 99 (3)).
<b>and the time in calendar days:</b>	90
<b>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.</b>	No
<b>Developer's fee (reimbursing the original proponent for the project development cost).</b>	No
<b>Bid bonus.</b>	Yes
<b>Swiss challenge (If unsuccessful, the original proponent has the option to match the winning bid and win the contract).</b>	No
<b>Other</b>	No
<b>please specify:</b>	n/a
<b>Please provide the relevant legal/regulatory provisions (if any):</b>	<p>According to Article 7 (11) of the PPP Decree, the competent authority may grant preferential treatment to the initial proponent pursuant to the latter part of Article 9 (4) of the Act within the scope defined in any of the following subparagraphs:</p> <ol style="list-style-type: none"> <li>1. Where the initial proponent fails to submit the amended proposal: Ten percent of the total evaluation score;</li> <li>2. Where the competent authority publicly announces matters different from the details proposed by the initial proponent pursuant to the latter part of paragraph (8), and the initial proponent submits the amended proposal accordingly: Five percent of the total evaluation score.</li> </ol>
<b>PPP Contract Management</b>	<b>Score: 71</b>
<b>Has the procuring or contract management authority established a system to manage the implementation of the PPP contract?</b>	Yes
<b>If yes, please provide the relevant legal/regulatory provisions (if any)</b>	<p>According to Article 49 (7.) of the Basic plans, are among the Duties of Competent Authority: Matters regarding the management and supervision of projects, including the supervision of the construction, operation, and performance of projects, the management of concession agreements, the evaluation of the performance of services of BTL PPP projects, and the disbursement of government payments.</p> <p>Moreover, Chapter VII is related to management and operations of PPP projects, the general principle being that, pursuant to Article 51 (1), in implementing a PPP project, the competent authority and the concessionaire shall establish a constant cooperation system and shall endeavor to make the project contribute to enhancing citizens' benefits in accordance with the principle of good faith.</p>

<b>If yes, which of the following tools does it include (check all that apply)? Establishment of a PPP contract management team.</b>	No
<b>If yes, please provide the relevant legal/regulatory provisions (if any):</b>	n/a
<b>Participation of the members of the PPP contract management team in the PPP procurement process.</b>	No
<b>If yes, please provide the relevant legal/regulatory provisions (if any):</b>	n/a
<b>Possibility to consult with PPP procurement experts when managing the PPP contract.</b>	Yes
<b>If yes, please provide the relevant legal/regulatory provisions (if any):</b>	It is among PIMAC's missions to advise the execution or amendment of a concession agreement or reviewing a draft concession agreement; advise on refinancing; assisting in the mediation of a dispute arising in relation to refinancing; organizing a refinancing advisory team; and assisting in negotiations with a concessionaire; advise and reviewing on a financial model (article 39 of the basic plans)
<b>Elaboration of a PPP implementation manual or an equivalent document.</b>	Yes
<b>If yes, please provide the relevant legal/regulatory provisions (if any):</b>	Pursuant to Article 23 of the Basic plans: (1) The competent authority shall prepare guidelines for the proper inspection of performance and shall include the guidelines in the concession agreement so that the performance of services can be evaluated in as objective and fair manner as possible. (2) The evaluation shall be mainly focused on the utility and durability of a facility and the level of satisfaction with services, and further details and the allocation of marks shall be determined in view of the nature of each facility. (3) The competent authority shall operate a committee for the evaluation of performance that shall be comprised of public officials in charge, concessionaires, experts in relevant areas, facility users, etc.
<b>Other</b>	No
<b>please specify:</b>	n/a
<b>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 contact management team? Please elaborate:</b>	Most of the projects
<b>Does the procuring or contract management authority establish a monitoring and</b>	Yes

<b>evaluation system of the PPP contract?</b>	
<b>If yes, please provide the relevant legal/regulatory provisions (if any):</b>	<p>According to Article 24 of the PPP Act related to Management and Operation of Infrastructure Facilities, Land or infrastructure facilities created or installed by a public-private partnership project shall be managed and operated in accordance with the provisions of the concession agreement.</p> <p>Article 35-3 of the PPP Decree is related to Evaluation, etc. of Results of Promoting Public-Private Partnership Projects.</p> <p>Moreover, Chapter VII is related to management and operations of PPP projects, the general principle being that, pursuant to Article 51 (1), in implementing a PPP project, the competent authority and the concessionaire shall establish a constant cooperation system and shall endeavor to make the project contribute to enhancing citizens' benefits in accordance with the principle of good faith. Article 143 is related to Request for and Submission of Data.</p>
<b>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.</b>	Yes
<b>If yes, please provide the relevant legal/regulatory provisions (if any):</b>	<p>According to Article 51 (1) of the PPP Act, if deemed necessary for supervision, the competent authority may take necessary measures, such as requesting the concessionaire to make a report necessary for the management and operation of the infrastructure facilities, or dispatching any public official under its control to visit the site or inspect documents.</p>
<b>The procuring or contract management authority must periodically gather information on the performance of the PPP contract.</b>	Yes
<b>If yes, please provide the relevant legal/regulatory provisions (if any):</b>	<p>According to Article 51-2 (1) of the PPP Act, the competent authority shall submit a report on the conditions of operation, actual results of promotion, etc. for each implementation method of public-private partnership projects under Article 4 to the Minister of Strategy and Finance on a yearly basis.</p>
<b>The procuring or contract management authority must establish a risk mitigation mechanism.</b>	No
<b>If yes, please provide the relevant legal/regulatory provisions (if any):</b>	n/a
<b>The PPP contract performance information must be available to the public.</b>	Yes
<b>If yes, please provide the relevant legal/regulatory provisions (if any):</b>	<p>In accordance with Article 51-2 (2) of the PPP Act, the Minister of Strategy and Finance shall open to the public the report that has been submitted under paragraph (1) and submit it the Special Committee on Budget and Accounts under the jurisdiction of the</p>

	National Assembly by May 31 every year. Some basic information is publicly available on line on the MOSF's website.
<b>Other</b>	No
<b>please specify:</b>	n/a
<b>Is PPP contract performance information publicly available online?</b>	Yes
<b>If yes, please specify the website:</b>	<a href="http://pimac.kdi.re.kr/eng/public/study.jsp">http://pimac.kdi.re.kr/eng/public/study.jsp</a>
<b>Does the regulatory framework expressly regulate a change in the structure (i.e. stakeholder composition) of PPPCo?</b>	Yes
<b>If yes, please provide the relevant legal/regulatory provisions:</b>	<p>Pursuant to Article 27 of the PPP Act :</p> <p>(1) Except as otherwise provided for by this Act, management and operation rights shall be considered as property rights, and the provisions of the Civil Act concerning real estate shall apply mutatis mutandis.</p> <p>(2) A concessionaire shall receive prior approval from the competent authority before sharing, consolidating, or making a disposition of its management and operation rights.</p> <p>Article 28 adds the following :</p> <p>(1) Any settlement, change, extinction, and restriction on disposal of the management and operation rights or a mortgage for the purpose of obtaining such rights, shall take effect only by registering it in the registry of management and operation rights which is kept by the competent authority.</p> <p>(2) Matters necessary for the registration of management and operation rights pursuant to paragraph (1) shall be determined by Presidential Decree.</p> <p>Article 26 of the Basic plans, related to Changes of Investors, provides more details.</p>
<b>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).</b>	No
<b>If yes, please provide the relevant legal/regulatory provisions:</b>	n/a
<b>In case of a change affecting the controlling interest, the replacing entity must meet the same technical qualifications as the original operator.</b>	No
<b>If yes, please provide the relevant legal/regulatory provisions:</b>	n/a
<b>Flexibility to substitute non-controlling interest after the initial period.</b>	No

<b>If yes, please provide the relevant legal/regulatory provisions:</b>	n/a
<b>Does the regulatory framework expressly regulate the modification or renegotiation of the PPP contract (once the contract is signed)?</b>	Yes
<b>If yes, please provide the relevant legal/ regulatory provisions:</b>	<p>According to Article 15 of the PPP Act (1) The concessionaire shall prepare a detailed implementation plan and obtain the approval thereof from the competent authority as prescribed by Presidential Decree before implementing the project concerned. The same shall apply when the concessionaire intends to modify the contents of the approved plan: Provided, That the same shall not apply to insignificant changes as determined by Presidential Decree.</p> <p>(2) The competent authority shall make a public announcement of its approval upon authorizing the implementation or modification of the detailed implementation plan pursuant to paragraph (1).</p> <p>Furthermore, article 60 of the basic plans is related to amendment of Concession Agreement.</p> <p>(1) If it is intended to amend provisions of a concession agreement, which has been executed through the review by the Review Committee pursuant to Article 38, unfavorably to the government for the implementation of a project, such as an to increase in the scale of financial support, an increase of user fees, an increase of the total project cost, an extension of the period of management and operation, the concession agreement shall be amended through the review by the Review Committee.</p> <p>(2) Notwithstanding paragraph (1), if a total project cost is increased inevitably due to a result of an agreement with a local government, a request by an authorizing or permitting authority, or a civil petition and quantity changes as a consequence of a route alteration, the installation of a new interchange, the adjustment of the scale of a facility for safety, the underground construction of a section crossing the center of a city, or any other cause, but the total project cost is increased by less than 5/100 of the total project cost, the review by the Review Committee may be waived.</p> <p>(3) An increase in a total project cost under paragraph (1) or (2) shall be settled through the adjustment of user fees or government payments or the adjustment of the effective period of the right to manage and operate the facility.</p>
<b>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.</b>	No
<b>If yes, please provide the relevant legal/regulatory provisions:</b>	n/a
<b>A change in the risk allocation of the contract.</b>	No
<b>If yes, please provide the relevant legal/regulatory provisions:</b>	n/a

<b>A change in the investment plan or duration of the contract.</b>	Yes
<b>If yes, please provide the relevant legal/regulatory provisions:</b>	According to Article 60 (1) of the basic plans, if it is intended to amend provisions of a concession agreement, which has been executed through the review by the Review Committee pursuant to Article 38, unfavorably to the government for the implementation of a project, such as [...] an extension of the period of management and operation, the concession agreement shall be amended through the review by the Review Committee.
<b>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.</b>	Yes
<b>If yes, please provide the relevant legal/regulatory provisions:</b>	<p>PPP Act Article 47 (Disposition for Public Interest)</p> <p>(1) In the following cases, the competent authority may implement the disposition prescribed in Article 46 against a party who has obtained designation, approval, or confirmation under the conditions as prescribed by this Act. In this case, the project designated by going through a deliberation by the Committee shall go through a deliberation by the Committee:</p> <p>3. Where force majeure such as war or natural disaster takes place.</p> <p>PPPD Article 39 (Grounds for Recognition of Buyout Right)</p> <p>The concessionaire of a revertible facility may request the State or local government to buyout the relevant facility (including supplementary facilities) under the provisions of Article 59 of the Act in the following cases:</p> <p>1. Natural disasters, war, and other cases of force majeure by which construction is suspended for six months or longer or the total project cost increases by not less than 50 percent;</p> <p>2. Natural disasters, war, and other cases of force majeure by which the operation of the facility is suspended for six months or longer, or where the repair cost or reconstruction costs exceed 50 percent of the total project cost originally planned;</p>
<b>Material Adverse government action.</b>	Yes
<b>If yes, please provide the relevant legal/regulatory provisions:</b>	<p>PPPD Article 39 (Grounds for Recognition of Buyout Right)</p> <p>The concessionaire of a revertible facility may request the State or local government to buyout the relevant facility (including supplementary facilities) under the provisions of Article 59 of the Act in the following cases: 3. Where the construction or operation of the facility has been suspended for six months or longer because the State or a local government has failed to perform its duty under the concession agreement for a year or longer after receiving the notification of the cause for the performance of its duties, or where the duties are simply not performed without any justifiable ground;</p>
<b>Change in the Law.</b>	No
<b>If yes, please provide the relevant legal/regulatory provisions:</b>	n/a
<b>Refinancing.</b>	Yes

<b>If yes, please provide the relevant legal/regulatory provisions:</b>	Guidelines on refinancing have been prepared in 2014 by KDI. The Basic plans provide some information on refinancing in articles 27 to 30. Those articles provide for the scope of refinancing, Sharing of Refinancing Gains, Determination of Refinancing Gains and Refinancing Procedure.
<b>Other.</b>	No
<b>If yes, please specify and provide the relevant legal/regulatory provisions:</b>	n/a
<b>Does the regulatory framework establish a specific dispute resolution mechanism for PPPs?</b>	Yes
<b>If yes, please specify and provide the relevant legal/regulatory provisions</b>	Article 44-3 of the PPP Act provides for the Establishment of Committee for Mediation of Public-Private Partnership Project Disputes. Furthermore, Chapter XII of the Standard concessions Agreement provides for Dispute resolution.
<b>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.</b>	Yes
<b>If yes, please specify:</b>	<p>Pursuant to Article 44-2 of the PPP Act :</p> <p>(1) A person who has suffered a disadvantage due to any of the following matters in the course of implementing a public-private partnership project may file an objection with the competent authority for the purpose of cancelling or correcting acts related to the relevant matters: [...]</p> <p>(2) An objection referred to in paragraph (1) shall be filed with the relevant competent authority within 30 days from the date a person with an objection commits an act constituting a ground for objection or within ten days from the date a person with an objection becomes aware of the existence of such act.</p> <p>Articles 44-3 to 44-13 detail the procedure of the mediation Committee</p>
<b>The regulatory framework prescribes that a dispute resolution mechanism should be regulated in the contract.</b>	No
<b>The regulatory framework provide the parties with recourse to arbitration but no other alternative dispute resolution mechanism.</b>	No
<b>Other</b>	No
<b>please specify:</b>	n/a
<b>Does the regulatory framework allow for the lenders to take control of the PPP project (lender step-in right) if either PPPCo defaults</b>	No

<b>or if the PPP contract is under threat of termination for failure to meet service obligations?</b>	
<b>If yes, please provide the relevant legal/regulatory provisions:</b>	n/a
<b>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.</b>	n/a
<b>If yes, please specify:</b>	n/a
<b>The regulatory framework prescribes that the lender step-in rights should be regulated in the contract.</b>	n/a
<b>The regulatory framework prescribes that a direct agreement should be signed with the lenders.</b>	n/a
<b>Other</b>	n/a
<b>please specify:</b>	n/a
<b>Does the regulatory framework expressly establish the grounds for termination of a PPP contract?</b>	Yes
<b>If yes, please specify:</b>	End of duration ; Buyout
<b>and provide the relevant legal/regulatory provisions:</b>	<p>According to article 4 - 3 of the PPP Act, the mode by which the concessionaire shall assume ownership of the infrastructure facilities for a specified period after the completion of construction, and the ownership shall be transferred to the State or a local government upon the termination of the concession period.</p> <p>Article 35 of the basic plans provides for the right to request buyout.</p>
<b>If yes, does the regulatory framework also establish the consequences for the termination of the PPP contract?</b>	Yes
<b>If yes, please provide the relevant legal/regulatory provisions:</b>	<p>Basic plans Article 37 (Determination of Compensation, etc. upon Termination)</p> <p>(1) Guidelines for the determination of the purchase price payable to the concessionaire when the concessionaire of a revertible facility exercises the right to request buyout, the method of payment, etc. may be stipulated in the concession agreement, in light of the reasonable value of the facility of the main project and related operation facility, facilities of ancillary projects, goodwill, etc. at the time of filing the request and the grounds for and causes of exercising the right to request buyout.</p> <p>(2) The compensation payable upon termination of a concession agreement shall be</p>

	determined as set out in attached Table 4. In such cases, the competent authority shall additionally pay the value-added tax on sale, imposed on the compensation upon termination.
<b>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?</b>	Yes
<b>Please describe:</b>	'Enforcement Decree of the Act of PPP in Infrastructure' was amended in Oct. 2015. Main amendment were done in composition of PPP Review Committee(Article 3), Ceiling of Guarantee(Article29), and Specific Guidelines for Fines for Negligence (Article 42)
<b>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?</b>	No
<b>Please describe:</b>	n/a