

**BENCHMARKING PPP PROCUREMENT 2017 IN MEXICO**

<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>	Public-Private Partnerships in Mexico are specifically regulated by (i) The Public-Private Partnerships Law (Ley de Asociaciones Público Privadas), published in the Federal Official Gazette on January 16, 2012 and last amended in December 18, 2015 ("PPP Law"); the Regulation to the Public-Private Partnership Law (Reglamento a la Ley de Asociaciones Público Privadas), published in the Federal Official Gazette on 2012 and last amended on October 31, 2014 ("PPP Regulation"). More in general, PPPs might also be impacted by regulations contained in: (a) Mexican Constitution (Constitucion Política de los Estados Unidos Mexicanos); (b) Public Works Law and Similar Services (Ley de Obras Públicas y Servicios Relacionados con las Mismas); (c) Law on Public Private Partnerships (Ley de Asociaciones Público Privadas); (d) Public Sector Acquisitions, Leasing and Services Law (Ley de Adquisiciones, Arrendamientos y Servicios del Sector Público); (e) Code of Commerce (Código de Comercio); (f) Federal Civil Code (Codigo Civil Federal); (g) Federal Law for Administrative Procedure (Ley Federal de Procedimiento Administrativo); and (h) Federal Code for Civil Procedure (Codigo Federal de Procedimientos Civiles). Additionally, subnational public bodies using their own local funds could procure a PPP as established in their subnational regulatory framework.
<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://www.diputados.gob.mx/LeyesBiblio/index.htm">http://www.diputados.gob.mx/LeyesBiblio/index.htm</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</b>	n/a

<b>provisions:</b>	
<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>	Yes
<b>If yes, please provide the relevant legal/regulatory provisions:</b>	Article 5 of the PPP Regulations - State productive enterprises may not execute PPP contracts with developers for activities related to the exploration and exploitation of hydrocarbons.
<b>Please identify the PPP procuring authorities in country_name and provide their website(s) (if available):</b>	Under the PPP Law, any ministry or agency can act as a procuring authority. Article 4 of the PPPs Law provides that the following entities may procure a PPP: authority of the federal public administration (section I); federal public trust not considered a state owned enterprise (section II); federal autonomous body (section III); and subnational public body using federal funds (section IV). Additionally, subnational public bodies using their own local funds could procure a PPP as established in their subnational regulatory framework. All project budgets need to be approved by Congress prior to procuring if the projects use budgetary funds, based on the opinion of the Ministry of Finance and Public Credit (Secretaría de Hacienda y Crédito Público; <a href="http://www.gob.mx/hacienda">www.gob.mx/hacienda</a> ). The Ministry of Public Service is the entity in charge of ensuring compliance with the law, to monitor transparency during the procurement process and it also helps in case any controversy arises ( <a href="http://www.gob.mx/sfp">http://www.gob.mx/sfp</a> ). Based upon the Case study assumptions, the Ministry of Communications and Transportation will be the procuring authority (Secretaría de Comunicaciones y Transportes: <a href="http://www.gob.mx/sc">www.gob.mx/sc</a> ).
<b>In addition to the PPP procuring authorities listed above, is there a specialized government entity that facilitates the PPP program (PPP Unit)?</b>	No
<b>If yes, please</b>	n/a

<b>indicate its name, and its website (if available):</b>	
<b>If yes, what are the main responsibilities of the PPP Unit (check all that apply). PPP regulation.</b>	n/a
<b>PPP policy guidance and capacity building for other public authorities.</b>	n/a
<b>PPP promotion among the public and/or private sectors in national and international forums.</b>	n/a
<b>Technical support in implementing PPP projects.</b>	n/a
<b>Gatekeeping (approval of PPP projects).</b>	n/a
<b>Procurement of PPPs.</b>	n/a
<b>Oversight of PPP implementation.</b>	n/a
<b>Other</b>	n/a
<b>please specify:</b>	n/a
<b>Preparation of PPPs</b>	Score: 75
<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>	PPP Law Articles 21, 24 and Articles 31 to 34 from PPP Law Regulation and the PPP Guidelines Section III. Only when the projects are not self sustainable it is necessary the approval of Unidad de Inversiones. In case the projects are self-sustainable the responsible unit can request a binding opinion from Unidad de Inversiones. As provided in paragraph fourth of Article 24 of the PPPs Law it is the Inter-ministerial Commission of Public Spending, Financing and Divestiture the instance responsible for analyzing and approving the PPPs projects. Article 34, section III of the Federal Budgeting and Financial Responsibility Law (LFPRH or Ley Federal de Presupuesto y Responsabilidad Hacendaria), Articles 45, 46, 47, 48, 49, 50 and 52 of its bylaw; and the Guidance for the registration in the Portfolio of investment programs and projects (Lineamientos para el Registro en la cartera de Programas y Proyectos de Inversión, published at DOF 18/03/2008).

<b>If yes, is a second approval by the Ministry of Finance or Central Budgetary Authority required before signing the PPP contract?</b>	<p>No</p>
<b>If yes, please provide the relevant legal/regulatory provisions (if any):</b>	<p>n/a</p>
<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>	<p>Yes</p>
<b>If yes, please specify the relevant authority</b>	<p>(I) The Scientific and Technological Consultative Forum for technology related projects - PPP Law article 3 and 13; (II) The Ministry of Environment and Natural Resources should issue a favorable environmental impact opinion, PPP Law article 14 section V, and 25, section I; (III) The Ministry of Social Development should issue an opinion regarding human settlement provisions, PPP Law article 15, section II; (IV) Interministerial Commission for Public Expenditure and Financing, PPP Law Article 21 and 24; (V) Congress in the federal budget, PPP Regulations article 16;</p>
<b>and provide the relevant legal/regulatory provisions (if any):</b>	<p>Articles mentioned above</p>
<b>If yes, is a second approval by the same authority required before signing the PPP contract?</b>	<p>No</p>
<b>If yes, please provide the relevant legal/regulatory provisions (if any):</b>	<p>n/a</p>
<b>Does the government integrate the prioritization of PPP projects with all other public investment project prioritization? (e.g.</b>	<p>Yes</p>

<b>in the context of a national public investment system)?</b>	
<b>If yes, please provide the relevant legal/regulatory provisions (if any):</b>	<p>Article 15.(IV) and Article 24 of the PPP Law, Article 34 of PPP Law Regulation Article 34 of the Ley Federal de Presupuesto y Responsabilidad Hacendaria, Numeral 7 of the PPP Guidelines.</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>Yes</p>
<b>If yes, please specify:</b>	<p>According to article 15(IV) of the PPP Law the procuring authority must ensure: "Under the system of democratic planning of national development, consistency with the National Development Plan and sectoral, institutional, regional or special program concerned. Article 24 of the PPP Law restates this requirement: "project will be analyzed and approved by the Interministerial Commission on Public Expenditure, Finance and Privatization, for the purposes of Article 34 of the Federal Budget and Fiscal Responsibility, to determine the priority and their inclusion in a specific chapter of the draft budget of expenditures and their execution order, considering, the national democratic development planning framework and system, congruence with the National Development Plan and sectoral, institutional, regional program". Moreover, the procuring authorities should include in their multiannual budget spending draft, any expenditure related to any public-private partnerships project. This type of expenditure will take precedence over other expenditure forecasts, and are subject to annual budget availability. Likewise, future budgetary commitments related to public-private partnership projects, or projects that are about to start, or those projects that have already started, must be in accordance with the federal public sector financial possibilities.</p>
<b>The regulatory framework prescribes the need for PPPs to be consistent with all other investment priorities without establishing a specific procedure</b>	<p>No</p>

<b>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 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>	All of the projects
<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>	Yes
<b>Relevant legal/regulatory provision (if any)</b>	Article 14 of the PPP Law: "To determine the viability of a proposed PPP, the procuring authority should have analysis on the following aspects: (...) (iv) Social profitability of the project; (...) (viii) The economic and financial viability of the project. Article 26 of the PPP Regulations further regulates this issue.
<b>Is there a specific methodology?</b>	Yes
<b>If yes, elaborate.</b>	Cost benefit Analysis Guidelines: Set out the types of socio-economic assessments that apply to the investment programs and projects that the ministries consider to undertake: <a href="http://www.gob.mx/shcp/documentos/lineamientos-para-la-elaboracion-y-presentacion-de-los-analisis-costo-y-beneficio-de-los-programas-y-proyectos-de-inversion">http://www.gob.mx/shcp/documentos/lineamientos-para-la-elaboracion-y-presentacion-de-los-analisis-costo-y-beneficio-de-los-programas-y-proyectos-de-inversion</a>
<b>Affordability assessment, including the identification of the required long term public commitments (explicit and implicit)</b>	Yes
<b>Relevant</b>	Article 14 of the PPP Law: "To determine the viability of a proposed PPP, the procuring authority

<b>legal/regulatory provision (if any)</b>	should have analysis on the following aspects: (...) (vii) the estimates of investment and contributions in cash and in kind, both federal and individuals and, where appropriate, state and municipal". Article 26 of the PPP Regulations further regulates this issue.
<b>Is there a specific methodology?</b>	Yes
<b>If yes, elaborate</b>	Included as part of the Guidelines to determine the convenience of developing a project through the PPP alternative: Lineamientos que establecen las disposiciones para determinar la conveniencia de llevar a cabo un proyecto mediante un esquema de asociación público-privada, published in DOF 31/12/2013 (hereinafter referred as the "PPP Guidelines").
<b>Risk identification, allocation and assessment (risk matrix)</b>	Yes
<b>Relevant legal/regulatory provision (if any)</b>	Section VI of the PPP Guidelines establishes that entities should identify, describe, evaluate and allocate the project risks as well as identify the mechanisms that will be used to mitigate any possible risk that may arise.
<b>Is there a specific methodology?</b>	Yes
<b>If yes, elaborate</b>	Section VI of the PPP Guidelines establishes that entities should identify, describe, evaluate and allocate the project risks as well as identify the mechanisms that will be used to mitigate any possible risk that may arise. This is further regulated by the Section III of the PPP Manual ( <a href="http://www.gob.mx/shcp/documentos/manual-con-las-disposiciones-para-determinar-la-rentabilidad-social-y-la-conveniencia-de-llevar-a-cabo-un-proyecto-app">http://www.gob.mx/shcp/documentos/manual-con-las-disposiciones-para-determinar-la-rentabilidad-social-y-la-conveniencia-de-llevar-a-cabo-un-proyecto-app</a> )
<b>Financial viability or bankability assessment.</b>	Yes
<b>Relevant legal/regulatory provision (if any)</b>	Article 14 of the PPP Law: "To determine the viability of a proposed PPP, the procuring authority should have analysis on the following aspects: (...) (viii) The economic and financial viability of the project. Article 28 of the PPP Regulations further regulates this aspect indicating that the assessment will determine whether the project is financially viable".
<b>Is there a specific methodology?</b>	Yes
<b>If yes, elaborate</b>	PPP Guidelines Numeral 6 fraction II a) and PPP Manual (Annex 2 Financial Model)
<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>	Article 14 of the PPP Law: "To determine the viability of a proposed PPP, the procuring authority should have analysis on the following aspects: (...) (xi) The convenience of carrying out the project through a scheme of public-private partnership, in which an analysis over other options is included. This specific aspect is further regulated in article 29 of the PPP Regulations
<b>Is there a specific methodology?</b>	Yes
<b>If yes, elaborate</b>	PPP Guidelines and Section IV of the PPP Manual
<b>Market assessment (showing evidence</b>	No

<b>of enough interest in the market for the project)</b>	
<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>	According to Article 45 numeral V of the PPP Law the tender documents will include: "The draft contract, with the rights and obligations of the parties as well as the distribution of the project risks"
<b>If no, please elaborate (provide examples):</b>	n/a
<b>Have standardized PPP model contracts and/or transaction documents been developed?</b>	No
<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>	n/a
<b>Does the procuring authority obtain the permits necessary to develop and operate the PPP project before</b>	No

<b>calling for tenders in any of the following areas? Environmental permits.</b>	
<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>	No
<b>If yes, please provide the relevant legal/regulatory provisions (if any):</b>	n/a
<b>If no, please elaborate (provide explanation):</b>	PPP Law Article 67, PPP Law Regulation Article 92 state that the acquisition of land for the project can be done by the PPPCo or by the government. Articles 76 to 86 of the PPP Law establish a specific expropriation regime.
<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>	No
<b>If yes, please provide the relevant legal/regulatory provisions (if any):</b>	n/a
<b>If no, please elaborate (provide explanation):</b>	PPP Law Article 67, PPP Law Regulation Article 92 state that the acquisition of land for the project can be done by the PPPCo or by the government.
<b>Does the regulatory framework</b>	No

<b>establish any exceptions where the preparation process described above does not apply or allows for a “fast track” procedure?</b>	
<b>If yes, please provide the relevant legal/regulatory provisions:</b>	n/a
<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>	157.5
<b>Obtaining the required approvals from other relevant authorities:</b>	180
<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>	480
<b>PPP Procurement</b>	Score: 87
<b>Are the bid evaluation committee members required to meet specific qualifications?</b>	No
<b>If yes, please specify and provide the relevant legal/regulatory provisions (if any)</b>	n/a
<b>If no, please elaborate (provide examples):</b>	There is no bid evaluation committee, the procuring authority evaluates the bid.

<p><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></p>	<p>n/a</p>
<p><b>If yes, please specify:</b></p>	<p>n/a</p>
<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></p>	<p>n/a</p>
<p><b>The regulatory framework does not include any provisions.</b></p>	<p>n/a</p>
<p><b>Other</b></p>	<p>n/a</p>
<p><b>please specify:</b></p>	<p>n/a</p>
<p><b>Does the procuring authority issue a public procurement notice of the PPP?</b></p>	<p>Yes</p>
<p><b>If yes, please specify the means of publication and provide the relevant legal/regulatory provisions (if any):</b></p>	<p>The publication should be made in the following: i) on the procuring authority's website, ii) on the Federal Official Gazette, iii) in CompraNet (Government website used for tenders and bidding processes in Mexico, iv) in a newspaper of national circulation, v) in the local newspaper of the city where the project will be developed (article 44 of the PPP Law)</p>
<p><b>If yes, is the public procurement notice published online?</b></p>	<p>Yes</p>
<p><b>If yes, please specify the website:</b></p>	<p>compranet.funcionpublica.gob.mx, and the procuring authority website.</p>
<p><b>Does the procuring authority grant the</b></p>	<p>Yes</p>

<b>potential bidders a minimum period of time to submit their bids?</b>	
<b>If yes, please provide the relevant legal/regulatory provisions (if any):</b>	PPP Law, article 51: The deadline for the submission of proposals can't be less than twenty working days from the publication of the public procurement notice.
<b>and the time in calendar days :</b>	30
<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>	Articles 44 and 45 of the PPP Law establish the content of the procurement notice and the tender documents and are complemented by articles 66, 67 and 68 of the PPP Regulations. Articles 49 and 50 of the PPP Law establish the possibility of previous revision of candidates and multiple stages. Article 67 of the PPP Regulations indicate that the tender documents will contain "The requirements, terms and conditions for any interested party to participate in the tender" as well as "the place, date and time for the performance of the acts and presentation of documents in the contest". Article 68 of the PPP Regulations establish that, if applicable, the tender documents will also contain: "The terms and conditions for the preliminary review and registration of participants referred to in Article 49 of the Law"
<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>	No
<b>If yes, please provide the relevant legal/regulatory provisions (if any):</b>	n/a
<b>If yes, do the tender documents specify the prequalification criteria in order to make them available to all of the bidders?</b>	n/a
<b>If yes, please provide the relevant legal/regulatory provisions (if any):</b>	n/a
<b>Among the PPP</b>	None of the projects

<p><b>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></p>	
<p><b>Can interested parties/potential bidders submit questions to clarify the public procurement notice and/or the request for proposals?</b></p>	<p>Yes</p>
<p><b>If yes, please provide the relevant legal/regulatory provisions (if any):</b></p>	<p>Article 50 and 45 of the PPP Law establish the possibility of submitting questions for clarifications during a clarification meeting which date will be included in the tender documents.</p>
<p><b>If yes, does the procuring authority disclose those questions and clarifications to all of the potential bidders?</b></p>	<p>Yes</p>
<p><b>If yes, please provide the relevant legal/regulatory provisions (if any):</b></p>	<p>Article 45 and 50 establish that clarification will be provided in clarification meetings. According to article 11 of the PPP Law, the minutes of the clarification meetings must be publicly available in the Complaint website.</p>
<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></p>	<p>All of the projects</p>
<p><b>Besides questions and clarifications,</b></p>	<p>No</p>

can the procuring authority conduct other types of dialogue with the potential bidders?	
If yes, please specify and provide the relevant legal/regulatory provisions (if any):	n/a
If yes, does the procuring authority disclose the content and the results of the dialogue to all of the potential bidders?	n/a
If yes, please provide the relevant legal/regulatory provisions (if any):	n/a
Among the PPP procurement processes conducted within the last two (2) years where any other type of dialogue was conducted, in how many was the content and the result of the dialogue disclosed to all of the potential bidders? Please elaborate:	n/a
Does the procuring authority require the bidders to prepare and present a financial model with their proposals ?	Yes
If yes, please provide the relevant legal/regulatory provisions (if any):	According to article 74 of the PPP Regulations the economic proposal will include: "(ii) The financial model of the project"
If no, please elaborate (provide examples):	n/a
Does the procuring	Yes

<p><b>authority evaluate the proposals strictly and solely in accordance with the evaluation criteria stated in the tender documents?</b></p>	
<p><b>If yes, please provide the relevant legal/regulatory provisions (if any):</b></p>	<p>According to Article 52 of the PPP Law "In the evaluation of proposals (...) only will be considered the criteria established in the tender documents". Articles 77, 78 and 79 of the PPP Regulations and Article 38 of the PPP Law regulates it in a complementary way.</p>
<p><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></p>	<p>All of the projects</p>
<p><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></p>	<p>Yes</p>
<p><b>If yes, please provide the relevant legal/regulatory provisions (if any):</b></p>	<p>According to article 54 of the PPP Law: "The procuring authority may choose to award the project, even if there is only one bidder, provided that it meets the requirements of the tender and its proposal is acceptable to the procuring authority"</p>
<p><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</b></p>	<p>No</p>

<b>one proposal is submitted.</b>	
<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>	Yes
<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>	No
<b>please specify:</b>	n/a
<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>	127.5
<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>	Article 11 and 55 of the PPP Law requires the procuring authority to read in a public hearing the result of the evaluation and publish it in the website Complaint
<b>If yes, is the public procurement award notice published online?</b>	Yes
<b>If yes, please specify the website:</b>	compranet.funcionpublica.gob.mx
<b>Does the procuring authority provide all the bidders with the</b>	Yes

<b>result of the PPP procurement process?</b>	
<b>If yes, please provide the relevant legal/regulatory provisions (if any):</b>	Practice
<b>If no, please elaborate (provide examples):</b>	n/a
<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>	Yes
<b>If yes, please provide the relevant legal/regulatory provisions (if any):</b>	Article 55 of the PPP Law requires that the awarding resolution will contain "the analysis of the proposals, the reasons to accept or discard them, a comparison among them, and the grounds justifying that the winning proposal is the one that offers the best conditions"
<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>	Yes
<b>If yes, please provide the relevant legal/regulatory provisions:</b>	According to article 51 of the PPP Law: "Submitted proposals are firm, they force those who make them and are not subject to negotiation, without prejudice clarification or additional information requested by the procuring authority". Moreover, according to Article 92 of the PPP Law "The terms of the contract must not contradict the terms and conditions of the tender documents and those indicated in the clarification meeting".
<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>	None of the projects
<b>Does the procuring authority publish the PPP contract?</b>	Yes

<b>If yes, please specify the means of publication and provide the relevant legal/regulatory provisions (if any):</b>	<p>Article 11 of the PPP Law requires publishing "data regarding the PPP contracts and their modifications".</p>
<b>If yes, is it published online?</b>	<p>Yes</p>
<b>If yes, please specify the website:</b>	<p><a href="https://compranet.funcionpublica.gob.mx/web/login.html">https://compranet.funcionpublica.gob.mx/web/login.html</a></p>
<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>	<p>Yes</p>
<b>If yes, please provide the relevant legal/regulatory provisions:</b>	<p>PPP Law Article 64 and 66 and PPP Law Regulation Articles 91 establish exceptions to the public tender in several cases. Examples of the situations that give rise to an exception to the normal procurement process are: (i) there are not many service providers in the market or there are only one provider; (ii) national security related matters; (iii) the replacement of a developer for reasons of early termination, among others. In this cases either (1) invitation to at least three bidders; or a (2) direct award may be used.</p>
<b>Unsolicited proposals</b>	<p style="text-align: right;">Score: 75</p>
<b>Does the regulatory framework allow for the submission of unsolicited proposals? (if no, skip to section F)</b>	<p>Yes</p>
<b>If yes, please provide the relevant legal/regulatory provisions:</b>	<p>PPP Law Articles 26 to 37 and PPP Law Regulation Articles 43 to 56 allow for and regulate the submission of unsolicited proposals.</p>
<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>	<p>50%</p>
<b>Does the procuring authority conduct an assessment to</b>	<p>Yes</p>

<b>evaluate unsolicited proposals?</b>	
<b>If yes, please specify and provide the relevant legal/regulatory provisions (if any):</b>	Article 27 and article 28 of the PPP Law establish that only unsolicited proposals fulfilling the requirements contained on article 27 will be analyzed by the procuring entity and this analysis will be conducted during a period of 3 months that can be extended if necessary.
<b>If yes, does it ensure that the unsolicited proposal is consistent with the existing government priorities?</b>	Yes
<b>If yes, please provide the relevant legal/regulatory provisions (if any):</b>	Article 29 of the PPP Law establishes that "The evaluation of unsolicited proposals will take into consideration, among other aspects that the project is of public interest and provide social returns consistent with the National Development Plan and the sectoral and regional programs".
<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>	No
<b>If yes, please specify:</b>	n/a
<b>The regulatory framework requires unsolicited proposals to be among the existing government priorities without establishing specific procedures to achieve that goal.</b>	Yes
<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>	Most 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>	Article 30 and 31 establish that if the procuring entity considers the project suitable it will proceed to hold a public tender applying the general rules of the PPP Law complemented by the specifications of article 31. The exception to the public tender established in article 64 is not applicable for unsolicited proposals.
<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>	Article 31 of the PPP which stating that that time periods will be applied as if it was a regular bid link it to the article 51 of the PPP Law that establishes a minimum of 20 working days (approximately 30 calendar days).
<b>and the time in calendar days:</b>	30
<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</b>	Yes

(reimbursing the original proponent for the project development cost).	
<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>	Article 31: Section I establishes the developer's fee and Section V establishes the bid bonus
<b>PPP Contract Management</b>	Score: 87
<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>	Articles 125-127 of the PPP Law establish the oversight system for PPP projects and attribute to the Ministry of Public Service the main responsibility for oversight.
<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</b>	n/a

<b>provide the relevant legal/regulatory provisions (if any):</b>	
<b>Possibility to consult with PPP procurement experts when managing the PPP contract.</b>	No
<b>If yes, please provide the relevant legal/regulatory provisions (if any):</b>	n/a
<b>Elaboration of a PPP implementation manual or an equivalent document.</b>	No
<b>If yes, please provide the relevant legal/regulatory provisions (if any):</b>	n/a
<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 contract management team? Please elaborate:</b>	All of the projects
<b>Does the procuring or contract management authority establish a monitoring and evaluation system of the PPP contract?</b>	Yes
<b>If yes, please provide the relevant legal/regulatory provisions (if any):</b>	Articles 125-127 of the PPP Law establish the oversight system for PPP projects.
<b>If yes, which of the following tools does it include (check all that apply)? PPPCo</b>	Yes

<b>must provide the procuring or contract management authority with periodic operational and financial data.</b>	
<b>If yes, please provide the relevant legal/regulatory provisions (if any):</b>	PPP Law 95 Fractions V and VI that include as part of the obligations of PPPCo provide the required information requested by the procuring entity and facilitate any auditing activity according to the terms and conditions of the contract.
<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>	According to article 128 bis of the PPP Regulations: Agencies and federal entities that have public-private partnerships with federal budgetary support shall report to the Ministry of Finance the monitoring of the investment in accordance with the guidelines issued.
<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>	Article 14 last paragraph of the PPP Law and Articles 16 of the PPP Law Regulation establish that the Ministry of Finance will "report in the Economic Public Finances and Public Debt Situation Quarterly Reports, a description of each of the authorized projects, amounts disbursed or to disburse according to the projections and corresponding estimates, implementation progress and timetable well as the amount of committed payments.
<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</b>	<a href="http://finanzaspublicas.hacienda.gob.mx/es/Finanzas_Publicas/Informes_al_Congreso_de_la_Union">http://finanzaspublicas.hacienda.gob.mx/es/Finanzas_Publicas/Informes_al_Congreso_de_la_Union</a>

<b>the website:</b>	
<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>	Article 105 of the PPP Regulation regulates the possibility of change in the structure of PPP, requiring authorization from the procuring authority for this type of changes.
<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>	Yes
<b>If yes, please provide the relevant legal/regulatory provisions:</b>	Article 105.II of the PPP Regulations establishes that authorizations to PPPCo structure changes will be granted as long as: "they do not imply a deterioration in the technical and financial capacity of the developer company, or breach of the bases for awarding the project".
<b>Flexibility to substitute non-controlling interest after the initial period.</b>	Yes
<b>If yes, please provide the relevant legal/regulatory provisions:</b>	n/a
<b>Does the regulatory framework</b>	Yes

<b>expressly regulate the modification or renegotiation of the PPP contract (once the contract is signed)?</b>	
<b>If yes, please provide the relevant legal/ regulatory provisions:</b>	Articles 117 to 120 of the PPP Law and Articles 34 and 117 to 122 of the PPP Law Regulation regulate the modification of the PPP contract.
<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>	Yes
<b>If yes, please provide the relevant legal/regulatory provisions:</b>	Article 117 of the PPP allow for the modification to increase the level of service (section II) and to attend needs that were not originally considered (section IV). In those cases, according to article 118 of the PPP Law modifications shall not exceed 20 % of the original estimated investment during the first 2 years of the contract.
<b>A change in the risk allocation of the contract.</b>	Yes
<b>If yes, please provide the relevant legal/regulatory provisions:</b>	According to article 117 "No modification shall involve risk transfer from one party to the other in terms other than those agreed in the original contract".
<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>	Article 121 of the PPP Law establish the possibility of extending the period of the contract, taking into account any changes in the terms and conditions.
<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>	According to article 92 of the PPP Law Force Majeure must be regulated by the PPP Contract

<b>Material Adverse government action.</b>	Yes
<b>If yes, please provide the relevant legal/regulatory provisions:</b>	Article 19 regulates the right to the reestablishment of the economic balance of the project in cases of administrative action or legislative action fundamentally affecting the economic balance of the contract.
<b>Change in the Law.</b>	Yes
<b>If yes, please provide the relevant legal/regulatory provisions:</b>	Article 19 regulates the right to the reestablishment of the economic balance of the project in cases of administrative action or legislative action fundamentally affecting the economic balance of the contract.
<b>Refinancing.</b>	Yes
<b>If yes, please provide the relevant legal/regulatory provisions:</b>	Article 117.V of the PPP Law establish the possibility of modifying the PPP contract to reestablish the economic balance of the contract. This is further regulated in article 119 that establish when a change in the economic balance of the contract is substantial as to require a reestablishment of it. Finally Article 107 fraction II. a) of the PPP regulations mandate to regulate any required financial adjustment in the PPP contract.
<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>	Chapter 12 of the PPP Law indicates the different dispute resolution mechanisms that can be determined in PPP contracts (PPP Law Articles 134-143, PPP Law Regulation 137 to 140)
<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>	Articles 134-143 of the PPP Law establishes an Expert Committee to resolve dispute as well as the possibility to submit disputes to arbitration.

<p>The regulatory framework prescribes that a dispute resolution mechanism should be regulated in the contract.</p>	<p>No</p>
<p>The regulatory framework provide the parties with recourse to arbitration but no other alternative dispute resolution mechanism.</p>	<p>No</p>
<p>Other</p>	<p>No</p>
<p>please specify:</p>	<p>n/a</p>
<p>Does the regulatory framework allow for the lenders to take control of the PPP project (lender step-in right) if either PPPCo defaults or if the PPP contract is under threat of termination for failure to meet service obligations?</p>	<p>Yes</p>
<p>If yes, please provide the relevant legal/regulatory provisions:</p>	<p>Article 92 of the PPP Law requires including in the PPP contract: "Section IX. The terms and conditions under which the developer must agree with their respective creditors in case of default against them, the temporary transfer of control the developer of the creditors of this company itself, prior authorization of the agency or contracting entity"</p>
<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.</p>	<p>No</p>
<p>If yes, please specify:</p>	<p>n/a</p>
<p>The regulatory framework prescribes that the lender step-in rights should be regulated</p>	<p>Yes</p>

<b>in the contract.</b>	
<b>The regulatory framework prescribes that a direct agreement should be signed with the lenders.</b>	No
<b>Other</b>	No
<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>	The law specifies a set termination causes but also indicates that these should be included in the PPP contract by the parties: cancellation, abandonment or delay in the work, failure to provide the agreed services, or revocation of the authorizations requested for the project
<b>and provide the relevant legal/regulatory provisions:</b>	PPP Law, article 122,
<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>	Articles 123 and 124 PPP Law complemented by Articles 124 to 125 of the PPP Law Regulation. This regulation includes the reimbursement to the developer of the performed investments.
<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>	Improvement of the Unsolicited Proposals and more transparency in the execution of PPP projects. Last October, the Budget Commission of the House of Representatives approved an amendment to the Public Private Partnerships Law, which will be later reviewed by entire House of Representatives. Currently the proposal continues under review. Also note that the last PPP Law amendment was approved in 2014 together with the enactment of the Hydrocarbons Law and the amendment of other laws related to it.

<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>	Yes
<b>Please describe:</b>	A new PPP Law Regulation will be submitted and probably approved, it will contain Amendments related with de authorization process, transparency and Non Solicited Proposals.