

BENCHMARKING PPP PROCUREMENT 2017 IN NICARAGUA

Regulatory and Institutional Framework for PPPs	
Does the regulatory framework in your country allow procuring PPPs?	Yes
Yes. If yes, please specify the relevant regulatory framework and the year of adoption:	Nicaragua does not have a specific PPP Law. Currently, Public Procurement in Nicaragua is regulated by (i) Public Procurement Law No. 737, published in the official daily "La Gaceta" no. 213 and 214 of November 8 and 9 of 2010, respectively ("Public Procurement Law"); (ii) Regulation to the Public Procurement Law Decree No.75-2010, published in the official daily "La Gaceta" no. 239 and 240 of December 15 and 16 of 2010, respectively ("Public Procurement Regulations). Article 5 of the Public Procurement Law specifies that administrative licenses and concessions are excluded from the public procurement regime and subject to specific laws. This provision, however, seems to refer to simple administrative licenses and concessions not to public works concession contracts. In fact, article 80 of the Public Procurement Law specifies that the public work concession contract will be regulated by the existing special laws according to the type of public work. Specifically for highways, Law No. 264, approved on August 27, 1997 regulates highway concessions (the "Concession Law"). This law is further regulated by Decree No. 61-97 (the "Concession Regulation"). Article 11 of the Concession Law refers again to the public procurement law for the selection procedure of the private partner establishing that: "Concessions will be awarded through a public tendering procedure, as regulated by the Public Procurement Law".
and provide a link to a government-supported website where the mentioned regulatory framework is available or provide an electronic copy of it:	(i) http://www.nicaraguacompra.gob.ni/normativa (ii) http://www.nicaraguacompra.gob.ni/normativa
Besides national defense and other matters of national security, does the regulatory framework explicitly prohibit or restrict PPPs in any of the following sectors? Transportation.	No
If yes, please provide the relevant legal/regulatory provisions:	n/a
Water and irrigation	No
If yes, please provide the relevant legal/regulatory provisions:	n/a
Energy generation and distribution	No
If yes, please provide the relevant legal/regulatory provisions:	n/a
Telecom	No

If yes, please provide the relevant legal/regulatory provisions:	n/a
Health	No
If yes, please provide the relevant legal/regulatory provisions:	n/a
Education	No
If yes, please provide the relevant legal/regulatory provisions:	n/a
Other	Yes
If yes, please provide the relevant legal/regulatory provisions:	In the case of any public service provided in exchange for a fee. Art. 5.3 of State Procurement Law No. 737.
Please identify the PPP procuring authorities in country_name and provide their website(s) (if available):	According to article 3 and 4 of the Public Procurement Law that law applies to all contracts celebrated by any entity of the public sector that includes the executive power and all its organisms, other powers of the state performing administrative functions, autonomous entities, decentralized entities, regional governments, non-competitive state owned enterprises, the public financial sector (only for management issues), public universities, etc. According to article 1 of the Concession Law, the Ministry of Transport and Public Works is the responsible entity for highway concessions
In addition to the PPP procuring authorities listed above, is there a specialized government entity that facilitates the PPP program (PPP Unit)?	No
If yes, please indicate its name, and its website (if available):	n/a
If yes, what are the main responsibilities of the PPP Unit (check all that apply). PPP regulation.	n/a
PPP policy guidance and capacity building for other public authorities.	n/a
PPP promotion among the public and/or private sectors in national and international forums.	n/a
Technical support in implementing PPP projects.	n/a
Gatekeeping (approval of PPP projects).	n/a
Procurement of PPPs.	n/a
Oversight of PPP implementation.	n/a
Other	n/a

please specify:	n/a
Preparation of PPPs	Score: 8
Does the Ministry of Finance or Central Budgetary Authority approve the PPP project before launching the procurement process?	No
If yes, please provide the relevant legal/regulatory provisions (if any):	n/a
If yes, is a second approval by the Ministry of Finance or Central Budgetary Authority required before signing the PPP contract?	No
If yes, please provide the relevant legal/regulatory provisions (if any):	n/a
Besides the procuring authority and the Ministry of Finance or Central Budgetary Authority, does any other authority(s) approve the PPP project before launching the procurement process?	Yes
If yes, please specify the relevant authority	Congress only in certain cases
and provide the relevant legal/regulatory provisions (if any):	In general cases the only entity that has to approve the procurement is the one that is requesting it. However, there are specific projects that require approval by Congress (i.e. Water Concession to produce Energy).
If yes, is a second approval by the same authority required before signing the PPP contract?	No
If yes, please provide the relevant legal/regulatory provisions (if any):	n/a
Does the government integrate the prioritization of PPP projects with all other public investment project prioritization? (e.g. in the context of a national public investment system)?	No
If yes, please provide the relevant legal/regulatory provisions (if any):	n/a
If yes, which of the following options best describes the way your government prioritizes PPP projects? (Please select	n/a

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.	
If yes, please specify:	n/a
The regulatory framework prescribes the need for PPPs to be consistent with all other investment priorities without establishing a specific procedure to achieve that goal.	n/a
The regulatory framework does not include any provisions.	n/a
Other	n/a
please specify:	n/a
Among the PPP projects procured within the last two (2) years, how many of them were prioritized along with all other public investment projects? Please elaborate:	None of the projects
Which of the following assessments are conducted when identifying and preparing a PPP? (check all that apply): 10.1. Socio-economic analysis (cost-benefit analysis of the socio-economic impact of the project)	No
Relevant legal/regulatory provision (if any)	n/a
Is there a specific methodology?	n/a
If yes, elaborate.	n/a
Affordability assessment, including the identification of the required long term public commitments (explicit and implicit)	No
Relevant legal/regulatory provision (if any)	n/a
Is there a specific methodology?	n/a

If yes, elaborate	n/a
Risk identification, allocation and assessment (risk matrix)	No
Relevant legal/regulatory provision (if any)	n/a
Is there a specific methodology?	n/a
If yes, elaborate	n/a
Financial viability or bankability assessment.	Yes
Relevant legal/regulatory provision (if any)	The Concession Regulations (article 16 and 17) requires conducting a feasibility assessment before launching the procurement of a Concession assessing "the relevant technical, economic, financial and legal details of the project".
Is there a specific methodology?	No
If yes, elaborate	n/a
Comparative assessment to evaluate whether a PPP is the best option when compared to other procurement alternatives	No
Relevant legal/regulatory provision (if any)	n/a
Is there a specific methodology?	n/a
If yes, elaborate	n/a
Market assessment (showing evidence of enough interest in the market for the project)	No
Relevant legal/regulatory provision (if any)	n/a
Is there a specific methodology?	n/a
If yes, elaborate	n/a
Among the PPP projects procured within the last two (2) years, for how many of them were all of the required assessments conducted? Please elaborate:	Most of the projects
Does the procuring authority include a draft PPP contract in the request for proposals?	Yes
If yes, please provide the relevant legal/regulatory provisions (if any):	Practice
If no, please elaborate (provide examples):	n/a

Have standardized PPP model contracts and/or transaction documents been developed?	No
If yes, please specify and provide a government-supported website where the mentioned standards are available or provide an electronic copy of them:	n/a
Does the procuring authority obtain the permits necessary to develop and operate the PPP project before calling for tenders in any of the following areas? Environmental permits.	No
If yes, please provide the relevant legal/regulatory provisions (if any):	n/a
Urban and zoning permits.	No
If yes, please provide the relevant legal/regulatory provisions (if any):	n/a
Other permits.	No
If yes, please provide the relevant legal/regulatory provisions (if any):	n/a
Does the procuring authority make available to PPPCo the necessary land or right of way to develop the PPP project (if any)? Land	Yes
If yes, please provide the relevant legal/regulatory provisions (if any):	Practice
If no, please elaborate (provide explanation):	n/a
Does the procuring authority make available to PPPCo the necessary land or right of way to develop the PPP project (if any)? Right of way	Yes
If yes, please provide the relevant legal/regulatory provisions (if any):	Practice
If no, please elaborate (provide explanation):	n/a
Does the regulatory framework establish any exceptions where the preparation process described above does not apply or	Yes

allows for a “fast track” procedure?	
If yes, please provide the relevant legal/regulatory provisions:	A "fast track" procedure is only available in emergency cases (Art. 151 of the Regulations of the Law 737).
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:	60
Obtaining the required approvals from other relevant authorities:	90
Preparing the draft PPP contract:	75
Obtaining any permits, land and/or right of way that the procuring authority must provide according to the regulatory framework:	30
PPP Procurement	Score: 80
Are the bid evaluation committee members required to meet specific qualifications?	Yes
If yes, please specify and provide the relevant legal/regulatory provisions (if any)	The evaluation committee must have at least 3 members. One must belong to the Acquisitions Department; the 2nd must be the legal adviser of the public authority. Necessarily, the third member should have a technical knowledge of the subject of the procurement (Art.15 of Law 737).
If no, please elaborate (provide examples):	n/a
If yes, which of the following options best describes the required qualifications of the committee members? (Please select only one). The regulatory framework details the qualifications required and/or the specific membership of the bid evaluation committee.	Yes
If yes, please specify:	The evaluation committee must have at least 3 members. One must belong to the Acquisitions Department; the 2nd must be the legal adviser of the public authority. Necessarily, the third member should have a technical knowledge of the subject of the procurement (Art.15 of Law 737).
The regulatory framework requires generally sufficient qualification without detailing the specific qualifications	No

required to be a member of the bid evaluation committee.	
The regulatory framework does not include any provisions.	No
Other	No
please specify:	n/a
Does the procuring authority issue a public procurement notice of the PPP?	Yes
If yes, please specify the means of publication and provide the relevant legal/regulatory provisions (if any):	Publication on the website of the national procurement portal and the website of the procuring authority. I can also be published in printed national and international newspapers. (Art. 99 of the Public Procurement Regulations).
If yes, is the public procurement notice published online?	Yes
If yes, please specify the website:	http://www.nicaraguacompra.gob.ni/
Does the procuring authority grant the potential bidders a minimum period of time to submit their bids?	Yes
If yes, please provide the relevant legal/regulatory provisions (if any):	According to Article 36 of the Public Procurement Law the minimum period of time to be granted to submit proposals will be 30 days.
and the time in calendar days :	30
Do the tender documents detail the stages of the procurement process?	Yes
If yes, please provide the relevant legal/regulatory provisions (if any):	Article 31 of the Public Procurement Law requires the tender documents to specify the stages of the procurement procedure, with all the information required for the bidder to adequately prepare its proposal including for example a chronogram of the stages of the procedure and the instructions for the submission of proposals.
If no, please elaborate (provide examples):	n/a
Does the procurement process include a pre-qualification stage to select a number of qualified bidders to present the full proposal?	Yes
If yes, please provide the relevant legal/regulatory provisions (if any):	According to article 61 of the Public Procurement Law: "The procuring authority may enter within the ordinary procedures, complementary procedures to achieve in the best way the public interest, such as prequalification, mechanisms two or more stages of evaluation, price negotiation, funding provided by the contractor or any other according to the terms established in the Regulation of this Law, with full respect for the fundamental principles of public procurement".
If yes, do the tender documents specify the	Yes

prequalification criteria in order to make them available to all of the bidders?	
If yes, please provide the relevant legal/regulatory provisions (if any):	Article 192 of the Public Procurement Regulations mandates that the call for prequalify must expressly specify: the "Criteria to use for prequalification and the value assigned to each criterion in the respective qualification"
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	Most of the projects
Can interested parties/potential bidders submit questions to clarify the public procurement notice and/or the request for proposals?	Yes
If yes, please provide the relevant legal/regulatory provisions (if any):	Article 34 of the Public Procurement Law allow bidders to submit questions to the procuring entity. Article 35 enables bidders in a similar way to request corrections to the tender documents.
If yes, does the procuring authority disclose those questions and clarifications to all of the potential bidders?	Yes
If yes, please provide the relevant legal/regulatory provisions (if any):	Both article 34 and 35 of the Public Procurement Law requires the procuring authority to notify all the bidders with the responses to any question or request for modification of the tender documents.
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:	Some of the projects
Besides questions and clarifications, can the procuring authority conduct other types of dialogue with the potential bidders?	No
If yes, please specify and provide the relevant legal/regulatory provisions (if any):	n/a
If yes, does the procuring authority disclose the content 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):	Article 30 of the Concession Regulations establish that the proposal for a Concession will have to include: 3. Economic and financial specifications of the concession: 3.1 Construction Budget. 3.2 Economic evaluation of the project, cost analysis benefits and profitability. 3.3 Payment of compensation for expropriations. 3.4 Tariff system 3.5 Other considerations or grants that are requested. 3.6 financial arrangements proposed by the offeror.
If no, please elaborate (provide examples):	n/a
Does the procuring authority evaluate the proposals strictly and solely in accordance with the evaluation criteria stated in the tender documents?	Yes
If yes, please provide the relevant legal/regulatory provisions (if any):	Article 43 of the Public Procurement Law establishes: The procuring entity will include in the bidding terms and conditions the qualification and evaluation criteria of the bids. (...) In no event may the procuring authority qualify and evaluate bids with criteria that are not included in the bidding terms and conditions of the tender (...).
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:	Most of the projects
In the case where only one proposal is submitted (sole proposals), does the procuring authority follow any special procedure before awarding the PPP?	Yes
If yes, please provide the relevant legal/regulatory provisions (if any):	According to article 39 of the Public Procurement Law: "The tender may be awarded when a single tender is submitted. In this case, the Evaluation Committee may recommend the award of the tender to the only bidder, provided that, once evaluated,

	considers that this offer meets the requirements of the bidding terms and conditions and that suits the interests of the procuring authority.
If yes, what of the following options best describes the way the procuring authority deals with sole proposals? (Please select only one). The regulatory framework details a specific procedure that the procuring authority must follow before awarding a PPP contract where only one proposal is submitted.	No
Please specify:	n/a
The regulatory framework considers sole proposals valid as long as they meet the conditions outlined in the tender documents.	Yes
The regulatory framework does not allow the award of a PPP contract if only one proposal is submitted.	No
The regulatory framework does not include any provisions.	No
Other	No
please specify:	n/a
In practice, what is the average number of calendar days between the initial publication of the PPP public procurement notice and the award of the PPP? Number of calendar days:	90
Does the procuring authority publish the award notice?	Yes
If yes, please specify the means of publication and provide the relevant legal/regulatory provisions (if any):	Article 120 of the Public Procurement Regulations requires the publication of the award resolution in the national procurement portal
If yes, is the public procurement award notice published online?	Yes
If yes, please specify the website:	http://www.nicaraguacompra.gob.ni/
Does the procuring authority provide all the bidders with the result of the PPP procurement process?	Yes

If yes, please provide the relevant legal/regulatory provisions (if any):	Article 48 of the Public Procurement Law and Article 120 of the Public Procurement Regulations require to notify all the bidders with the award resolution.
If no, please elaborate (provide examples):	n/a
If yes, does the notification of the result of the PPP procurement process include the grounds for the selection of the winning bid?	Yes
If yes, please provide the relevant legal/regulatory provisions (if any):	According to article 47 of the Public Procurement Law, the bidders will also be notified with the Evaluation Committee award recommendation including the grounds for the selection.
Does the regulatory framework restrict or regulate in any way negotiations with the selected bidder between the award and the signature of the PPP contract?	No
If yes, please provide the relevant legal/regulatory provisions:	n/a
Among the PPP procurement processes conducted within the last two (2) years, in how many of them were the terms and conditions changed between the award and the signature of the PPP contract? Please elaborate:	None of the projects
Does the procuring authority publish the PPP contract?	No
If yes, please specify the means of publication and provide the relevant legal/regulatory provisions (if any):	n/a
If yes, is it published online?	n/a
If yes, please specify the website:	n/a
Does the regulatory framework establish any exceptions where the procurement process described above does not apply or allows for a “fast track” procedure?	Yes
If yes, please provide the relevant legal/regulatory provisions:	Article 58 regulates a simplified public procurement procedure for emergency situations among other cases.
Unsolicited proposals	Score: USP not regulated

Does the regulatory framework allow for the submission of unsolicited proposals? (if no, skip to section F)	No
If yes, please provide the relevant legal/regulatory provisions:	n/a
If yes, please specify, to the best of your knowledge, the percentage of PPP investments in your country approved as unsolicited proposals during the last five (5) years:	n/a
Does the procuring authority conduct an assessment to evaluate unsolicited proposals?	n/a
If yes, please specify and provide the relevant legal/regulatory provisions (if any):	n/a
If yes, does it ensure that the unsolicited proposal is consistent with the existing government priorities?	n/a
If yes, please provide the relevant legal/regulatory provisions (if any):	n/a
If yes, which of the following options best describes how unsolicited proposals are evaluated against existing government priorities? (Please select only one). The regulatory framework details a specific procedure to ensure the consistency of PPPs with other public investment priorities.	n/a
If yes, please specify:	n/a
The regulatory framework requires unsolicited proposals to be among the existing government priorities without establishing specific procedures to achieve that goal.	n/a
The regulatory framework does not include any provisions.	n/a

Other	n/a
please specify:	n/a
Among the unsolicited proposals approved within the last two (2) years, how many of them were a part of the existing government priorities? Please elaborate:	n/a
Does the procuring authority initiate a competitive PPP procurement procedure when proceeding with the unsolicited proposal?	n/a
If yes, please provide the relevant legal/regulatory provisions (if any):	n/a
Does the procuring authority grant a minimum period of time to additional prospective bidders (besides the proponent) to prepare their proposals?	n/a
If yes, please provide the relevant legal/regulatory provisions (if any):	n/a
and the time in calendar days:	n/a
Does the procuring authority use any of the following mechanisms to reward/compensate the presentation of unsolicited proposals? (check all that apply): Access to the best and final offer.	n/a
Developer's fee (reimbursing the original proponent for the project development cost).	n/a
Bid bonus.	n/a
Swiss challenge (If unsuccessful, the original proponent has the option to match the winning bid and win the contract).	n/a
Other	n/a
please specify:	n/a
Please provide the relevant legal/regulatory provisions (if any):	n/a
PPP Contract Management	Score: 20

Has the procuring or contract management authority established a system to manage the implementation of the PPP contract?	Yes
If yes, please provide the relevant legal/regulatory provisions (if any)	Article 14 of the Concession Law indicates that: "The Regulator entity will appoint a representative to the concessionaire in order to audit compliance with the conditions of the concession, whatever its nature, with the powers set in the concession contract".
If yes, which of the following tools does it include (check all that apply)? Establishment of a PPP contract management team.	Yes
If yes, please provide the relevant legal/regulatory provisions (if any):	Article 14 of the Concession Law indicates that: "The Regulator entity will appoint a representative to the concessionaire in order to audit compliance with the conditions of the concession, whatever its nature, with the powers set in the concession contract".
Participation of the members of the PPP contract management team in the PPP procurement process.	No
If yes, please provide the relevant legal/regulatory provisions (if any):	n/a
Possibility to consult with PPP procurement experts when managing the PPP contract.	No
If yes, please provide the relevant legal/regulatory provisions (if any):	n/a
Elaboration of a PPP implementation manual or an equivalent document.	No
If yes, please provide the relevant legal/regulatory provisions (if any):	n/a
Other	No
please specify:	n/a
If there is a contract management team, in how many of the PPP projects procured within the last two (2) years did the management system and tools fully inform the contact management team? Please elaborate:	n/a
Does the procuring or contract management authority establish a monitoring and evaluation system of the PPP contract?	No

If yes, please provide the relevant legal/regulatory provisions (if any):	n/a
If yes, which of the following tools does it include (check all that apply)? PPPCo must provide the procuring or contract management authority with periodic operational and financial data.	n/a
If yes, please provide the relevant legal/regulatory provisions (if any):	n/a
The procuring or contract management authority must periodically gather information on the performance of the PPP contract.	n/a
If yes, please provide the relevant legal/regulatory provisions (if any):	n/a
The procuring or contract management authority must establish a risk mitigation mechanism.	n/a
If yes, please provide the relevant legal/regulatory provisions (if any):	n/a
The PPP contract performance information must be available to the public.	n/a
If yes, please provide the relevant legal/regulatory provisions (if any):	n/a
Other	n/a
please specify:	n/a
Is PPP contract performance information publicly available online?	n/a
If yes, please specify the website:	n/a
Does the regulatory framework expressly regulate a change in the structure (i.e. stakeholder composition) of PPPCo?	No
If yes, please provide the relevant legal/regulatory provisions:	n/a

<p>If yes, which of the following circumstances are specifically regulated? (check all that apply): Any change in PPPCo during an initial period (e.g. construction and first five years of operation).</p>	<p>n/a</p>
<p>If yes, please provide the relevant legal/regulatory provisions:</p>	<p>n/a</p>
<p>In case of a change affecting the controlling interest, the replacing entity must meet the same technical qualifications as the original operator.</p>	<p>n/a</p>
<p>If yes, please provide the relevant legal/regulatory provisions:</p>	<p>n/a</p>
<p>Flexibility to substitute non-controlling interest after the initial period.</p>	<p>n/a</p>
<p>If yes, please provide the relevant legal/regulatory provisions:</p>	<p>n/a</p>
<p>Does the regulatory framework expressly regulate the modification or renegotiation of the PPP contract (once the contract is signed)?</p>	<p>No</p>
<p>If yes, please provide the relevant legal/ regulatory provisions:</p>	<p>n/a</p>
<p>If yes, which of the following circumstances are specifically regulated? (check all that apply): A change in the scope and/or object of the contract.</p>	<p>n/a</p>
<p>If yes, please provide the relevant legal/regulatory provisions:</p>	<p>n/a</p>
<p>A change in the risk allocation of the contract.</p>	<p>n/a</p>
<p>If yes, please provide the relevant legal/regulatory provisions:</p>	<p>n/a</p>
<p>A change in the investment plan or duration of the contract.</p>	<p>n/a</p>
<p>If yes, please provide the relevant legal/regulatory provisions:</p>	<p>n/a</p>

Does the regulatory framework expressly regulate the following circumstances that may occur during the life of the PPP contract? (check all that apply): Force Majeure.	No
If yes, please provide the relevant legal/regulatory provisions:	n/a
Material Adverse government action.	No
If yes, please provide the relevant legal/regulatory provisions:	n/a
Change in the Law.	No
If yes, please provide the relevant legal/regulatory provisions:	n/a
Refinancing.	No
If yes, please provide the relevant legal/regulatory provisions:	n/a
Other.	No
If yes, please specify and provide the relevant legal/regulatory provisions:	n/a
Does the regulatory framework establish a specific dispute resolution mechanism for PPPs?	No
If yes, please specify and provide the relevant legal/regulatory provisions	n/a
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.	n/a
If yes, please specify:	n/a
The regulatory framework prescribes that a dispute resolution mechanism should be regulated in the contract.	n/a
The regulatory framework provide the parties with recourse to arbitration but no	n/a

other alternative dispute resolution mechanism.	
Other	n/a
please specify:	n/a
Does the regulatory framework allow for the lenders to take control of the PPP project (lender step-in right) if either PPPCo defaults or if the PPP contract is under threat of termination for failure to meet service obligations?	No
If yes, please provide the relevant legal/regulatory provisions:	n/a
If yes, which of the following options best describes the lender step-in right? (Please select only one). The regulatory framework expressly regulates the lender step-in rights.	n/a
If yes, please specify:	n/a
The regulatory framework prescribes that the lender step-in rights should be regulated in the contract.	n/a
The regulatory framework prescribes that a direct agreement should be signed with the lenders.	n/a
Other	n/a
please specify:	n/a
Does the regulatory framework expressly establish the grounds for termination of a PPP contract?	Yes
If yes, please specify:	1) Unjustified breach of the work program for the implementation of the work. 2) Violation of the principles of legality, generality, continuity, adaptability and efficiency in the service. 3) Lack of implementation of approved rates, to the detriment of users. 4) Other serious breach of the concessionaire's obligations, under the contract award or this Act.
and provide the relevant legal/regulatory provisions:	Article 16 of the Concession Law establishes the termination causes
If yes, does the regulatory framework also establish the consequences for the termination of the PPP contract?	Yes

<p>If yes, please provide the relevant legal/regulatory provisions:</p>	<p>Article 63 of the Concession Regulations establishes: If the Regulator and the concessionaire agree to terminate the concession contract and need to set compensation damages, the following factors were considered to the extent applicable:</p> <ol style="list-style-type: none"> 1. The actual cost of the compensation paid by the concessionaire in case of expropriation, where had been agreed in the concession contract. 2. Proved, reasonable and unamortized amounts spent on the establishment, organization, management and administration of the concession 3. Proved, reasonable and unamortized amounts used in studies and projects accepted by the regulator. 4. Net to the date of termination of the concession, of all investments made by the concessionaire and accepted by the regulator, according to studies and projects in the power of this and books and original receipts held by the concessionaire. 5. The present value of the movable and immovable property which form part of the concession. 6. The, unamortized and calculated in accordance with national or international to the date on which the concessionaire contracted borrowing average rates. 7. Compensation to offset the reasonable profit to stop perceiving the dealer for the rest of the plane of the concession, through efficient service delivery. 8. In the calculations of compensation amortization and accumulated depreciation and losses that have been caused to the regulator or users for reasons attributable to the concessionaire, due to the suspension of the roadwork or deficiencies of the service will be deducted. The respective liquidation require the approval of the Comptroller General of the Republic.
<p>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?</p>	<p>No</p>
<p>Please describe:</p>	<p>n/a</p>
<p>Are you aware of any reforms (in practice or in laws, regulations, policies, etc.) related to PPPs that: 50.2. Are ongoing and/or are planned to be adopted AFTER June 1, 2016?</p>	<p>No</p>
<p>Please describe:</p>	<p>n/a</p>