

## BENCHMARKING PPP PROCUREMENT 2017 IN PANAMA

Regulatory and Institutional Framework for PPPs	
<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>	Panama does not have a specific regulatory framework for PPPs. However, Law 22 of 2006 (as last modified by Law 15 of 2012) that regulates public procurement in Panama governs the procurement of "6. Concessions and all other contract not regulated by special Law". Further regulation is contained in Law No 5 of 1988 of Concession (as last modified by Law 128 of 2013 and Law 76 2010). Certain sectors, such as energy and telecommunications, have other specific laws that handle the PPP relationships within said sectors. In 2011, there Law Project 349 which created the public-private association regime was introduced, however, the Cabinet Council requested that this project be withdrawn for further review and consultation.
<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.panamacompra.gob.pa">www.panamacompra.gob.pa</a> ; <a href="http://www.asamblea.gob.pa/legispan-y-gacetas-oficiales/">www.asamblea.gob.pa/legispan-y-gacetas-oficiales/</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>	Each Ministry and public entity conducts its own contracting process. The authority that oversees the public contracting process is the Dirección General de Contrataciones Públicas. Their website is <a href="http://www.panamacompra.gob.pa">www.panamacompra.gob.pa</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 indicate its name, and its website (if available):</b>	n/a
<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: 17
<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>	Article 24 of the Law 22 of 2006 requires certification of the Ministry of Economy and Finance to enter into contracts that implies expenses more than one year.
<b>If yes, is a second approval by the Ministry of Finance or</b>	No

<b>Central Budgetary Authority required before signing the PPP contract?</b>	
<b>If yes, please provide the relevant legal/regulatory provisions (if any):</b>	n/a
<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 and provide the relevant legal/regulatory provisions (if any):</b>	PPP projects have to be developed under the Concession system should be approved by Resolution of the Cabinet. Article 6 of the Law 5 of 1988
<b>If yes, is a second approval by the same authority required before signing the PPP contract?</b>	Yes
<b>If yes, please provide the relevant legal/regulatory provisions (if any):</b>	Article 70 of the Law 22 of 2006 requires approval of either the National Economic Council or the Cabinet depending on the amount of the contract. Also, article 74 of the same Law 22 of 2006 requires the ratification of the Contract by the General Comptroller.
<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>	No
<b>If yes, please provide the relevant legal/regulatory provisions (if any):</b>	n/a
<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>	n/a
<b>If yes, please specify:</b>	n/a

<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>	n/a
<b>The regulatory framework does not include any provisions.</b>	n/a
<b>Other</b>	n/a
<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>	Some 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 23 of the Law 34 of 2008 (Ley de Responsabilidad Fiscal) as last amended by Law 25 of 2014 requires performing cost benefit analysis for investment projects whose investment value is over 0.1 % of the annual budget.
<b>Is there a specific methodology?</b>	No
<b>If yes, elaborate.</b>	n/a
<b>Affordability assessment, including the identification of the required long term public commitments (explicit and implicit)</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>Risk identification, allocation and assessment (risk matrix)</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>Financial viability or bankability assessment.</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>Comparative assessment to evaluate whether a PPP is the best option when compared to other procurement alternatives</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>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>	Some 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>	Practice
<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</b>	No

<b>PPP project before 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>	This is not expressly regulated but it is not forbidden for the government to provide lands for public projects. In general, government does not provide the land. However there are some specific contracts that may include transfer of Land.
<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>	There is no specific provision on this respect. In general this is not procured. However right of way may be given in special circumstances depending of the nature of the Project. In energy and telecom projects, the National Authority of Public Services may issue resolutions to assist the companies in acquiring right of way or land required for their projects.
<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>	No
<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</b>	90

<b>each of the following activities to prepare a PPP project?</b>	
<b>Conducting the required assessments:</b>	
<b>Obtaining the required approvals from other relevant authorities:</b>	90
<b>Preparing the draft PPP contract:</b>	30
<b>Obtaining any permits, land and/or right of way that the procuring authority must provide according to the regulatory framework:</b>	135
<b>PPP Procurement</b>	Score: 68
<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>	Article 42.8 of the Law 22 of 2006 requires the evaluation commission to be integrated by professionals with aptitude in the field area of the tender.
<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>	No
<b>If yes, please specify:</b>	n/a
<b>The regulatory framework requires generally sufficient qualification without detailing the specific qualifications required to be a member of the bid evaluation committee.</b>	Yes
<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>	Article 32 of the Law 22 of 2006 requires the publication of the procurement notice in the electronic portal "panamacompra"
<b>If yes, is the public procurement notice published online?</b>	Yes
<b>If yes, please specify the website:</b>	<a href="http://www.panamacompra.gob.pa">www.panamacompra.gob.pa</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>	Article 33 of the Law 22 of 2006 establish different minimum periods to submit the bids depending on the object of the contract and the value of the contract Given the case study assumptions, when works are included and the value is over B/.5,000,000 the minimum period is 40 days (this same minimum period applies for service contracts when the value is over B/.175,000).
<b>and the time in calendar days :</b>	40
<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 25.6 of the Law 22 of 2006 requires to include in the tender documents: The circumstances of time, manner and place as deemed necessary to ensure objective, clear and complete rules
<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>	Article 51 of the Law 22 of 2006 establishes that: The Cabinet Council may decide, that certain projects, taking into account its size and complexity, are subject a prequalification of bidders, prior to the public act. This matter shall be regulated by the Executive Branch.
<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>	Article 65 of the Executive Decree 366 of 2006 requires to include the prequalification criteria in the tender documents.
<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</b>	Most of the projects

<b>tender documents? Please elaborate</b>	
<b>Can interested parties/potential bidders submit questions to clarify the public procurement notice and/or the request for proposals?</b>	Yes
<b>If yes, please provide the relevant legal/regulatory provisions (if any):</b>	Article 35 of the Law 22 of 2006 regulates a "Homologation" act and meeting where the bidders can formulate reservations and questions to the bidding documents that is required for any contract of value higher than 175.000 balboas
<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>	Article 35 of the Law 22 of 2006 requires to elaborate minutes of the "homologation" meeting to be signed by all the participants and include it in the procurement files. Also, according to article 38 any modification to the tender documents must be published in the electronic portal.
<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>	Most 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 the potential bidders? Please elaborate:</b>	n/a

<b>Does the procuring authority require the bidders to prepare and present a financial model with their proposals ?</b>	No
<b>If yes, please provide the relevant legal/regulatory provisions (if any):</b>	n/a
<b>If no, please elaborate (provide examples):</b>	In certain procurement processes, financial models or information is required. However, no specific provision require always the submission of a financial model.
<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>	Article 28 of the Law 22 of 2006 requires the inclusion among the special conditions of the evaluation criteria and the methodology to evaluate the proposals. Also, according to article 45 of the same Law 22 of 2006 (regulating tenders with separated technical evaluation) the evaluation will be performed according to the criteria and methodology included in the tender documents and the contract will be awarded to the bidder who obtains the highest rating according to the methodology specified in the tender documents.
<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>	Most 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>	Articles 43, 45, 46 and 48 of the Law 22 of 2006 regulates that when only one proposal is submitted, the contract can be awarded to the proponent as long as the proposal meets the requirements established in the tender documents.
<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>	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>	90
<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>	Articles 43, 45, 46 and 48 of the Law 22 of 2006 regulating the different awarding procedures require in all cases to publish the evaluation of the proposals on the electronic portal "panamacompra". Also article 129 in general requires all resolutions in the process to be published.
<b>If yes, is the public procurement award notice published online?</b>	Yes
<b>If yes, please specify the website:</b>	<a href="http://www.panamacompra.gob.pa">www.panamacompra.gob.pa</a>
<b>Does the procuring authority provide all the bidders with the result of the PPP procurement process?</b>	No
<b>If yes, please provide the relevant legal/regulatory provisions (if any):</b>	n/a
<b>If no, please elaborate (provide examples):</b>	Article 129 of the Law 22 of 2006 considers that the publication in the electronic portal constitutes notification to the bidders, being their responsibility to frequently check the information available.
<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>	n/a
<b>If yes, please provide the relevant legal/regulatory provisions (if any):</b>	n/a

<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>	Practice
<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>	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>	Yes
<b>If yes, please provide the relevant legal/regulatory provisions:</b>	Article 48 establishes abbreviated tenders for cases of urgent need. Another especial procedure is established by articles 62 and the following.
<b>Unsolicited proposals</b>	Score: USP not regulated
<b>Does the regulatory framework allow for the submission of unsolicited proposals? (if no, skip to section F)</b>	No
<b>If yes, please provide the relevant legal/regulatory provisions:</b>	n/a
<b>If yes, please specify, to the best of your knowledge, the percentage of PPP investments in your country approved as unsolicited</b>	n/a

<b>proposals during the last five (5) years:</b>	
<b>Does the procuring authority conduct an assessment to evaluate unsolicited proposals?</b>	n/a
<b>If yes, please specify and provide the relevant legal/regulatory provisions (if any):</b>	n/a
<b>If yes, does it ensure that the unsolicited proposal is consistent with the existing government priorities?</b>	n/a
<b>If yes, please provide the relevant legal/regulatory provisions (if any):</b>	n/a
<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>	n/a
<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>	n/a
<b>The regulatory framework does not include any provisions.</b>	n/a
<b>Other</b>	n/a
<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>	n/a
<b>Does the procuring authority initiate a competitive PPP procurement procedure when</b>	n/a

<b>proceeding with the unsolicited proposal?</b>	
<b>If yes, please provide the relevant legal/regulatory provisions (if any):</b>	n/a
<b>Does the procuring authority grant a minimum period of time to additional prospective bidders (besides the proponent) to prepare their proposals?</b>	n/a
<b>If yes, please provide the relevant legal/regulatory provisions (if any):</b>	n/a
<b>and the time in calendar days:</b>	n/a
<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>	n/a
<b>Developer's fee (reimbursing the original proponent for the project development cost).</b>	n/a
<b>Bid bonus.</b>	n/a
<b>Swiss challenge (If unsuccessful, the original proponent has the option to match the winning bid and win the contract).</b>	n/a
<b>Other</b>	n/a
<b>please specify:</b>	n/a
<b>Please provide the relevant legal/regulatory provisions (if any):</b>	n/a
<b>PPP Contract Management</b>	Score: 47
<b>Has the procuring or contract management authority established a system to manage the implementation of the PPP contract?</b>	No
<b>If yes, please provide the relevant legal/regulatory provisions (if any)</b>	n/a
<b>If yes, which of the following tools does it include (check all that apply)? Establishment of a PPP contract management team.</b>	n/a

<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>	n/a
<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>	n/a
<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>	n/a
<b>If yes, please provide the relevant legal/regulatory provisions (if any):</b>	n/a
<b>Other</b>	n/a
<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>	n/a
<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>	Article 12 and 13 of the Law 22 of 2006 regulate the rights and obligations of the parties in public contracts. Article 12 indicates specifically for Concessions that the procuring authority is empowered to conduct inspections on areas, goods or services covered by the contract to verify compliance with the obligations undertaken by the concessionaire. Article 13.4 also includes among the obligations of the procuring authority to periodically review information on the situation of the works and the delivery of the services.
<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>	No

<b>If yes, please provide the relevant legal/regulatory provisions (if any):</b>	n/a
<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>	Art. 13.4 includes among the obligations of the procuring authority to periodically review information on the situation of the works and the delivery of the services.
<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>	No
<b>If yes, please provide the relevant legal/regulatory provisions (if any):</b>	n/a
<b>Other</b>	n/a
<b>please specify:</b>	n/a
<b>Is PPP contract performance information publicly available online?</b>	n/a
<b>If yes, please specify the website:</b>	n/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>	Article 76 of the Law 22 of 2006 regulates "assignment" (cesión) of a public contract.
<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>	According to article 76 of the Law 22 of 2006 requires that the substituting entity meets the requirements of the original contractor.
<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 expressly regulate the modification or renegotiation of the PPP contract (once the contract is singed)?</b>	Yes
<b>If yes, please provide the relevant legal/ regulatory provisions:</b>	The Law 22 of 2006 mentions the modification of the contract as a possibility to be regulated in the contract and that may imply the need to reestablish the financial balance of the contract (article 21 and article 27)
<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>	According to article 77 of the Law 22 of 2006, object and nature of the contract cannot be modified.
<b>A change in the risk allocation of the contract.</b>	n/a
<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>	n/a
<b>If yes, please provide the relevant legal/regulatory provisions:</b>	n/a
<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>	Force majeure is included as a potential cause for reestablishment of the financial balance (article 31 of the Law 22 of 2006) and extension of the contract (article 109).

<b>Material Adverse government action.</b>	No
<b>If yes, please provide the relevant legal/regulatory provisions:</b>	n/a
<b>Change in the Law.</b>	No
<b>If yes, please provide the relevant legal/regulatory provisions:</b>	n/a
<b>Refinancing.</b>	No
<b>If yes, please provide the relevant legal/regulatory provisions:</b>	n/a
<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>	No
<b>If yes, please specify and provide the relevant legal/regulatory provisions</b>	n/a
<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>	n/a
<b>If yes, please specify:</b>	n/a
<b>The regulatory framework prescribes that a dispute resolution mechanism should be regulated in the contract.</b>	n/a
<b>The regulatory framework provide the parties with recourse to arbitration but no other alternative dispute resolution mechanism.</b>	n/a
<b>Other</b>	n/a
<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>	Yes

<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>	Article 24.A of the Law 5 1988 as modified by the Law 76 of 2010 indicates that the financial institutions can subrogate in the rights and obligations of the Concessionaire.
<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>	No
<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>	No
<b>The regulatory framework prescribes that a direct agreement should be signed with the lenders.</b>	No
<b>Other</b>	Yes
<b>please specify:</b>	Article 24.A of the Law 5 1988 as modified by Law 76 of 2010 indicates that the financial institutions can subrogate in the rights and obligations of the Concessionaire.
<b>Does the regulatory framework expressly establish the grounds for termination of a PPP contract?</b>	Yes
<b>If yes, please specify:</b>	Breach of contract provisions, death of the contractor, bankruptcy of the contractor, physical incapacity of the contractor and dissolution of the contractor are causes for termination of a public contract.
<b>and provide the relevant legal/regulatory provisions:</b>	Article 113 of Law 22 of 2006
<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>	Article 115 of Law 22 of 2006 regulates the effect of the resolution of the contract in case of breach of contract by the contractor.
<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>	No
<b>Please describe:</b>	n/a

<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>	Amendment so the public contracting law are being discussed. There is a Bill (Proyecto de Ley) that will reform the principal Law of PPPs (Ley 22 de 27 de Junio de 2006.)