

BENCHMARKING PPP PROCUREMENT 2017 IN UGANDA

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:	The regulatory framework in Uganda is mainly regulated by the Public Private Partnership Act, 2015 issued August 5, 2015 (hereinafter "PPP Act"), and the Public-Private Partnership Framework Policy for Uganda issued by the Ministry of Finance, Planning, and Economic Development and approved by the Cabinet on March 10, 2010 (hereinafter "PPP Policy"). According to Article 2(1) of the PPP Act, which defines its scope of application, the Act shall apply to the design, construction, maintenance, and operation of infrastructure or services in projects including "(a) road, rail, subway, water, and air transport facilities..." This shall provide the framework under which PPPs in Uganda will be analyzed.
and provide a link to a government-supported website where the mentioned regulatory framework is available or provide an electronic copy of it:	http://ppp.worldbank.org/public-private-partnership/sites/ppp.worldbank.org/files/documents/uganda_the_public_private_partnership_act_2015.pdf and http://www.perds.go.ug/ppp/
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	n/a

legal/regulatory provisions:	
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	No
If yes, please provide the relevant legal/regulatory provisions:	n/a
Please identify the PPP procuring authorities in country_name and provide their website(s) (if available):	Any authorized government contracting authority, and this includes government departments, ministries, or any other body established by Government and mandated to carry out a public function. The Ministry of Works and Transportation is connected to the case study assumption. It's website is http://www.works.go.ug/
In addition to the PPP procuring authorities listed above, is there a specialized government entity that facilitates the PPP program (PPP Unit)?	Yes
If yes, please indicate its name, and its website (if available):	The Public-Private Partnerships Unit established under the "Ministry responsible for finance" mentioned in Section 10 of the PPP Act (hereinafter "PPP Unit"), http://www.perds.go.ug/ppp/
If yes, what are the main responsibilities of the PPP Unit (check all that apply). PPP regulation.	Yes
PPP policy guidance and capacity	Yes

building for other public authorities.	
PPP promotion among the public and/or private sectors in national and international forums.	Yes
Technical support in implementing PPP projects.	Yes
Gatekeeping (approval of PPP projects).	Yes
Procurement of PPPs.	No
Oversight of PPP implementation.	Yes
Other	No
please specify:	n/a
Preparation of PPPs	Score: 46
Does the Ministry of Finance or Central Budgetary Authority approve the PPP project before launching the procurement process?	Yes
If yes, please provide the relevant legal/regulatory provisions (if any):	Practice
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	Yes

other authority(s) approve the PPP project before launching the procurement process?	
If yes, please specify the relevant authority	The PPP Committee and the Cabinet with regards to a certain threshold of PPP projects
and provide the relevant legal/regulatory provisions (if any):	According to Section 7(d) of the PPP Act, the PPP Committee approves the PPP project proposals, and Section 26 of the same Act authorizes the Cabinet to prescribe the amount of the PPP Agreement in which it would have to approve.
If yes, is a second approval by the same authority required before signing the PPP contract?	No
If yes, please provide the relevant legal/regulatory provisions (if any):	n/a
Does the government integrate the prioritization of PPP projects with all other public investment project prioritization? (e.g. in the context of a national public investment system)?	Yes
If yes, please provide the relevant legal/regulatory provisions (if any):	Section 2(2) of the PPP Act ensures that PPPs fall under the scope of the National Development Plan. Further, the PPP Policy's introduction highlights the Government's aim to promote and encourage PPPs within the National Development Plan, Medium Term Expenditure Framework, and annual budgets.
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	No

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.	Yes
The regulatory framework does not include any provisions.	No
Other	No
please specify:	n/a
Among the PPP projects procured within the last two (2) years, how many of them were prioritized along with all other public investment projects? Please elaborate:	Some of the projects
Which of the following assessments are conducted when identifying and preparing a PPP? (check all that apply): 10.1. Socio-economic analysis (cost-benefit analysis of the socio-economic impact of the project)	Yes
Relevant legal/regulatory provision (if any)	According to Section 21(1) of the PPP Act, "Where a contracting authority identifies a project for implementation as a public private partnership, the contracting authority shall

	conduct a preliminary economic cost-benefit analysis of the project." Paragraph 5.3 of the PPP Policy also stresses that the use of PPPs should be based on the "balance between economic and social benefits and costs (including relevant opportunity costs)."
Is there a specific methodology?	No
If yes, elaborate.	n/a
Affordability assessment, including the identification of the required long term public commitments (explicit and implicit)	Yes
Relevant legal/regulatory provision (if any)	According to Section 22(f) of the PPP Act, the project should demonstrate that it will "be affordable to the contracting authority." Paragraph 5.3 of the PPP Policy also stresses that the use of PPPs should be based on the "long-term affordability including the forward commitments in relation to public expenditure."
Is there a specific methodology?	No
If yes, elaborate	n/a
Risk identification, allocation and assessment (risk matrix)	Yes
Relevant legal/regulatory provision (if any)	According to Section 22(2)(b) of the PPP Act, the feasibility study would be assessed in terms of the projected impact on the "liabilities and revenues of the procuring authority." In addition, Section 22(2)(e)(i) of the same Act provides that the assessed feasibility study should "indicate any envisaged future contingent liability." Paragraph 5.2(c) discusses risk allocation and identifies "the principle governing risk transfer is one of optimal risk allocation. Risks will be allocated to whoever is best able to manage it, taking into account the public interest considerations."
Is there a specific methodology?	No
If yes, elaborate	n/a
Financial viability or bankability assessment.	Yes
Relevant legal/regulatory provision (if any)	According to Section 22(2)(f)(i)&(iii) of the PPP Act, the assessed feasibility study should "be affordable to the contracting authority" and "provide value for money for the contracting authority."
Is there a specific methodology?	No
If yes, elaborate	n/a
Comparative assessment to evaluate whether a PPP is the best option when	Yes

compared to other procurement alternatives	
Relevant legal/regulatory provision (if any)	According to Section 22(2)(c)&(d) of the PPP Act, the assessed feasibility study should "assess the need of the contracting authority in relation to its function including the options available to the contracting authority to satisfy the need, and the advantages and disadvantages of each of the options identified;" "identify the comparative advantage of implementing the project as a public private partnership and explain the strategic and operational benefits of the project for the contracting authority, using the strategic objectives of the authority."
Is there a specific methodology?	No
If yes, elaborate	n/a
Market assessment (showing evidence of enough interest in the market for the project)	Yes
Relevant legal/regulatory provision (if any)	Paragraph 5.3 of the PPP Policy provides that the use of PPPs should be determined by, amongst other factors, the "willingness and capacity of the private sector and others to participate in projects."
Is there a specific methodology?	No
If yes, elaborate	n/a
Among the PPP projects procured within the last two (2) years, for how many of them were all of the required assessments conducted? Please elaborate:	Some of the projects
Does the procuring authority include a draft PPP contract in the request for proposals?	Yes
If yes, please provide the relevant legal/regulatory provisions (if any):	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:	<p>n/a</p>
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.	<p>No</p>
If yes, please provide the relevant legal/regulatory provisions (if any):	<p>n/a</p>
Urban and zoning permits.	<p>No</p>
If yes, please provide the relevant legal/regulatory provisions (if any):	<p>n/a</p>
Other permits.	<p>No</p>
If yes, please provide the relevant legal/regulatory provisions (if any):	<p>n/a</p>
Does the procuring authority make available to PPPCo the necessary land or right of way to develop the PPP project (if any)? Land	<p>Yes</p>
If yes, please provide the relevant legal/regulatory provisions (if any):	<p>While the PPP Act is not explicit in this respect, according to Section 3 of the Land Acquisition Act of 1965 (Chapter 226) issued July 2, 1965, "Whenever the Minister is satisfied that any land is required by the Government for a public purpose, he or she may, by statutory instrument, make a declaration to that effect.</p> <p>An instrument made under subsection (1) shall specify—</p>

	<p>the location of the land to which it relates;</p> <p>the approximate area of the land; and</p> <p>if a plan of the land has been made, a place and time at which the plan may be inspected."</p>
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):	In connection road projects, according to Section 2 of the Roads Act 1949 (Chapter 358) issued on April 14, 1949, "The Minister may by statutory instrument declare an area bounded by imaginary lines parallel to and distant not more than fifty feet from the center line of any road to be a road reserve."
If no, please elaborate (provide explanation):	n/a
Does the regulatory framework establish any exceptions where the preparation process described above does not apply or allows for a "fast track" procedure?	No
If yes, please provide the relevant legal/regulatory provisions:	n/a
What is the average number of calendar days that the procuring authority spends on each of the following activities to prepare a PPP project? Conducting the required assessments:	350
Obtaining the required approvals	90

from other relevant authorities:	
Preparing the draft PPP contract:	98
Obtaining any permits, land and/or right of way that the procuring authority must provide according to the regulatory framework:	120
PPP Procurement	Score: 43
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)	According to PPP Act Section 19(2), "[A]n evaluation committee shall compose of officials with the technical skills required for the evaluation of a bid, appointed from the staff of the contracting authority and may include any other person from outside the contracting authority."
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.	No
If yes, please specify:	n/a
The regulatory framework requires generally sufficient qualification without detailing the specific qualifications	Yes

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):	According to Section 31 of the PPP Act, direct invitation to tender or call for expression of interest is made in more than one newspaper of wide national circulation.
If yes, is the public procurement notice published online?	Yes
If yes, please specify the website:	Websites of the procuring authorities, including, http://www.works.go.ug/
Does the procuring authority grant the potential bidders a minimum period of time to submit their bids?	No
If yes, please provide the relevant legal/regulatory provisions (if any):	n/a
and the time in calendar days :	n/a
Do the tender documents detail the stages of the procurement process?	Yes
If yes, please provide the relevant legal/regulatory provisions (if any):	Practice
If no, please elaborate (provide examples):	n/a
Does the procurement	Yes

<p>process include a pre-qualification stage to select a number of qualified bidders to present the full proposal?</p>	
<p>If yes, please provide the relevant legal/regulatory provisions (if any):</p>	Practice
<p>If yes, do the tender documents specify the prequalification criteria in order to make them available to all of the bidders?</p>	Yes
<p>If yes, please provide the relevant legal/regulatory provisions (if any):</p>	Practice
<p>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</p>	Most of the projects
<p>Can interested parties/potential bidders submit questions to clarify the public procurement notice and/or the request for proposals?</p>	Yes
<p>If yes, please provide the relevant legal/regulatory provisions (if any):</p>	Practice
<p>If yes, does the procuring authority disclose those questions and clarifications to all</p>	Yes

of the potential bidders?	
If yes, please provide the relevant legal/regulatory provisions (if any):	Practice
Among the PPP procurement processes conducted within the last two (2) years where questions were submitted, in how many were the questions and clarifications disclosed to all of the potential bidders? Please elaborate:	Most of the projects
Besides questions and clarifications, can the procuring authority conduct other types of dialogue with the potential bidders?	Yes
If yes, please specify and provide the relevant legal/regulatory provisions (if any):	Section 35(1) of the PPP Act stipulates that the procuring authority holds a competitive dialogue procedure by simultaneously inviting the selected bidders to participate in it.
If yes, does the procuring authority disclose the content and the results of the dialogue to all of the potential bidders?	Yes
If yes, please provide the relevant legal/regulatory provisions (if any):	According to Section 35(3), "The competitive dialogue procedure shall provide equality of treatment of the bidders including the information provided to them and shall not reveal to a bidder a solution proposed by another bidder or any confidential information communicated by a bidder without the consent of that bidder." Further, Paragraph 6 of this Section provides, "during the competitive dialogue process, the contracting authority may discuss all aspects of the project with the selected bidders."
Among the PPP procurement processes conducted within the last two (2) years where any	None of the projects

<p>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:</p>	
<p>Does the procuring authority require the bidders to prepare and present a financial model with their proposals ?</p>	<p>Yes</p>
<p>If yes, please provide the relevant legal/regulatory provisions (if any):</p>	<p>Practice</p>
<p>If no, please elaborate (provide examples):</p>	<p>n/a</p>
<p>Does the procuring authority evaluate the proposals strictly and solely in accordance with the evaluation criteria stated in the tender documents?</p>	<p>Yes</p>
<p>If yes, please provide the relevant legal/regulatory provisions (if any):</p>	<p>Section 25(1) of the PPP Act provides, "for the purpose of evaluating bids, the evaluation committee shall, using the prescribed procedure and principles set out in Section 3, verify the economic and financial standing of a bidder to secure credit, and the technical and professional capability of a bidder." Contributors have identified that strict evaluation based on the identified criteria occurs in practice.</p>
<p>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:</p>	<p>Most of the projects</p>

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):	Practice
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:	400
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):	Practice
If yes, is the public procurement award notice published online?	No
If yes, please specify the website:	n/a
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):	Practice
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?	No
If yes, please provide the relevant legal/regulatory provisions (if any):	n/a
Does the regulatory framework restrict	No

<p>or regulate in any way negotiations with the selected bidder between the award and the signature of the PPP contract?</p>	
<p>If yes, please provide the relevant legal/regulatory provisions:</p>	n/a
<p>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:</p>	Some of the projects
<p>Does the procuring authority publish the PPP contract?</p>	No
<p>If yes, please specify the means of publication and provide the relevant legal/regulatory provisions (if any):</p>	n/a
<p>If yes, is it published online?</p>	n/a
<p>If yes, please specify the website:</p>	n/a
<p>Does the regulatory framework establish any exceptions where the procurement process described above does not apply or allows for a “fast track” procedure?</p>	No
<p>If yes, please provide the relevant legal/regulatory provisions:</p>	n/a

Unsolicited proposals	Score: 58
Does the regulatory framework allow for the submission of unsolicited proposals? (if no, skip to section F)	Yes
If yes, please provide the relevant legal/regulatory provisions:	Section 34(1) of the PPP Act provides, "A contracting authority may accept an unsolicited proposal."
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:	50
Does the procuring authority conduct an assessment to evaluate unsolicited proposals?	Yes
If yes, please specify and provide the relevant legal/regulatory provisions (if any):	According to Section 34(5) of the PPP Act, the contracting authority shall evaluate unsolicited proposals in terms of "the unique innovative, researched or meritorious methods, approaches or concepts demonstrated in the unsolicited proposal, overall scientific, technical or socio-economic merit of the unsolicited proposal, the potential contribution of the unsolicited proposal to the strategic objectives of the contracting authority as specified in the development plan of the contracting authority, an assessment of whether the proposed cost of the project is realistic, affordable and justifiable, and any other fact which, in the opinion of the contracting authority is relevant to the unsolicited proposal."
If yes, does it ensure that the unsolicited proposal is consistent with the existing government priorities?	Yes
If yes, please provide the relevant legal/regulatory provisions (if any):	According to Section 34(5) of the PPP Act, the contracting authority shall evaluate unsolicited proposals in terms of "the unique innovative, researched or meritorious methods, approaches or concepts demonstrated in the unsolicited proposal, overall scientific, technical or socio-economic merit of the unsolicited proposal, the potential contribution of the unsolicited proposal to the strategic objectives of the contracting authority as specified in the development plan of the contracting authority, an assessment of whether the proposed cost of the project is realistic, affordable and

	justifiable, and any other fact which, in the opinion of the contracting authority is relevant to the unsolicited proposal." This Section obliges the contracting authority to identify whether the proposal fits its strategic objectives.
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.	No
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.	Yes
The regulatory framework does not include any provisions.	No
Other	No
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:	None of the projects
Does the procuring authority initiate a	Yes

competitive PPP procurement procedure when proceeding with the unsolicited proposal?	
If yes, please provide the relevant legal/regulatory provisions (if any):	According to Section 34(6) of the PPP Act, "where the contracting authority accepts an unsolicited proposal, the proposal shall be subjected to the competitive bidding process and shall be open to participation by all interested bidders."
Does the procuring authority grant a minimum period of time to additional prospective bidders (besides the proponent) to prepare their proposals?	No
If yes, please provide the relevant legal/regulatory provisions (if any):	n/a
and the time in calendar days:	n/a
Does the procuring authority use any of the following mechanisms to reward/compensate the presentation of unsolicited proposals? (check all that apply): Access to the best and final offer.	No
Developer's fee (reimbursing the original proponent for the project development cost).	No
Bid bonus.	No
Swiss challenge (If unsuccessful, the original proponent has the option to match the winning bid and win the contract).	No
Other	Yes

please specify:	According to Section 34(7) of the PPP Act, "the tender documents prepared shall indicate the method to be used to compensate for the propriety interests the proponent of the unsolicited proposal, where the proponent is not successful under the competitive bidding process."
Please provide the relevant legal/regulatory provisions (if any):	According to Section 34(7) of the PPP Act, "the tender documents prepared shall indicate the method to be used to compensate for the propriety interests the proponent of the unsolicited proposal, where the proponent is not successful under the competitive bidding process."
PPP Contract Management	Score: 68
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)	According to Section 15 of the PPP Act, "the contracting authority that intends to enter a public-private partnership agreement with a private party shall establish a public-private partnership project team." This team would undertake the functions specified in Section 16 of the PPP Act concerning the implementation of the PPP project.
If yes, which of the following tools does it include (check all that apply)? Establishment of a PPP contract management team.	Yes
If yes, please provide the relevant legal/regulatory provisions (if any):	According to Section 15 of the PPP Act, "the contracting authority that intends to enter a public-private partnership agreement with a private party shall establish a public-private partnership project team." Article 21(4) of the PPP Act reiterates this content.
Participation of the members of the PPP contract management team in the PPP procurement process.	Yes
If yes, please provide the relevant legal/regulatory provisions (if any):	According to Section 16(d) of the PPP Act, amongst the functions of the established PPP project teams is to "undertake the procurement process in accordance with this Act..."
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 contract management team? Please elaborate:	All of the projects
Does the procuring or contract management authority establish a monitoring and evaluation system of the PPP contract?	Yes
If yes, please provide the relevant legal/regulatory provisions (if any):	According to Section 16(e) of the PPP Act, amongst the functions of the established PPP project teams is to "monitor the implementation of a project agreement entered into with the contracting authority." And Section 27 of the same Act provides the different aspects of the project the contracting authority would monitor.
If yes, which of the following tools does it include (check all that apply)? PPPCo must provide the procuring or contract management authority with periodic operational and financial data.	Yes

If yes, please provide the relevant legal/regulatory provisions (if any):	According to Section 28(2) of the PPP Act, the private party shall "prepare financial statements and an annual report within two months after the end of the financial year."
The procuring or contract management authority must periodically gather information on the performance of the PPP contract.	Yes
If yes, please provide the relevant legal/regulatory provisions (if any):	According to Section 16(1) (h), the PPP project team would "submit to the Unit, annual or such other reports on the project."
The procuring or contract management authority must establish a risk mitigation mechanism.	No
If yes, please provide the relevant legal/regulatory provisions (if any):	n/a
The PPP contract performance information must be available to the public.	No
If yes, please provide the relevant legal/regulatory provisions (if any):	n/a
Other	No
please specify:	n/a
Is PPP contract performance information publicly available online?	No
If yes, please specify the website:	n/a
Does the regulatory framework expressly regulate a change in the structure (i.e. stakeholder composition) of PPPCo?	Yes

If yes, please provide the relevant legal/regulatory provisions:	After defining the private party as a special purpose company, Section 20(2) of the PPP Act provides, "Any transfer of shares, increase in share capital, or changes in the corporate status of the special purpose company shall be with the written approval of the Minister and the Minister responsible for the contracting authority."
If yes, which of the following circumstances are specifically regulated? (check all that apply): Any change in PPPCo during an initial period (e.g. construction and first five years of operation).	No
If yes, please provide the relevant legal/regulatory provisions:	n/a
In case of a change affecting the controlling interest, the replacing entity must meet the same technical qualifications as the original operator.	No
If yes, please provide the relevant legal/regulatory provisions:	n/a
Flexibility to substitute non-controlling interest after the initial period.	No
If yes, please provide the relevant legal/regulatory provisions:	n/a
Does the regulatory framework expressly regulate the modification or renegotiation of the PPP contract (once the contract is signed)?	Yes
If yes, please provide the relevant	According to Section 26(8) of the PPP Act, "the [PPP] agreement shall only be amended or varied with the approval of the Cabinet." And Section 26(9) of the Act clarifies the conditions for doing so.

legal/ regulatory provisions:	
If yes, which of the following circumstances are specifically regulated? (check all that apply): A change in the scope and/or object of the contract.	No
If yes, please provide the relevant legal/regulatory provisions:	n/a
A change in the risk allocation of the contract.	Yes
If yes, please provide the relevant legal/regulatory provisions:	According to Section 26(9) (c), the any amendment to the PPP agreement should preserve "the continued transfer of appropriate risks to the private party."
A change in the investment plan or duration of the contract.	No
If yes, please provide the relevant legal/regulatory provisions:	n/a
Does the regulatory framework expressly regulate the following circumstances that may occur during the life of the PPP contract? (check all that apply): Force Majeure.	Yes
If yes, please provide the relevant legal/regulatory provisions:	According to Section 26(5)(f) of the PPP Act, the PPP agreement must address "the allocation of risk between the contracting authority and the private party and the consequences of events representing force majeure."
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.	Yes
If yes, please provide the relevant legal/regulatory provisions:	According to Section 26(5) (l) of the PPP Act, the PPP agreement must address "where necessary, the method of allocating between the contracting authority and the private party the benefits that may accrue from a restructuring of the loan of the private party or after a certain percentage return on the capital of the private party is attained."
Other.	No
If yes, please specify and provide the relevant legal/regulatory provisions:	n/a
Does the regulatory framework establish a specific dispute resolution mechanism for PPPs?	Yes
If yes, please specify and provide the relevant legal/regulatory provisions	According to Section 49 of the PPP Act, "1. Any dispute between a contracting authority and the private party shall be settled through the dispute settlement mechanisms agreed upon by the parties in the public private partnership agreement or in accordance with the Arbitration and Conciliation Act. 2. A contracting authority shall require the private part to establish an efficient mechanisms for handling claims submitted by its costumers or users of the public private partnership project where the private party provides services to the public or operates infrastructure which is accessible to the public."
If yes, which of the following options best describes the dispute resolution mechanism for PPPs? (Please select only one). The regulatory framework details specific resolution mechanisms for disputes arising during the implementation of the PPP.	No
If yes, please specify:	n/a
The regulatory framework prescribes that a dispute resolution mechanism should	Yes

be regulated in the contract.	
The regulatory framework provide the parties with recourse to arbitration but no other alternative dispute resolution mechanism.	No
Other	No
please specify:	n/a
Does the regulatory framework allow for the 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?	Yes
If yes, please provide the relevant legal/regulatory provisions:	According to Section 26(5) (z) of the PPP Act, the PPP agreement must address "direct agreements and step in rights where applicable."
If yes, which of the following options best describes the lender step-in right? (Please select only one). The regulatory framework expressly regulates the lender step-in rights.	No
If yes, please specify:	n/a
The regulatory framework prescribes that the lender step-in rights should be regulated in the contract.	Yes
The regulatory framework prescribes that a direct agreement	No

should be signed with the lenders.	
Other	No
please specify:	n/a
Does the regulatory framework expressly establish the grounds for termination of a PPP contract?	Yes
If yes, please specify:	The specific grounds for the termination of the PPP contract were not mentioned in the PPP Act, however, Section 26(5) (z) mentions that they must be addressed in such contract.
and provide the relevant legal/regulatory provisions:	According to Section 26(5) (z) of the PPP Act, the PPP agreement must address "the grounds for termination of the agreement and the consequences of this termination."
If yes, does the regulatory framework also establish the consequences for the termination of the PPP contract?	Yes
If yes, please provide the relevant legal/regulatory provisions:	According to Section 26(5) (z) of the PPP Act, the PPP agreement must address "the grounds for termination of the agreement and the consequences of this termination."
Are you aware of any reforms (in practice or in laws, regulations, policies, etc.) related to PPPs that: Took place in 2015, are ongoing and/or are planned to be adopted BEFORE June 1, 2016?	Yes
Please describe:	PPP Regulations will be issued by June 2016
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	Yes

adopted AFTER June 1, 2016?	
Please describe:	According to our contributors, currently, the PPP Act is being operationalized and this included forming and instituting the PPP Committee, writing the laws and regulations supporting the PPP Act.