

BENCHMARKING PPP PROCUREMENT 2017 IN URUGUAY

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:	PPPs in Uruguay are regulated by the following laws and regulations on which this analysis will mainly be based on: a) Law 18.786 adopted in July 19, 2011, from now on "PPP Law"; b) Decree number 17/012 dated January 26, 2012, from now on "PPP Regulatory Decree"; c) Decree number 280/012 dated August 24, 2012 (modifies Decree 17/012) from hereinafter "Decree 280/012"; d) Decree number 251/015 dated September 14, 2015 hereinafter "Decree 251/015"; e) In addition, decrees for taxation benefits were issued for PPP Projects: number 43/016, 20/016, 326/015, 181/015, 75/015, 357/014, 127/013 and 045/013, plus the Guide for Recommendable Practices issued by the Ministry of Economy and Finances
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.mef.gub.uy/1200/2/areas/marco-normativo.html
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	Yes
If yes, please provide the relevant legal/regulatory provisions:	Pursuant to Article 3 of the PPP Law, PPPs regarding health centers may not engage in the provision of health services.
Education	Yes
If yes, please provide the	Pursuant to Article 3 of the PPP Law, PPPs regarding educational centers may not engage

relevant legal/regulatory provisions:	in the provision of educational services.
Other	Yes
If yes, please provide the relevant legal/regulatory provisions:	According to the article 3 of the PPP Law: a) Security, sanitary and prisoner reeducation services in the case of prisons or jails; and b) services that are to be rendered exclusively by the State and activities granted by law in monopoly in favor of the State are excluded from PPP procurement.
Please identify the PPP procuring authorities in country_name and provide their website(s) (if available):	The Public Administration in general, or each entity that represents it, can be a procuring authority, according to Article 2 of PPP Law, that says that PPP contracts are those in which the Public Administration commissions a private party, for a specific amount of time, for the design, construction and operation, or any of the above, besides the financing of infrastructure.
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):	PPP Project Unit "Unidad de Proyectos de Participación Público-Privada" created by Law No. 18.786 July 19, 2011. https://www.mef.gub.uy/583/2/areas/participacion-publico-privada---uruguay.html
If yes, what are the main responsibilities of the PPP Unit (check all that apply). PPP regulation.	Yes
PPP policy guidance and capacity building for other public authorities.	Yes
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	Yes
please specify:	a) Budgetary aspects, b) assessing of risks, c) bankability and seeking for interaction with financial institutions, nationals and internationals for the structuring of the financing aspects of the PPP Projects, d) assistance on taxation benefits, accountability and accounting terms and conditions of the PPP Projects, e) approval of preliminary studies and contractual terms, f) contract management of economic aspects, g) recommending the hiring of external auditors for the PPP Projects (recommendation to the Procuring Authorities).
Preparation of PPPs	Score: 69
Does the Ministry of Finance	Yes

or Central Budgetary Authority approve the PPP project before launching the procurement process?	
If yes, please provide the relevant legal/regulatory provisions (if any):	<p>According to article 18 of the PPP Law, the assessment studies and the procuring terms regulated in article 17 of the same law, shall be presented before the Planning and Budget Office and the Ministry of Finance for their consideration and evaluation, in order to issue a report about the project. The regulation to this article can be found in the PPP Regulatory Decree: Article 7: Ministry of Finance and Planning and Budget Office Pronouncement; Article 13: Prior assessment studies and their presentation to the Ministry of Finance and Planning and Budget Office Pronouncement; Article 15: When the public administration wants to implement a PPP shall communicate it to the Ministry of Finance in order to analyze the relevance of the project, etc.; Article 3 of Decree 251/015: The ministry of Finance has 30 days to issue a report regarding the studies of the project's eligibility; Article 18: Once the procuring entity has the favorable report to the eligibility of the project by the Ministry of Finance, it has to present to the Ministry of Finance an evaluation document related to all the project's financial aspects. Article 3 of Decree 251/015: The executive branch will not process or award any PPP contract that does not have the report, at all stages, form the Ministry of Finance.</p>
If yes, is a second approval by the Ministry of Finance or Central Budgetary Authority required before signing the PPP contract?	<p>Yes</p>
If yes, please provide the relevant legal/regulatory provisions (if any):	<p>According to Article 19 of PPP Regulatory Decree, the project's procuring terms and the draft of the contract shall be presented to the Ministry of Finance for its consideration and approval, and to the Planning and Budget Office to the issue of the technical opinion. Both entities have 90 calendar days to do so. Any modification to the procuring terms and the draft of the contract shall have the favorable opinion of both foresaid entities, which have 40 calendar days to provide such an opinion. Article 3 of Decree 251/015: Approval of the terms of financial structuring, prior to the final award and contract signing, requires the prior decision of the Ministry of Finance.</p>
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?	<p>Yes</p>
If yes, please specify the relevant authority	<p>The Planning and Budget Office, which is the executive unit of the Presidency of Uruguay. One of its main functions is to advise the executive branch is the definition of economic and social strategy of the Government and the formulation of plans, programs and national and departmental policies consistent with it. Likewise, the Account Tribunal (Tribunal de cuentas, in Spanish) is an independent entity in charge of monitoring the implementation of budgets and control all the management related to the public finances.</p>
and provide the relevant legal/regulatory provisions (if any):	<p>According to article 18 of the PPP Law, the assessment studies and the procuring terms regulated by article 17 of the same law, shall be presented before the Planning and Budget Office and the Ministry of Finance to their consideration and evaluation, in order to issue a report about the project. The regulation to this article can be found in the PPP</p>

	Regulatory Decree: Article 7: Ministry of Finance and Planning and Budget Office Pronouncement; Article 13: Prior assessment studies and their presentation to the Ministry of Finance and Planning and Budget Office Pronouncement; and Article 19 of PPP Regulatory Decree, the project's procuring terms and the draft of the contract shall be presented to the Ministry of Finance to its consideration and approval, and to the Planning and Budget Office to the issue of the technical opinion. Both entities have 90 calendar days to do so. Any modification to the procuring terms and the draft of the contract shall have favorable opinion of both foresaid entities, which have 40 calendar days to do so.
If yes, is a second approval by the same authority required before signing the PPP contract?	Yes
If yes, please provide the relevant legal/regulatory provisions (if any):	According to Article 19 of PPP Regulatory Decree, the project's procuring terms and the draft of the contract shall be presented to the Ministry of Finance to its consideration and approval, and to the Planning and Budget Office to the issue of the technical opinion. Both entities have 90 calendar days to do so. Any modification to the procuring terms and the draft of the contract shall have favorable opinion of both foresaid entities, which have 40 calendar days to do so. Likewise, the article 33 of the PPP Regulatory Decree indicates that the Tribunal de Cuentas will intervene prior to the provisional awards and definitive of the expenses, being required of the latter a favorable report of Uruguay's Central Bank's Financial Analysis and Information Unit.
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):	The Public Investment National System (SNIP, "Sistema Nacional de Inversión Pública") seeks to optimize public investment for economic and social development of the country. http://www.opp.gub.uy/hacemos/descentralizacion-snip
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.	No
If yes, please specify:	n/a
The regulatory framework prescribes the need for PPPs to be consistent with all other investment priorities without	Yes

establishing a specific procedure to achieve that goal.	
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:	All 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 the PPP Law, prior to the beginning of the procurement procedure, the procuring entity shall have an evaluation document about the viability and convenience of the project. Depending on the project, the prior evaluation could be divided in prefeasibility studies, feasibility studies and impact studies. The evaluation document shall include, among other aspects, comparative analysis with other alternatives of procurement that justify in legal, technical, economic and financial terms, the adoption of this particular method of procurement - Article 16.
Is there a specific methodology?	Yes
If yes, elaborate.	The Planning and Budget Office has on its website support material and methodologic guidelines that work as documents of reference for investment projects. The following link is a guide for the design and evaluation of investment projects. http://www.opp.gub.uy/images/guia_snip.pdf ;
Affordability assessment, including the identification of the required long term public commitments (explicit and implicit)	Yes
Relevant legal/regulatory provision (if any)	Pursuant to the PPP Law, prior to beginning the procurement procedure, the procuring entity shall have an evaluation document about the viability and convenience of the project. Depending on the project, the prior evaluation could be divided in prefeasibility studies, feasibility studies and impact studies. The evaluation document shall include, among other aspects, comparative analysis with other alternatives of procurement that justify in legal, technical, economic and financial terms, the adoption of this particular method of procurement - Article 16. Furthermore, article 18 of the PPP Regulatory Decree indicates that once the procuring entity has the favorable report to the eligibility of the project by the Ministry of Finance, it has to present to the Ministry of Finance an

	evaluation document related to all the project's financial aspects such as: financial models; quantitative analysis that shows that the procuring style proposed allows the Nation to obtain the highest VfM; and consistency of future disbursements linked to contract with their budgetary forecasts.
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 the PPP Regulatory Decree article 18, once the eligibility favorable report by the Ministry of Finance and the Planning and Budget Office's report is issued to the procuring entity, it shall present an evaluation document that could include, among other aspects, a qualitative analysis that justifies the proposed risk allocation and that the adoption of the of this type of procuring is the most convenient to the satisfaction to the public goals. If this evaluation document is not included, the Ministry of finance will be able to request it, and have 60 calendar days after its reception to issue a report about it. Likewise, the procuring entity shall elaborate the procuring general terms and the draft contract which must include, among other requirements, the conditions and mechanisms of risk allocation between the procuring entity and the contractor - Article 19 PPP Regulatory Decree. On the side of unsolicited proposals, the PPP Regulatory Decree indicates that the unsolicited bidder shall accompany his proposal with a prefeasibility study that demonstrate its viability, which shall obligatory include among others aspects, the risks associated with the initiative.
Is there a specific methodology?	No
If yes, elaborate	n/a
Financial viability or bankability assessment.	Yes
Relevant legal/regulatory provision (if any)	Pursuing the PPP Law, prior to the beginning of the procurement procedure, the procuring entity shall have an evaluation document about the viability and convenience of the project. Depending on the project, the prior evaluation could be divided in prefeasibility studies, feasibility studies and impact studies. the evaluation document shall include, among other aspects, comparative analysis with other alternatives of procurement that justify in legal, technical, economic and financial terms, the adoption of this particular method of procurement - Article 16. Article 1 of Decree 251/015: PPP Projects Unit has the task to get in touch with the financial sector to facilitate financial structuring of PPP projects.
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	Yes
Relevant legal/regulatory provision (if any)	Pursuant to the PPP Law, prior to the beginning of the procurement procedure, the procuring entity shall have an evaluation document about the viability and convenience of the project. Depending on the project, the prior evaluation could be divided in prefeasibility studies, feasibility studies and impact studies. The evaluation document

	<p>shall include, among other aspects, comparative analysis with other alternatives of procurement that justify in legal, technical, economic and financial terms, the adoption of this particular way of procuring - Article 16. Moreover, the PPP regulatory decree in its article 18, once the eligibility favorable report by the Ministry of Finance and the Planning and Budget Office's report is issued to the procuring entity, it shall present an evaluation document that could include, among other aspects, a quantitative analysis that shows that the proposed model of procurement is the that one that allows the government to obtain the greater VfM. Said analysis shall adjust to what is required by the Recommended Best Practices Guide Value for Money previously approved by the Ministry of Finance. On the side of unsolicited proposals the same PPP Regulatory Decree establishes in its article 46 that the National Corporation for Development will technically evaluate the proposal, and within the following 30 next calendar days, will issue a report to the Procuring entity, which includes -Literal C- whether the initiative can be executed through a PPP agreement, or whether there is any other alternative procurement modality that allows a better satisfaction of the of the public goals. To these effects, it shall accompany a comparative analysis with other procurement alternatives in technical, legal, economic and financial terms, and of social and environmental impact, that justify the informed option.</p>
Is there a specific methodology?	Yes
If yes, elaborate	The Ministry of Finance has on its website support material and methodologic guidelines that work as documents of reference for investment projects. The following link has the Value for Money Determination - Methodological Guide of the Public - Private Comparator for Public-Private Participation schemes in Uruguay http://ppp.mef.gub.uy/innovaportal/file/10000/7/guia_valor_dinero.pdf
Market assessment (showing evidence of enough interest in the market for the project)	Yes
Relevant legal/regulatory provision (if any)	Practice
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:	All 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):	Article 19 of the PPP Regulatory Decree indicates that the procuring entity shall elaborate the draft contract along with the bidding terms. This article also enumerates the requirements that must be contained in it.
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 allows for a “fast track” procedure?	Yes
If yes, please provide the	According to the PPP Regulatory Decree Article 16, within a term of 80 calendar days

relevant legal/regulatory provisions:	after the procuring entity has communicated to the Ministry of Finance that pretends to instrument a public initiative under a PPP agreement, the Procuring Entity shall present before the Ministry of finance the project's eligibility studies. The Ministry of Finance, in founded manner, may dispense with this assessment at its own initiative or at the request of the Procuring Entity.
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:	180
Obtaining the required approvals from other relevant authorities:	90
Preparing the draft PPP contract:	105
Obtaining any permits, land and/or right of way that the procuring authority must provide according to the regulatory framework:	No data
PPP Procurement	Score: 74
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)	<p>Article 8 of the PPP Law and article 2 of the PPP Regulatory Decree establish the Technical Committee for PPP projects. These articles indicate The Procuring Entity shall appoint, for each PPP project, a Technical Commission that shall be composed for a minimum of three and a maximum of five members, which will advise on all stages of the procurement procedure. The Technical Committee shall be designated at the time the bidding process is open to receive bids.</p> <p>Depending on the complexity of the PPP contract to be made, the Procuring entity public Administration Contracting shall decide by reasoned decision, the number of members that will integrate the Technical Commission and proceed directly to its designation. At least two members of the Technical Commission shall be workers of the Procuring entity with accredited experience in public procurement and other, that may or may not belong at the same entity, shall possess recognized technical expertise in the specific subject matter of procurement. In the designation, it will be appointed member responsible of conducting the public invitations and coordinating all aspects of operation of the Technical Commission.</p>
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	Yes

the qualifications required and/or the specific membership of the bid evaluation committee.	
If yes, please specify:	n/a
The regulatory framework requires generally sufficient qualification without detailing the specific qualifications required to be a member of the bid evaluation committee.	No
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 Articles 15 and 21 of the PPP Regulatory Decree, when the procuring entity intends to implement a public initiative under the PPP modality, it shall communicate it to the Ministry of Finance and that communication shall be published on the Ministry of Finance's website, and shall be submitted to the Projects Registry; and the public call for submission of bids will be published on the state procurement website without prejudice to other means deemed appropriate to ensure the publicity of the act. The publication must be made at least ninety calendar days prior to the date on which tenders should be submitted, respectively.
If yes, is the public procurement notice published online?	Yes
If yes, please specify the website:	https://www.comprasestatales.gub.uy
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):	Article 21 of Decree No. 17/012: The public call for submission of bids will be published on the state procurement website without prejudice to other means deemed appropriate to ensure the publicity of the act. The publication must be made at least ninety calendar days prior to the date on which tenders should be submitted, respectively.
and the time in calendar days :	90
Do the tender documents detail the stages of the procurement process?	Yes
If yes, please provide the relevant legal/regulatory provisions (if any):	Article 19 of Decree No. 17/012 establishes the elements that must be contained in the tender document, among which is a description of the competitive process to be employed.
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?	No
If yes, please provide the relevant legal/regulatory provisions (if any):	n/a
If yes, do the tender documents specify the prequalification criteria in order to make them available to all of the 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 that had a prequalification stage, how many of them included prequalification criteria in the tender documents? Please elaborate	None 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):	Pursuant to Sections 21 of the PPP Law and 21 of the Decree, bidders may submit requests for clarifications upon the opening of the bids. Moreover, bidders are entitled to present administrative enquiries requesting clarifications at all stages, based on Sections 30 and 318 of the Uruguayan Constitution.
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):	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:	All of the projects
Besides questions and clarifications, can the procuring authority conduct	Yes

other types of dialogue with the potential bidders?	
If yes, please specify and provide the relevant legal/regulatory provisions (if any):	Article 20 of the PPP law, establishes what is called as the Procedure Competitive Dialogue. The Procuring entity may apply a competitive dialogue procedure with that or those applicants who, having been presented to the public call, meet the requirements of technical and economic solvency stated therein. During this procedure, all aspects of the contract may be discussed, in order to contribute to the definition of special conditions. During the procedure, equal treatment shall be given to all participants, and in particular, information will not be provided in a discriminatory manner which may give advantages to certain participants over others. It may not be revealed to the other participant's solutions proposed by a participant or other confidential information communicated to the Procuring Entity without his consent. The competitive dialogue procedure will continue until it is possible to determine, after comparing them, if necessary, solutions that are appropriate to the subject of the call. After declaring the competitive dialogue closed and notifying all participants, the submission of tenders will be called according to the established by the terms of reference. In all cases where the competitive dialogue procedure applies it must be specified in advance, in opportunity to perform the public call referred to in Article 19 of PPP Law, if once the dialogue is concluded, whether it may only submit tenders from those that have participated in the dialogue, or the submission of tenders will be open to any interested party. In the case where a single applicant participated in any competitive dialogue procedure, the submission of tenders should be open to any interested party. This Competitive Dialogue is regulated in detail by the PPP Regulatory Decree from Article 54 to Article 63.
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):	Article 20 of the PPP law indicates that during the procedure, equal treatment shall be given to all participants, and in particular, information will not be provided in a discriminatory manner which may give advantages to certain participants over others. It may not be revealed to the other participant's solutions proposed by a participant or other confidential information communicated to the Procuring Entity without his consent.
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:	Some of the projects
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):	Practice
If no, please elaborate	n/a

(provide examples):	
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 28 of the PPP Regulatory Decree provides that the offers must be evaluated in accordance with the terms established in the tender documents or terms of reference elaborated by the procuring entity.
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:	All 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?	No
If yes, please provide the relevant legal/regulatory provisions (if any):	n/a
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.	n/a
Please specify:	n/a
The regulatory framework considers sole proposals valid as long as they meet the conditions outlined in the tender documents.	n/a
The regulatory framework does not allow the award of a PPP contract if only one proposal is submitted.	n/a
The regulatory framework does not include any provisions.	n/a

Other	n/a
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:	720
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):	Pursuant to section 23 of the PPP Law, the final result of the tender must be registered in the Project Registry administered by the PPP Unit. Also, according to article 32 of the PPP Regulatory Decree the provisional award resolution must be notified to all bidders and to the Court of Auditors. Finally, in practice, all acts related with the PPP procurement process are published in the government procurement electronic portal.
If yes, is the public procurement award notice published online?	Yes
If yes, please specify the website:	www.comprasestatales.gub.uy
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):	According to the article 23 of the PPP Law, the definitive award decision will be sent to all the bidders. According to article 32 of the PPP Regulatory Decree the provisional award resolution will be similarly sent to all bidders.
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):	Article 32 of the PPP Regulatory Decree establishes that in the provisional award resolution, the PPP will be awarded to the most convenient offer according the interests of the procuring entity and necessities of the service, giving express constancy of the fundamentals for which said that resolution is adopted.
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?	Yes
If yes, please provide the relevant legal/regulatory provisions:	According to article 49 of the PPP Law modifications are only possible after the signature of the PPP contract
Among the PPP procurement processes conducted within the last two (2) years, in how	All of the projects

many of them were the terms and conditions changed between the award and the signature of the PPP contract? Please elaborate:	
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?	No
If yes, please provide the relevant legal/regulatory provisions:	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:	The PPP law in its Chapter VII (articles 34 to 38) establishes the general regulation for unsolicited proposals, further detailed in Chapter V of the PPP Regulatory Decree (article 42 to 53).
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:	0%
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):	Article 36 of PPP Law stipulates that the proponent shall present to the Development National Corporation ("Corporación Nacional para el Desarrollo") the pre-feasibility study of the project. This submission shall be in accordance with the requirement expressed on Articles 43 to 46 of PPP Regulatory Decree
If yes, does it ensure that the unsolicited proposal is	Yes

consistent with the existing government priorities?	
If yes, please provide the relevant legal/regulatory provisions (if any):	Practice
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.	No
The regulatory framework does not include any provisions.	Yes
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?	Yes
If yes, please provide the relevant legal/regulatory provisions (if any):	According to Article 36 of the PPP Law and Article 51 of the PPP Regulatory Decree, once the Procuring Entity has received the Budget and Planning Office and Ministry of Finance Report, it can continue the unsolicited proposal procedure with a public request for proposals.
Does the procuring authority grant a minimum period of time to additional prospective bidders (besides the proponent) to prepare their proposals?	Yes
If yes, please provide the	The PPP Regulatory Decree indicates in its article 56 that the public request for proposals

relevant legal/regulatory provisions (if any):	will be published on the public procurement website notwithstanding other convenient means to ensure the publicity of the act. The publication shall be made not less than 30 days prior to the date in which the proposals to participate must be submitted in the competitive dialogue or with not less than 45 days when it is deemed necessary or convenient the concurrence of proponents residing abroad.
and the time in calendar days:	45
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).	Yes
Bid bonus.	Yes
Swiss challenge (If unsuccessful, the original proponent has the option to match the winning bid and win the contract).	No
Other	No
please specify:	n/a
Please provide the relevant legal/regulatory provisions (if any):	<p>The PPP Law in its article 37 establishes the unsolicited proponent rights. The unsolicited proponent shall enjoy the following rights and preferences:</p> <p>A) Obtain, once the final award of the contract has been made, the reimbursement of costs associated with the completion of the feasibility study, in case the project is not awarded to him. Such costs shall be borne by the successful bidder, which should be reported in the respective public call.</p> <p>B) Get a bonus of up to 10% (ten percent) on the valuation made of its offer respect to the best offer. Likewise, the unsolicited proponent will not pay the corresponding specifications or descriptive documents.</p> <p>In the event that for any reason the unsolicited proponent does not perform feasibility studies within the time limits established by the regulations, the Public Administration may perform them by itself or hire them in accordance with appropriate procurement procedures, losing any right to compensation or any benefit.</p>
PPP Contract Management	Score: 74
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 the article 85 of the PPP Regulatory Decree, the procuring Authority may perform the control and monitoring itself or through third parties- hiring them according to TOCAF- or hiring Corporation National Development as trustee. In the terms of references, the Procuring Authority must define which contract control scheme will be used, and it will established as part of the offer to present the cost associated with this

	control.
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 67 and 68 of the PPP Regulatory Decree establish the possibility of establishing an external auditor for the oversight and evaluation of the PPP contract implementation. The PPP unit may recommend the procuring authority to use this external auditors.
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.	Yes
If yes, please provide the relevant legal/regulatory provisions (if any):	Practice
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:	No data
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):	PPP Regulatory Decree articles 66 to 68. The Ministry of Finance issued Guidelines for the presentation of Control and Monitoring Reports. It can be found in this link http://ppp.mef.gub.uy/innovaportal/file/10000/7/2015-05-14-guia-de-control-y-seguimiento.pdf
If yes, which of the following tools does it include (check all that apply)? PPPCo must provide the procuring or	Yes

contract management authority with periodic operational and financial data.	
If yes, please provide the relevant legal/regulatory provisions (if any):	According to article 41 of the PPP Law , the private partner is required to provide the procuring entity with all information requested in order to facilitate the monitor and evaluation of the performance
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 article 39 of the PPP Law, the Procurement Entity shall be competent to monitor the compliance with the contract, must inform the PPP Project Unit, twice a year, the state of compliance. It shall also inform the Unit any substantial alteration or breach within ten working days of the verification of such alteration or breach. Notwithstanding reports referred to in the preceding paragraph, the PPP Project Unit may request the Contracting Authority at any time and when it deems appropriate, any information or documentation concerning the enforcement of contracts and as recommend hiring specific external audits to help ensure proper monitoring of contracts.
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:	According to the Article 76 of the PPP Regulatory Decree, the contractor shall request the Procurement Authority express prior authorization to transfer all or part of the contract of public-private participation. This article establishes the procedure to do so.
If yes, which of the following circumstances are specifically	No

regulated? (check all that apply): Any change in PPPCo during an initial period (e.g. construction and first five years of operation).	
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.	Yes
If yes, please provide the relevant legal/regulatory provisions:	According to Article 76 of the PPP Law: "The contractor shall request the Procurement Authority express prior authorization to transfer all or part of the contract of public-private participation. The application should be addressed to the contracting Public Administration and shall include, among others: the terms and conditions that will proceed to the assignment of the contract; precise delimitation of the scope of the assignment and object on which rests; a report endorsing the technical, economic and financial qualities of the transferee for the proper performance of the contract... "
Flexibility to substitute non-controlling interest after the initial period.	Yes
If yes, please provide the relevant legal/regulatory provisions:	According to the Article 76 of the PPP Regulatory Decree, the contractor shall request the Procurement Authority express prior authorization to transfer all or part of the contract of public-private participation. It does not establish a specific period of time or term during the project in which the change can be done.
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 legal/ regulatory provisions:	The PPP Law has a chapter specifically dedicated to the Modification and Cession of the Contract. It is Chapter X, from Article 47 to Article 50. They indicate, among other aspects, that the PPP contract can include a faculty to the Administration to modify the contract; that the PPP contract may establish conditions, that once met, the parties may agree on their revision. Article 49 also establishes certain circumstances in which the contract can be renegotiated by request of one of the parties. Likewise, the article 73 of the PPP Regulatory Decree establishes the procedure to follow for the renegotiation of the contracts.
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.	Yes
If yes, please provide the relevant legal/regulatory provisions:	Article 47 of the PPP Law regulates the possibility of including in the contract the right of the procuring authority to require modifications of the contract, but limits this to a 20 % of the original budget. Article 48 regulates the possibility to review/modify the contract, but limits this to a 50 % of the total budget (and up to just 30 % in the construction

	stage).
A change in the risk allocation of the contract.	No
If yes, please provide the relevant legal/regulatory provisions:	n/a
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:	Article 49 of the PPP Law indicates that the parties may request to renegotiate the PPP Contract when any of the 3 hypothesis thereby established occurs, one of them is the Literal B of the Article, and it says: When causes of Force Majeure not foreseen at the moment of the celebration of the contract determine in direct manner the substantial rupture of the economic-financial equation of the contract at the moment of its celebration.
Material Adverse government action.	Yes
If yes, please provide the relevant legal/regulatory provisions:	Article 49 of the PPP Law indicates that the parties may request to renegotiate the PPP Contract when any of the 3 hypothesis thereby established occurs. One of them is the Literal A of the Article, and it says: When the Procuring Entity changes, for reasons of public interest, the parameters of costs and benefits expected when hiring, and all the following conditions are met: 1) the modification occurs after signing the contract and it has not been reasonably foreseen by the contractor at the time of its conclusion; 2) That the modification significantly alters the resulting economic and financial equation of the contract at the time of its conclusion; and 3) The amendment is relevant specifically in the scope of contract, and it is not produced by measures that seek an economic and financial effect of general scope.
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	Yes

dispute resolution mechanism for PPPs?	
If yes, please specify and provide the relevant legal/regulatory provisions	Article 54 of the PPP Law establishes that for the settlement of disputes arising in connection with the application, interpretation, execution, performance and termination of PPP contracts, the parties shall recourse to arbitration. The arbitrators shall be appointed by mutual agreement by the parties, or in its defect, in accordance with the provisions of Article 480 of the General Code of Procedure and must rule according to law. The award of the Arbitral Tribunal shall be final.
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 be regulated in the contract.	No
The regulatory framework provide the parties with recourse to arbitration but no other alternative dispute resolution mechanism.	Yes
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:	Article 80 of the PPP Law establishes the Guarantees to be given by the Contractor. It says that the contractor of a PPP Project may constitute, in benefit of its creditors under the execution that contract, all kinds of personal or real guarantees. Upon celebration of the respective contract, the contractor may also assume the obligation to transfer the PPP contract in favor of the project's creditors for the purpose that such creditors assume the fulfillment of the contract by transfer thereof to a third party. The contract will define the risk of default assumptions that will entitle the creditor to enforce the obligation to transfer the contract by the contractor. In any case in which the transfer of the contract operates, it must be provided to the express prior authorization of the Procuring Authority, which must verify that the proposed gathers all the requirements and conditions necessary to continue to fulfill the contract. Upon conclusion of the transfer, the assignee shall be subrogated in all rights and obligations of the assignor.

<p>If yes, which of the following options best describes the lender step-in right? (Please select only one). The regulatory framework expressly regulates the lender step-in rights.</p>	<p>Yes</p>
<p>If yes, please specify:</p>	<p>Article 80 of the PPP Law establishes the Guarantees to give by the Contractor. It says that the contractor of a PPP Project may constitute, in benefit of its creditors under the execution that contract, all kinds of personal or real guarantees. Upon celebration of the respective contract, the contractor may also assume the obligation to transfer the PPP contract in favor of the project's creditors for the purpose that such creditors assume the fulfillment of the contract by transfer thereof to a third party. The contract will define the risk of default assumptions that will entitle the creditor to enforce the obligation to transfer the contract by the contractor. In any case in which the transfer of the contract operates, it must be provided to the express prior authorization of the Procuring Authority, which must verify that the proposed gathers all the requirements and conditions necessary to continue to fulfill the contract. Upon conclusion of the transfer, the assignee shall be subrogated in all rights and obligations of the assignor.</p>
<p>The regulatory framework prescribes that the lender step-in rights should be regulated in the contract.</p>	<p>No</p>
<p>The regulatory framework prescribes that a direct agreement should be signed with the lenders.</p>	<p>No</p>
<p>Other</p>	<p>No</p>
<p>please specify:</p>	<p>n/a</p>
<p>Does the regulatory framework expressly establish the grounds for termination of a PPP contract?</p>	<p>Yes</p>
<p>If yes, please specify:</p>	<p>The PPP Law, in its article 51, establish several causes for which the contract can be terminated. Those are: A) Compliance with the contract in accordance with the terms thereof and to the satisfaction of the Procuring Authority of the entire service. B) Expiration of the term or their extensions. C) Unilateral and anticipatory termination for breach of contract by the contractor. D) Rescue provided by the Procuring Entity, for reasons of public interest, in the terms provided in the regulations and the respective contract. E) Impossibility of performance as a result of measures taken by the State. F) Impossibility of performance of the contract as a result of a bankruptcy proceeding regarding the contractor. G) Occurrence of any cause that disables the contractor of effectively compliance of his obligations. H) Impossibility of performance by the contractor as a result of the existence of force majeure. If the fortuitous event or force majeure event would affect only the fulfillment of certain obligations of the contract, or those linked to part of the committed investment, and to the extent that the other obligations of the contract are subject to separate compliance, the parties they should agree, in accordance with the bases defined in the terms of reference, on adjustment of the legal, technical and economic terms of the contract, to bring it into compliance with</p>

	the remaining obligations. I) Mutual agreement between the Procuring Entity and the contractor. J) In the other cases expressly provided in the contract.
and provide the relevant legal/regulatory provisions:	Article 51 of the PPP law
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:	The PPP Law establishes certain situations, but it does not exhaust all the possibilities. The one that it refers to are: Article 52 (Intervention by the Procuring Authority.) If the unilateral and early termination of the PPP contract was available for breach of the Contractor, or if it happened the abandonment of the project by the contractor, the Procuring Authority may take over, for as long as necessary, the construction or operation of the facility in order to ensure the efficient, effective and uninterrupted service delivery. To this end, the Procuring Authority shall appoint an auditor "Interventor" who will have the necessary powers to ensure the compliance of the object of the contract. The Interventor will respond to civil, criminal and administratively for the acts or willful or negligent omissions incurred in the performance of their duties. The intervention may not be extended for more than a twenty four months term. During that time, the Administration shall decide on the continuation or cessation of activities under the contract; and in the first case, proceeding to a new award under Articles 19 and following of this law or by public auction provided in Article 58, or possibly assuming itself such activities by its own means and by lawful expropriations, if they were pertinent. Likewise, Article 53 (Early Termination of the contract) says that in order to give the necessary time horizon for new investments and make a proper maintenance and in order to ensure the continuity of quality service delivery, the contractor and the Procuring authority may agree to conduct a new public tender within a period not exceeding five years prior to the termination of the contract. The process shall comply with the formal, substantive and procedural requirements contained in this Law as applicable and in accordance with established regulations. If the contractor is not awarded in the new tender, the contract shall terminate and be compensated for the remaining term, in the terms determined by regulation and contract.
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:	The Decree No. 251/015, dated September 14th 2015 modified several aspects of Decree No. 17/012.
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?	No
Please describe:	n/a

