



PROCURING INFRASTRUCTURE PUBLIC-PRIVATE PARTNERSHIPS 2018 IN ARMENIA

SURVEY QUESTION	ANALYSIS
PPP Regulatory Framework	
2. Does the regulatory framework in your country allow procuring PPPs?	Yes
If yes, please specify the relevant regulatory framework and the year of adoption:	<p>Generally, PPP projects on infrastructure have been initiated by Government and concession agreements were being granted to private companies. The selecting process of which have been done both via specific Government decrees (regulating the selection process of the private partner, the concession agreements terms) varies for each PPP project. So, before 2012, there was no unified legal framework for the PPPs. Each PPP project was tackled differently. On 10.02.2012, Government adopted the Decree No.1241-N on the Assessment and Approval of PPP projects. Although the decree has no legal foundation (the Government decrees should be founded on a specific provision of a relevant legal act with higher legal force- a law), the decree provided, inter alia, that the selection of the private partner should be regulated by the RA Law on Procurements (adopted on 22.12.2010). This law entailed the adoption of the Government Decree No. 168 on Arranging Procurement Process (adopted on 10.02.2011, hereinafter “Decree168”).</p> <p>However, on 16.12.2016, a new Law on Procurements (hereinafter “Procurements Law”) has been adopted by the parliament, replacing the previous one of 22.12.2010. The new law has entered into legal force on 25.04.2017. The new law also entails corresponding amendments to be done to Decree 168, nevertheless the new decree is at the stage of drafting at the moment. Therefore, in many terms, the regulations of the Procurements Law and the Decree 168 may not match with each other. Thus, the regulations of the Decree168 mentioned in this survey should be viewed with some reservations. Taking into account that the Decree 1241 does not regulate the PPP sphere in its entirety, at the moment a specific law regulating PPPs is at the stage of drafting and is expected to be adopted in the end of 2017.</p>
and provide a link to a government-supported website where the mentioned regulatory framework is available or provide an electronic copy of it:	Procurements Law at: http://www.arlis.am/DocumentView.aspx?DocID=110820 (only in Armenian) Decree 1241 at: http://www.arlis.am/DocumentView.aspx?DocID=78658 (only in Armenian) Decree 168: http://www.arlis.am/DocumentView.aspx?DocID=111568 (non-official English translation is attached.) Draft Decree to replace the Decree 168: https://www.e-draft.am/projects/158/about (only in Armenian)
2.1. Are you aware of any reforms (in the regulatory frameworks – laws, regulations, policies, etc.- or in generally followed practices) related to PPPs that: Took place in 2016, are	Yes

ongoing and/or are planned to be adopted BEFORE June 1, 2017?	
Please describe:	On 16.12.2016, Parliament of the Republic of Armenia (RA) adopted the new Law on Procurements which has entered into force on 25.04.2017.
2.2 Are ongoing and/or are planned to be adopted AFTER June 1, 2017?	Yes
Please describe:	The new law entails corresponding amendments in relevant legislation. At this moment (24.05.2017), an entirely new draft Decree on Arranging Procurements Process is circulating, which probably, will replace the Decree No.168. Similarly, other normative legal acts deriving from the Procurements Law may be amended or may be newly adopted. However, a new legal framework regulating PPPs more entirely and directly is at the stage of drafting in the Ministry of Economic Development and Investments and in the Center for Strategic Initiatives, which is expected to be adopted in the end of 2017.
3.1 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
3.2 Besides national defense and other matters of national security, does the regulatory framework explicitly prohibit or restrict PPPs in any of the following sectors?: Water and Irrigation	No
If yes, please provide the relevant legal/regulatory provisions:	n/a
3.3 Besides national defense and other matters of national security, does the regulatory framework explicitly prohibit or restrict PPPs in any of the following sectors?: Energy generation and distribution.	No
If yes, please provide the relevant legal/regulatory provisions:	n/a
3.4 Besides national defense and other matters of national security, does the regulatory framework explicitly prohibit	No

or restrict PPPs in any of the following sectors?: Telecom	
If yes, please provide the relevant legal/regulatory provisions:	n/a
3.5 Besides national defense and other matters of national security, does the regulatory framework explicitly prohibit or restrict PPPs in any of the following sectors?: Other	No
If yes, specify and provide the relevant legal/regulatory provisions:	n/a
4. Does the regulatory framework provide for a specific tax regime for PPP transactions (i.e. tax incentives, special tax depreciation treatment, etc.)?	Yes
If yes, please specify and provide the relevant legal/regulatory provision (if any):	Companies are exempted from :1. VAT in terms of activities relating to PPP projects (RA Law on VAT 1997, article 7, para. 16); 2. profit tax in terms of amortization charges of the infrastructure assets transferred from the procuring authority to the private partner (RA Law on Income Tax (1997), article 12, para.3)
5. Please identify the PPP procuring authorities in Armenia and provide their website(s) (if available):	Based on Decree 1241, there are 4 types of actors involved in PPPs: 1. private partner 2. public partner (procuring authority) 3. the authorized body (authorized by the Government- in practice it's the Ministry of Economic Development and Investments (hereinafter MEDI), http://gov.am/en/structure/231/ , http://mineconomy.am/en/96/) 4. the Government of Armenia. The procuring authority may vary depending on the sphere of the infrastructure. The Procurement Law gives a generic list of possible procuring authorities (Article 2, para 1, subpara. 1,2): a. state administration bodies and bodies of local self-government, state and community agencies envisaged in the RA Constitution and laws; (http://gov.am/en/structure/ , http://gov.am/en/adjunct-bodies/ , www.ombuds.am , http://gov.am/en/regions/); b. the RA Central Bank; (https://www.cba.am/EN/SitePages/Default.aspx); c. state or community non-commercial (non-profit) organizations; d. entities with over fifty percent of government or community shareholding; e. associations (unions) formed by the state or community or the RA Central Bank or state or community non-commercial (non-profit) organizations or entities with over fifty percent of government or community shareholding; f. legal entities - recipients of funds donated by the government or community or the Republic of Armenia Central Bank or state or community non-commercial (non-profit) organizations or entities with over fifty percent of government or community shareholding - for procurements financed by donated funds; g. public undertakings: g1. natural or legal persons operating in the regulated public services sector and included in the list approved by the RA Regulatory Commission for Public Services; except for those persons that are included in this list due to the fact that they

	have dominant position in terms of the services provided under public network in the sphere of electronic communications; g2. other entities operating in the public services sector and carrying out one or more of the relevant activities stipulated by the Article 2 of Procurements Law, based on a special or exclusive right, if the procurement is conducted in the purpose of exercising such activities.
6. 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 Department of Investment Policy under the Ministry of Economy (http://www.mineconomy.am/eng/508/gortsaruyt.html)
6.1 If yes, what are the main responsibilities of the PPP Unit (check all that apply): PPP regulation and policy guidance.	Yes
6.2 PPP capacity building for other public authorities.	Yes
6.3 PPP promotion among the public and/or private sectors in national and international forums.	Yes
6.4 Technical support in implementing PPP projects.	No
6.5 Identification and selection of PPP projects from the pipeline.	No
6.6 Revision of fiscal risks born by the Government.	No
6.7 Consultation with affected communities on potential impact of PPP projects.	No
6.8 Approval of PPP projects.	No
6.9 Undertaking the procurement of PPPs.	No
6.10 Oversight of PPP implementation.	Yes
6.11 Other	No
6.11 please specify:	n/a
Please provide the relevant legal/regulatory provisions:	Resolution #1229-N dated 11.07.2002
PPP Preparation	
8. Does the Ministry of Finance or Central Budgetary Authority approve the PPP	Yes

project before launching the procurement process?	
If yes, please provide the relevant legal/regulatory provisions (if any):	Under Article 15 of the PPP Law, the PPP project plans financed by the State budget are subject to approval.
8.1. Does the Ministry of Finance or Central Budgetary Authority approve the PPP project before signing the PPP contract?	No
If yes, please provide the relevant legal/regulatory provisions (if any):	n/a
8.2. Does the Ministry of Finance (or government more broadly) have a specific system of: Budgeting for PPP projects.	No
If yes, please provide the relevant legal/regulatory provisions (if any):	n/a
Accounting liabilities (explicit and implicit, direct and contingent) arising from PPPs.	No
If yes, please provide the relevant legal/regulatory provisions (if any):	n/a
Reporting liabilities (explicit and implicit, direct and contingent) arising from PPPs.	No
If yes, please provide the relevant legal/regulatory provisions (if any):	n/a
8.3. If yes to question 8.2, which of the following alternatives best describes the regulation?: Accounting and reporting according to International Public Sector Accounting Standards (IPSAS).	n/a
Accounting and reporting according to other international standard (e.g. European System of Accounts).	n/a
Please specify:	n/a
Other.	n/a
Please specify:	n/a
9. Besides the procuring authority and the Ministry of Finance or Central Budgetary	Yes

<p>Authority, does any other authority(s) approve the PPP project before launching the procurement process (e.g. Cabinet, Cabinet Committee, Parliament, Supreme Audit Office, etc.)?</p>	
<p>If yes, please specify the relevant authority</p>	<p>Government of Republic of Armenia.</p>
<p>and provide the relevant legal/regulatory provisions (if any):</p>	<p>According to point 10 of chapter 1 of Section II of Government Decision N 1241-n of 20 September 2012 on PPP project screening and selection methods, the Government of RA discusses the Draft decision of the approval or refusal of the offered project and confirms it within 15 working days after receiving.</p>
<p>9.1. Besides the procuring authority and the Ministry of Finance or Central Budgetary Authority, does any other authority(s) approve the PPP project before signing the PPP contract?</p>	<p>No</p>
<p>If yes, please provide the relevant legal/regulatory provisions (if any):</p>	<p>n/a</p>
<p>10. Does the procuring authority use transaction advisors during the PPP project cycle?</p>	<p>No</p>
<p>If yes, please provide the relevant legal/regulatory provisions (if any):</p>	<p>n/a</p>
<p>11. In a case comparable to the case study assumptions, please select the option that best describes the way your government integrates the prioritization of PPP projects with other public investment project prioritization? (e.g. in the context of a national public investment system, multi-year perspective plans, medium-term budgetary framework): The regulatory framework provides for the inclusion of PPPs in the national public investment system/medium term budgetary framework and details a specific procedure to ensure the consistency of</p>	<p>No</p>

PPPs with other public investment priorities.	
If yes, please specify and provide the relevant legal/regulatory provisions (if any):	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.	No
If yes, please provide the relevant legal/regulatory provisions (if any):	n/a
The regulatory framework does not include any provisions but the procuring authority evaluates the consistency of PPPs with other government investment priorities in practice.	Yes
If yes, please elaborate:	Its just a specific and local explanation of their current programs, which means if PPP project itself is on frame of their responsibility, they will evaluate it.
The procuring authority does not evaluate PPPs against existing government priorities.	No
Please elaborate and provide examples:	n/a
11.1. Based on your experience, is it always the case that this prioritization is done in practice in accordance with the provisions of the regulatory framework described above?	Yes
If yes, please specify:	The regulations are very limited and general, and any procedure on PPP cannot be out of regulation framework.
If no, please elaborate:	n/a
12.1 Which of the following assessments are conducted when identifying and preparing a PPP in order to inform the decision to proceed with it? (check all that apply): Socio-economic analysis (cost-benefit analysis of the socio-economic impact of the PPP project)	No

Relevant legal/regulatory provision (if any)	n/a
Is there a specific methodology for the assessment?	n/a
If yes, please elaborate	n/a
Is the assessment done in practice?	No
Details:	n/a
12.2. Affordability assessment, including the identification of the required long term public commitments (explicit and implicit, direct and contingent liabilities)	Yes
Relevant legal/regulatory provision (if any)	Pursuant to Chapter 2 Section 2 (f) of Decision No. 1241, a feasibility study of the project proposal, including comparison of PPP projected cost of the project and all cost and comparison to alternative financing model of the classic (budgetary) method shall be undertaken.
Is there a specific methodology for the assessment?	No
If yes, please elaborate	n/a
Is the assessment done in practice?	Yes
Details:	Generally conducted in practice
12.3. Risk identification, allocation and assessment (risk matrix)	Yes
Relevant legal/regulatory provision (if any)	Project proposal assessment criteria include: 1. compliance of the project proposal with the budget forecasts, fiscal risks and limitations; 2. the financial and fiscal sustainability of the proposed project; 3. liabilities and risk-sharing between public and private partners in comparison with the estimated value for money (Decree 1241, Part 2, para 3, sub-para. 1 (d,e,g))
Is there a specific methodology for the assessment?	No
If yes, please elaborate	n/a
Is the assessment done in practice?	Yes
Details:	No regulatory basis
12.4. Comparative assessment to evaluate whether a PPP is the best option when compared to other procurement alternatives (i.e. value for money analysis, public sector comparator)	Yes

Relevant legal/regulatory provision (if any)	Pursuant to Chapter 2 Section 2 (f) of Decision No. 1241, a feasibility study of the project proposal, including comparison of PPP projected cost of the project and all cost and comparison to alternative financing model of the classic (budgetary) method shall be undertaken.
Is there a specific methodology for the assessment?	No
If yes, please elaborate	n/a
Is the assessment done in practice?	Yes
Details:	No regulatory basis
12.5. Financial viability or bankability assessment	No
Relevant legal/regulatory provision (if any)	n/a
Is there a specific methodology for the assessment?	n/a
If yes, please elaborate	n/a
Is the assessment done in practice?	n/a
Details:	n/a
12.6. Market sounding and/or assessment (showing evidence of investors' interest in the market for the project)	No
Relevant legal/regulatory provision (if any)	n/a
Is there a specific methodology for the assessment?	n/a
If yes, please elaborate	n/a
Is the assessment done in practice?	n/a
Details:	n/a
12.7. Environmental impact assessment	Yes
Relevant legal/regulatory provision (if any)	Pursuant to Chapter 2 Section 2 1) (h) of Decision No. 1241, an Environmental Impact assessment, from the point of view of the problem and purpose of the project, there is a legitimate obligation.
Is there a specific methodology for the assessment?	No
If yes, please elaborate	n/a
Is the assessment done in practice?	Yes
Details:	No regulatory basis
12.8. Consultation process with affected communities on	No

potential impact of the PPP project	
Relevant legal/regulatory provision (if any)	n/a
Is there a specific methodology for the assessment?	n/a
If yes, please elaborate	n/a
Is the assessment done in practice?	n/a
Details:	n/a
13. Does the procuring authority include the assessments (indicated in Question 12 above) in the request for proposals and/or tender documents (for example, as part of an Information Memorandum to the bidders)?	No
If yes, please provide the relevant legal/regulatory provisions (if any):	n/a
and specify which of the assessments are included in the request for proposals and/or tender documents:	n/a
13.1. Are the assessments published online?	No
If yes, please provide the relevant legal/regulatory provisions (if any):	n/a
specify the website	n/a
please specify which of the assessments are published online:	n/a
14. 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):	<p>According to Chapter 2, part 2 (1d), the PPP draft contract is included in the proposal that the procuring authority submits to the Government for approval (approval of the project proposal).</p> <p>Furthermore, according to Article 27 (2) (3) of the PP Law, the procurement notice shall include a summary of the contents of the contract and procurement item;</p>
If no, please elaborate	n/a

14.1. Are the tender documents published online?	Yes
If yes, please provide the relevant legal/regulatory provisions (if any):	Pursuant to Article 27 (1) of the PPP law, the procurement announcement and invitation are published in the Bulletin.
and please specify the website:	www.procurement.am
15. In a case comparable to the case study assumptions, have standardized PPP model contracts and/or transaction documents been developed?	Yes
If yes, please specify and provide a government-supported website where the mentioned standards are available or provide an electronic copy of them:	The documents are approved by Decree No. 43 of the Minister of Finance and Economy adopted on 09.02.2001, in three languages: Armenian, Russian and English. http://www.arlis.am/DocumentView.aspx?DocID=19759
16.1 In a case comparable to the case study assumptions, who is the responsible party for each of the following requirements? Obtaining the required urban permits: Procuring authority (or other Government entity)	No
Private Partner	No
Private partner with facilitation role assigned to the procuring authority (or other Government entity)	No
To be established in the contract	Yes
Relevant legal/regulatory provision (if any)	No regulatory basis
16.2. Obtaining the required environmental permits: Procuring authority (or other Government entity)	Yes
Private Partner	No
Private partner with facilitation role assigned to the procuring authority (or other Government entity)	No
To be established in the contract	No
Relevant legal/regulatory provision (if any)	The project proposal submitted to the approval of Government by the procuring authority should include the decision on the environmental impact assessment, if the project's purpose implies such legal obligation. (Decree 1241, Part 2, para 2, subpara 1(h))

16.3. Obtaining the required operational permits: Procuring authority (or other Government entity)	No
Private Partner	No
Private partner with facilitation role assigned to the procuring authority (or other Government entity)	No
To be established in the contract	Yes
Relevant legal/regulatory provision (if any)	To be established in the contract
16.4. Obtaining the required land: Procuring authority (or other Government entity)	No
Private Partner	No
Private partner with facilitation role assigned to the procuring authority (or other Government entity)	No
To be established in the contract	Yes
Relevant legal/regulatory provision (if any)	No regulatory basis
16.5. Obtaining the required right of way: Procuring authority (or other Government entity)	No
Private Partner	No
Private partner with facilitation role assigned to the procuring authority (or other Government entity)	No
To be established in the contract	Yes
Relevant legal/regulatory provision (if any)	No regulatory basis
PPP Procurement	
18. Which of the following options best describes the required qualifications of the bid evaluation committee members? (Please select only one): The membership of the bid evaluation committee is specified and/or its members are required to meet detailed qualifications.	No

If yes, please provide the relevant legal/regulatory provisions (if any):	n/a
The bid evaluation committee members require sufficient qualification without specific details.	No
If yes, please provide the relevant legal/regulatory provisions (if any):	n/a
The bid evaluation committee members are not required to have any specific qualifications.	Yes
Please elaborate and provide examples:	Pursuant to Article 26 of the PPP Law, an evaluation commission is formed by a Decree of the Executive of the Client. Furthermore, the commission has a secretary, who is appointed by the Decree on establishment of the commission. The secretary is not a member of the commission. The only requirement set out for commission members and the secretary is confidentiality. They have no right to disclose any information with respect to tender during the course of the function period of the commission.
19. Does the procuring authority issue a public procurement notice of the PPP project?	Yes
If yes, please specify the means of publication and provide the relevant legal/regulatory provisions (if any):	Pursuant to Article 27 (1) of the PPP Law, the tender announcement and invitation is published in online newsletter in order to attract bidders to an open procedure.
19.1. If yes, is the public procurement notice published online?	Yes
If yes, please specify the website:	www.gnumner.am
20. Are foreign companies prohibited from participating in the bidding process?	No
If yes, please provide the relevant legal/regulatory provisions (if any):	n/a
21. In a case comparable to the case study assumptions, 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):	Pursuant to Article 20 (2) of the PPP Law, in the case of an open procedure, the deadline for bid submission shall be at least forty calendar days from the publication of the announcement and the invitation in the Bulletin.
and the time in calendar days:	40

22.1. In a case comparable to the case study assumptions, which are the procurement procedures available and/or set as default for PPP projects? Open tendering: Available	Yes
Default	No
Relevant legal/regulatory provision (if any)	<p>Pursuant to Article 18 (2) of the PPP Law: Tender types are open and closed. Closed competition is targeted or periodic.</p> <p>Furthermore, pursuant to Article 20 of the PPP Law: 1. In the open tender, the deadline for submitting applications is calculated from the date of publication of the procurement notice and invitation in the bulletin.</p> <p>2. Except as specified in subparagraphs (d) and (e) of Article 2 (1) (d) of this Law, the filing deadline is at least forty calendar days.</p> <p>3. The deadline for filing applications for the customers referred to in Article 2 (1), (d) and (e) of this Law shall be at least:</p> <p>1) fifteen calendar days, if the purchase price does not exceed two hundred times the base of the procurement unit;</p> <p>2) forty calendar days, if the purchase price exceeds two hundred times the purchase base unit.</p> <p>4. If urgent or unforeseen circumstances arise as a result of an urgent procurement requirement, and the application of the time limit referred to in paragraph 2 or paragraph 3 of this Article is impracticable, provided that such a request was not objectively predetermined, Then the deadline for submission of applications is at least fifteen calendar days.</p>
22.2. Restricted tendering (with pre-qualification stage): Available	Yes
Default	No
Relevant legal/regulatory provision (if any)	<p>Pursuant to Article 19 of the PPP Law:</p> <p>1. The contest may be held in two stages:</p> <p>1) if the customer can not accurately (objectively) determine the subject matter of the procurement subject to the requirements of this Law;</p> <p>2) if the customer allows the participants to submit alternative proposals on the possible characteristics of the procurement item;</p> <p>3) there is a need to negotiate with the participants in order to clarify some features of the subject matter of the procurement;</p> <p>4) in public-private partnerships, including concluding trust management and concession transactions.</p> <p>2. In the case of the two-stage tender procedure, a pre-qualification procedure shall be organized. Any participant has the right to participate in the pre-qualification procedure. The customer invites only pre-qualified participants to the invitation. The purpose of the negotiations is to develop one or more alternative options for the procurement subject matter of the customer. As a result of the negotiations, the customer provides a final invitation to pre-qualified participants.</p>

22.3 Multi-stage tendering (with shortlisting of final candidate(s)): Available	No
Default	No
Relevant legal/regulatory provision (if any)	n/a
22.4. Competitive dialogue: Available	No
Default	No
Relevant legal/regulatory provision (if any)	n/a
22.5. Direct negotiation with more than one candidate: Available	No
Default	No
Relevant legal/regulatory provision (if any)	n/a
22.6. Direct negotiation with only one candidate: Available	No
Default	No
Relevant legal/regulatory provision (if any)	n/a
22.7 Other. Specify:	Electronic auction, request for quotation
Available	Yes
Default	No
Relevant legal/regulatory provision (if any)	<p>Pursuant to Article 18 of the PPP Law:</p> <ol style="list-style-type: none"> 1. Procurement procedures are: <ol style="list-style-type: none"> 1) electronic auction; 2) the tender; 3) quotation request; 4) purchase from one person. 2. Tender types are open and closed. Closed competition is targeted or periodic. 3. The procurement shall be carried out by the electronic auction procedure, if the subject of the procurement is included in the list provided for in Article 5 (1) (14) of this Law. 4. The competition may be carried out in two stages in cases prescribed by this law. 5. The preferred form of procurement is the tender if the subject of procurement is not included in the point 14 of point 1 of Article 5 of this Law, and in case of state secrecy procurement - in the list prescribed by the part 15 of the same part. Procurement may be made by other means of procurement exclusively in the cases provided by this Law. 6. A contract shall be concluded as a result of the procurement procedure. 7. Procurement may be made from commodities, work or service exchanges by way of purchase.
22.8. Do the tender documents detail the procedure of the	Yes

procurement process providing the same information to all the bidders?	
If yes, please provide the relevant legal/regulatory provisions (if any):	Pursuant to Article 27 of the PPP Law, the tender invitation contains the following information: 1) Name and location of Client; 2) Code of open procedure; 3) Brief and clear summary of the content of contract and procurement subject descriptions; 4) Announcement about the right of bidders to participate in the open procedure; 5) Conditions for obtaining a hard copy of the invitation, including charges and payment procedure thereof; 6) Language(s), in which the bids must be submitted; 7) Summary of bidder qualification criteria; 8) Criteria to be used for establishing the winning bidder; 9) Procedure, venue and deadline for bid submission; 10) Name and location of the body responsible for appeal and precise information concerning deadlines for lodging appeals; 11) Procedure, venue, date and time of bid opening; 12) Other information, if necessary.
If no, please elaborate:	n/a
22.9. Do the tender documents specify the prequalification/shortlisting criteria (when applicable) in order to make them available to all the bidders?	Yes
If yes, please provide the relevant legal/regulatory provisions (if any):	Pursuant to Article 24 (2) of the PPP Law, the prequalification announcement should publish on the online newsletter and contains: the requirements set out for applicant's eligibility to bid and qualification, and the procedure for their evaluation.
22.10. Based on your experience, is it always the case that the specified criteria are respected in practice?	Yes
If yes, please specify and provide the relevant legal/regulatory provisions (if any):	Contributors indicated that this is generally specified in practice.
If no, please elaborate:	n/a
23. 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 Article 29 (1) of the PPP Law, the participant is entitled to an explanation of the invitation to require written submission at least five calendar days prior to the deadline for filing the application. The clarification of the respondent shall be provided in writing within two calendar days following the day on which the request was received.
23.1. If yes, notwithstanding confidential information pertaining to the bidders,	Yes

does the procuring authority disclose those questions and clarifications to all potential bidders?	
If yes, please provide the relevant legal/regulatory provisions (if any):	Pursuant to Article 29 (2) of the PPP Law, the announcement on the content of the inquiry and clarification shall be published in the Bulletin, the date on which the request was made, without indicating the participant's data, and in case of a closed tender, the explanation of the request and clarification shall be provided to the participants who have been invited.
23.2. Based on your experience, is it always the case that this disclosure of information is done in practice?	Yes
If yes, please specify:	n/a
If no, please elaborate:	n/a
24. Besides questions and clarifications, can the procuring authority conduct pre-bidding conference?	No
If yes, please specify and provide the relevant legal/regulatory provisions (if any):	n/a
24.1. If yes, notwithstanding confidential information pertaining to the bidders, does the procuring authority disclose the content and the results of the pre-bid conference to all bidders?	n/a
If yes, please provide the relevant legal/regulatory provisions (if any):	n/a
24.2. Based on your experience, is it always the case that this disclosure of information is done in practice?	n/a
If yes, please specify:	n/a
If no, please elaborate:	n/a
25. In a case comparable to the case study assumptions, does the procuring authority require the bidders to prepare and present a financial model with their proposals?	No
If yes, please provide the relevant legal/regulatory provisions (if any):	n/a

If no, please elaborate:	Pursuant to Article 6 (3) (4) of the PPP Law, the bidder must satisfy the qualification criteria set out in the invitation. The bidder shall meet the following criteria set out in the invitation and required to fulfill contractual obligations, including financial resources.
26. 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):	Pursuant to Article 34(1) of the PPP Law, the bids are evaluated following the procedure specified in the invitation. The bids compliant to the conditions specified in the invitation are rated as satisfactory; otherwise the bids are rated unsatisfactory and rejected. Furthermore, Article 34 (2) of the same law stipulates or provides directions on the election of the winning bid.
Evaluation criteria is not set in the tender documents	No
27. In the case where only one proposal is submitted (sole proposals), which of the following options best describes the way the procuring authority deals with them? (Please select only one)?: The procuring authority follows a specific procedure before awarding a PPP contract where only one proposal is submitted.	No
Please specify and provide the relevant legal/regulatory provisions (if any):	n/a
The procuring authority considers sole proposals valid as long as they meet the conditions outlined in the tender documents.	Yes
Please provide the relevant legal/regulatory provisions (if any):	Pursuant to Article 38 (1) of the PPP Law, negotiations between the evaluation committee, the customer and the participants are forbidden, except: 1) when one bidder participates in the tender whose bid meets the requirements of the invitation or the results of the bid evaluation is evaluated in accordance with the invitation requirements only if one bidder or the proposed minimum price equivalence or, if not, price proposals submitted by all tendered bidder exceed the funds provided for that purchase. Negotiations pursuant to this paragraph may result only in the proposed price reduction or change of payment terms, and negotiations are conducted simultaneously with all the participants.
The procuring authority does not award a PPP contract if only one proposal is submitted.	No

Please provide the relevant legal/regulatory provisions (if any):	n/a
The regulatory framework does not include any provisions.	No
28. 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 Article 10 (1) of the PPP Law, in case of open bidding, prior to contract signature, the client publishes an announcement on contract award decision. It can be announced: 1) at the meeting on finalization of bidding results through a public debriefing to which all the bidders in the procurement process have been invited; or 2) such announcement can be sent to all bidders involved in the procurement process by electronic means, fax or registered mail; or 3) such announcement can be posted at the website of the authorized body and, if possible, also at the website of the client.
28.1. If yes, is the public procurement award notice published online?	Yes
If yes, please specify the website:	www.gnumner.am and www.azdarar.am
29. 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):	Pursuant to Article 10 (1) of the PPP Law, in case of open bidding, prior to contract signature, the client publishes an announcement on contract award decision. It can be announced: 1) at the meeting on finalization of bidding results through a public debriefing to which all the bidders in the procurement process have been invited; or 2) such announcement can be sent to all bidders involved in the procurement process by electronic means, fax or registered mail; or 3) such announcement can be posted at the website of the authorized body and, if possible, also at the website of the client.
If no, please elaborate:	n/a
29.1. 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):	Pursuant to Article 10 (2) of the PPP Law, the contract award decision shall contain brief information on evaluation of bids and relevant reasons for the selection of this bidder and a statement on standstill period. The standstill period is the period from the day following the date on which the contract award decision is announced to the day of contract signature.
30. Is there a standstill (or pause) period after the contract award and before the signing of the contract in order to allow unsuccessful	Yes

bidders to challenge the award decision?	
If yes, please provide the relevant legal/regulatory provisions (if any):	<p>Pursuant to Article 10 of the PPP Law:</p> <p>2. The decision to sign a contract shall contain summary information on the evaluation of the bid and reasons for the choice of the selected participant and the announcement on the period of inactivity. The period of inactivity is the period between the day following the date of the announcement of the decision on signing the contract and the date on which the contract was entered into by the customer.</p> <p>3. In case of auction and electronic auction, the period of inactivity is at least 10 calendar days. For other procurement procedures, the period of inactivity is at least 5 calendar days.</p> <p>4. The period of inactivity provided for in Part 3 of this Article shall not be applicable if only one participant has filed an application with which a contract is concluded.</p> <p>5. The contractor shall conclude the contract if any participant does not appeal against the decision on signing the contract within the period of inaction provided for in paragraph 3 of this Article. The contract for promulgation before expiration or termination of a contract without a contract is null and void.</p>
and the time in calendar days:	10
30.1. Is the standstill period set out in the notice of intention to award?	Yes
If yes, please provide the relevant legal/regulatory provisions (if any):	Pursuant to Article 10 (2) of the PPP Law: The decision to sign a contract shall contain summary information on the evaluation of the bid and reasons for the choice of the selected participant and the announcement on the period of inactivity. The period of inactivity is the period between the day following the date of the announcement of the decision on signing the contract and the date on which the contract was entered into by the customer.
31. Does the regulatory framework restrict negotiations with the selected bidder between the award and the signature of the PPP contract in order to prevent an unfair disadvantage to the other bidders?	Yes
If yes, please provide the relevant legal/regulatory provisions (if any):	Pursuant to Article 38 (1) of the PPP Law, negotiations between the evaluation commission, the Client and the bidders are prohibited, except: 1) If there was one bidder, who participated in the open procedure and submitted a bid compliant to the requirements of the invitation, or there was only one bid evaluated - as a result of bid evaluation - as compliant to the requirements of the invitation. The negotiations under this paragraph can lead only to the offered price reduction and/or changes payment conditions; 2) Other cases specified in the PPP Law.

31.1. Based on your experience, is it always the case that this restriction is respected in practice?	Yes
If yes, please specify:	No regulatory basis
If no, please elaborate:	n/a
32. Does the procuring authority publish the PPP contract?	Yes
If yes, please provide the relevant legal/regulatory provisions (if any):	<p>Pursuant to Article 11 of the PPP Law:</p> <ol style="list-style-type: none"> 1. The customer shall publish on the journal the announcement on the concluded contract no later than the first working day after the contract is signed. In the event of procurement of goods containing state secrets, the declaration provided for in this part shall be sent to all participants submitting applications on the first working day following the conclusion of the contract. 2. An announcement on the signed contract should contain the following information: <ol style="list-style-type: none"> 1) a brief description of the subject of purchase; 2) name and address of the customer; 3) the date of signing the contract; 4) name and location of the selected participant (s) and residence; 5) price proposals submitted by the participants and the price of the contract; 6) information on the publications made pursuant to this Law (if applicable) for the involvement of the participants; 7) the procurement procedure applied and the justification for its selection.
32.1. If yes, which of the following options best describes this publication (choose only one)?: Publication of the full PPP contract including all its annexes and appendixes	No
Publication of the full PPP contract without including all its annexes and appendixes	No
Publication of a summary of the PPP contract without publishing the full PPP contract	Yes
Publication of a summary of the PPP contract along with the full PPP contract including all its annexes and appendixes	No
Publication of a summary of the PPP contract along with the full PPP contract without including all its annexes and appendixes	No

32.2. If yes, is it published online?	Yes
If yes, please specify the website:	www.procurements.am; www.gnumner.am
32.3. If yes, does the procuring authority also publish any subsequent amendment made to the PPP contract?	No
If yes, please provide the relevant legal/regulatory provisions (if any):	n/a
PPP Contract Management	
41. Has the procuring or contract management authority established a system to manage the implementation of the PPP contract (e.g. attributing responsibilities or establishing specific management tools)?	No
If yes, please provide the relevant legal/regulatory provisions (if any):	n/a
41.1. If yes, which of the following tools does it include (check all that apply)? Establishment of a PPP contract management team	n/a
Relevant legal/regulatory provisions (if any):	n/a
Participation of the members of the PPP contract management team in the PPP procurement process and/or vice versa	n/a
Relevant legal/regulatory provisions (if any):	n/a
Elaboration of a PPP implementation manual or an equivalent document	n/a
Relevant legal/regulatory provisions (if any):	n/a
Establishment of personnel training programs (i.e. initial training and continued training throughout the course of the project)	n/a
Relevant legal/regulatory provisions (if any):	n/a

Establishment of a risk mitigation mechanism which considers the evolving nature of risks throughout the project lifecycle (guidelines, specific processes, insurance regime, etc.)	n/a
Relevant legal/regulatory provisions (if any):	n/a
41.2. Which of the following options best describes the required qualifications of the PPP contract management team members? (Please select only one): The membership of the PPP contract management team is specified and/or its members are required to meet detailed qualifications.	n/a
If yes, please specify and provide the relevant legal/regulatory provisions (if any):	n/a
The PPP contract management team members are required to meet sufficient qualification without specific details.	n/a
If yes, please provide the relevant legal/regulatory provisions (if any):	n/a
The PPP contract management team members are not required to meet any specific qualifications.	n/a
Please elaborate and provide examples:	n/a
42. Does the procuring or contract management authority establish a system for tracking progress and completion of construction works under a PPP contract?	No
If yes, please provide the relevant legal/regulatory provisions (if any):	n/a
42.1. If yes, is the PPP contract construction performance information made available to the public?	n/a

If yes, please provide the relevant legal/regulatory provisions (if any):	n/a
42.2. If yes, is the PPP contract construction performance information made publicly available online?	n/a
If yes, please specify the website:	n/a
43. Does the procuring or contract management authority establish a monitoring and evaluation system of the PPP contract implementation after construction?	No
If yes, please provide the relevant legal/regulatory provisions (if any):	n/a
43.1. If yes, which of the following tools does it include (check all that apply)?: Performance is assessed against evaluation criteria set in the tender documents and the PPP contract	n/a
Relevant legal/regulatory provisions (if any)	n/a
The procuring or contract management authority can abate (reduce) payments for non-performance of operating obligations under the PPP contract	n/a
Relevant legal/regulatory provisions (if any)	n/a
The private partner must provide the procuring or contract management authority with periodic operational and financial data	n/a
Relevant legal/regulatory provisions (if any)	n/a
The procuring or contract management authority must periodically gather information on the performance of the PPP contract	n/a
Relevant legal/regulatory provisions (if any)	n/a

The PPP contract performance information must be available to the public	n/a
Relevant legal/regulatory provisions (if any)	n/a
43.2. Is PPP contract performance information made publicly available online?	No
If yes, please specify the website:	n/a
44. Are foreign companies prohibited from repatriating the income resulting from the operation of a PPP project?	No
If yes, please provide the relevant legal/regulatory provisions (if any):	n/a
45. Does the regulatory framework (including standard contractual clauses) expressly regulate changes in the ownership structure (i.e. stakeholder composition) of the private partner and/or assignment of the PPP contract?	No
If yes, please provide the relevant legal/regulatory/standard contractual provisions (if any):	n/a
45.1. If yes, which of the following circumstances are specifically regulated? (check all that apply): Any change in the private partner during an initial period (e.g. construction and first five years of operation).	n/a
If yes, please provide the relevant legal/regulatory/standard contractual provisions (if any):	n/a
Changes of ownership/contract assignment, at any time during the contract, must preserve the same technical	n/a

qualifications as the original operator.	
If yes, please provide the relevant legal/regulatory/standard contractual provisions (if any):	n/a
In other cases, flexibility to change the ownership structure and/or assign the contract.	n/a
If yes, please provide the relevant legal/regulatory/standard contractual provisions (if any):	n/a
46. Does the regulatory framework (including standard contractual clauses) expressly regulate the modification or renegotiation of the PPP contract (once the contract is signed)?	No
If yes, please provide the relevant legal/regulatory/standard contractual provisions (if any):	n/a
46.1. If yes, is an approval from a government authority, other than the procuring authority, required?	n/a
If yes, please provide the relevant legal/regulatory/standard contractual provisions (if any):	n/a
46.2. If yes to question 46, which of the following circumstances are specifically regulated? (check all that apply): A change in the scope and/or object of the contract.	n/a
If yes, please provide the relevant legal/regulatory/standard contractual provisions (if any):	n/a
A change in the risk allocation of the contract.	n/a
If yes, please provide the relevant	n/a

legal/regulatory/standard contractual provisions (if any):	
A change in the financial and/or economic balance of the contract.	n/a
If yes, please provide the relevant legal/regulatory/standard contractual provisions (if any):	n/a
A change in the duration of the contract.	n/a
If yes, please provide the relevant legal/regulatory/standard contractual provisions (if any):	n/a
A change in the agreed price or tariff.	n/a
If yes, please provide the relevant legal/regulatory/standard contractual provisions (if any):	n/a
46.3. Can the procuring authority unilaterally modify a PPP contract?	n/a
If yes, please provide the relevant legal/regulatory/standard contractual provisions (if any):	n/a
47. Does the regulatory framework (including standard contractual clauses) 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/standard contractual provisions (if any):	No regulatory basis
Material Adverse government action .	No
If yes, please provide the relevant legal/regulatory/standard	n/a

contractual provisions (if any):	
Change in the Law.	No
If yes, please provide the relevant legal/regulatory/standard contractual provisions (if any):	n/a
Refinancing.	No
If yes, please provide the relevant legal/regulatory/standard contractual provisions (if any):	n/a
Subcontracting and replacement of the subcontractors.	No
If yes, please provide the relevant legal/regulatory/standard contractual provisions (if any):	n/a
48. Does the regulatory framework (including standard contractual clauses) allow for administrative and/or contractual complaint review mechanisms to address disputes arising from the implementation of PPP contracts?	Yes
If yes, please specify and provide the relevant legal/regulatory/standard contractual provisions (if any):	<p>Pursuant to Article 46 of the PPP Law:</p> <ol style="list-style-type: none"> 1. Everyone shall have the right to challenge the actions (inaction) and decisions of the client, the Appraisal Commission and the Procurement Appeals Board. 2. Relations with respect to procurement, including the consideration of the complaint, are not administrative relations and are regulated by the legislation governing the civil-law relations of the Republic of Armenia. 3. Everyone shall have the right, in accordance with this Law: <ol style="list-style-type: none"> 1) before the conclusion of the contract to appeal the actions (inaction) of the client and the evaluator and decisions of the procurement appellate board. 2) appeal the actions (inaction) and decisions of the Procurement Appeals Board, the client and the Appraisal Commission in court. 4. Everyone who is interested in entering into a specific transaction and which has suffered losses as a result of the action or inaction of the client, the Appraisal Commission, or the Procurement Appeals Board, shall have the right to claim damages in court.
48.1. If yes, please specify which of the following options are available (check	No

all that apply): Local administrative review body	
If yes, please specify:	n/a
Local courts	No
Domestic arbitration	Yes
International arbitration	Yes
Investor-State Dispute Settlement (ISDS)	Yes
Mediation	Yes
Please provide the relevant legal/ regulatory/standard contractual provisions (if any)	Armenia is a Member of the New York Convention and ICSID
48.2. If applicable, are arbitration awards enforceable by the local courts?: Domestic Arbitration	Yes
If yes, please provide the relevant legal/ regulatory provisions/standard contractual provisions (if any):	Pursuant to Article 39 of the Law on Arbitration Courts and Arbitration Procedures: 1. The judgement of the arbitration court is executed voluntarily. 2. Should the judgement be not executed within the established deadline and in accordance with the established order, the party has a right to apply to the first instance court located within the same jurisdiction as the arbitration court in order to obtain an enforcement act form necessary for the mandatory enforcement of the court judgement.
International arbitration	Yes
If yes, please provide the relevant legal/ regulatory provisions/standard contractual provisions (if any):	Armenia is a member of the New York Convention
Investor-State arbitration	Yes
If yes, please provide the relevant legal/ regulatory provisions/standard contractual provisions (if any):	Armenia is a member state of ICSID
49. Does the regulatory framework (including standard contractual clauses) allow for the restructuring of a PPP private partner (SPV) in financial difficulty prior to insolvency?	No
If yes, please specify and provide the relevant legal/regulatory/standard contractual provisions (if any):	n/a

50. Does the regulatory framework (including standard contractual clauses) allow for the lenders to take control of the PPP project (lender step-in rights) if either the private partner defaults or if the PPP contract is under threat of termination for failure to meet service obligations?	No
If yes, please provide the relevant legal/regulatory/standard contractual provisions (if any):	n/a
50.1. If yes, which of the following options best describes the lender step-in right? (Please select only one): The regulatory framework expressly regulates the lender step-in rights.	n/a
If yes, please specify and provide the relevant legal/regulatory/standard contractual provisions (if any):	n/a
The regulatory framework prescribes that a direct agreement should be signed with the lenders.	n/a
If yes, please specify and provide the relevant legal/regulatory/standard contractual provisions (if any):	n/a
The regulatory framework prescribes that the lender step-in rights should be regulated in the contract.	n/a
If yes, please specify and provide the relevant legal/regulatory/standard contractual provisions (if any):	n/a
Other.	n/a
Please Specify:	n/a
51. Does the regulatory framework (including standard contractual clauses)	No

expressly establish the grounds for termination of a PPP contract?	
If yes, please specify and provide the relevant legal/regulatory/standard contractual provisions (if any):	n/a
51.1. If yes, does the regulatory framework (including standard contractual clauses) establish the consequences for the termination of the PPP contract?	n/a
If yes, please specify and provide the relevant legal/regulatory/standard contractual provisions (if any):	n/a
Unsolicited Proposals	
34. Are unsolicited proposals in Armenia: (choose only one): Explicitly prohibited by the legal framework? (If prohibited, skip to section F)	No
Explicitly allowed by the legal framework?	No
Not regulated by the legal framework, but do happen in practice?	Yes
Not regulated by the legal framework, and do not happen in practice? (if not done in practice, skip to section F)	No
If the legal framework explicitly prohibits or allows unsolicited proposals, please provide the relevant legal/regulatory provisions	The majority of our contributors indicated that although the issue of unsolicited proposals is not regulated by the regulatory framework, they do happen in practice.
35. Does the procuring authority conduct an assessment to evaluate unsolicited proposals? (if not, skip to question 37)	No
If yes, please specify and provide the relevant legal/regulatory provisions (if any)	n/a
35.1. If yes, is there any vetting procedure and/or pre-	n/a

feasibility analysis before fully assessing the unsolicited proposal?	
If yes, please provide the relevant legal/regulatory provisions (if any):	n/a
36. Which of the following options best describe how the procuring authority ensures that unsolicited proposals are consistent with existing government priorities? (Please select only one): The procuring authority follows a specific procedure to ensure the consistency of PPPs with other government investment priorities.	n/a
If yes, please specify and provide the relevant legal/regulatory provisions (if any):	n/a
The regulatory framework requires unsolicited proposals to be among the existing government priorities without establishing specific procedures to achieve that goal.	n/a
If yes, please provide the relevant legal/regulatory provisions (if any):	n/a
The procuring authority does not evaluate unsolicited proposals against existing government priorities.	n/a
Please elaborate and provide examples:	n/a
37. Does the procuring authority initiate a competitive PPP procurement procedure when proceeding with the unsolicited proposal?	No
If yes, please provide the relevant legal/regulatory provisions (if any):	n/a
38. Does the procuring authority grant a minimum period of time to additional prospective bidders (besides	n/a

the proponent) to prepare their proposals?	
If yes, please provide the relevant legal/regulatory provisions (if any):	n/a
and the time in calendar days:	n/a
39.1 Does the procuring authority use any of the following incentive mechanisms to reward/compensate the presentation of unsolicited proposals? (check all that apply): Access to the best and final offer (BAFO) process and/or automatic shortlisting.	No
39.2 Developer's fee (reimbursing the original proponent for the project development cost).	No
39.3 Bid Bonus.	No
39.4 Swiss challenge (If unsuccessful, the original proponent has the option to match the winning bid and win the contract).	No
39.5 Other.	No
Please specify:	n/a
Please provide the relevant legal/regulatory provisions (if any):	n/a