

PROCURING INFRASTRUCTURE PUBLIC-PRIVATE PARTNERSHIPS 2018 IN BOSNIA AND HERZEGOVINA

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>There is no public-private partnership law at the level of BiH, but there is a need for its adoption. The legal regulation of public-private partnership is integrated into the Public Procurement Act and the Law on Concessions. The major laws are: a) Law on Public Procurement of BiH (Official Gazette of BiH No. 39/14) and b) Law on Concessions of BiH (Official Gazette of BiH No. 32/02 and 56/04). On the entity level Bosnia has: a) The Law on Public-Private Partnership in the Republic of Srpska (“Official Gazette of the Republic of Srpska”, number 59/09, 63/11) and, b) Law on Concessions of FBiH (Official Gazette of the Federation of Bosnia and Herzegovina No. 40/02 and 61/06). Lastly, in FBiH, this area is regulated at the cantonal level.</p> <p>As such, according to our contributors, no single PPP regulatory framework applies to all of the constituent entities of Bosnia and Herzegovina. As a consequence, the following analysis is exclusively based on the laws and regulations of the Sarajevo Canton since Sarajevo is the capital city and largest city of Bosnia and Herzegovina. More specifically, Law on Public Private Partnership of October 24, 2011, from hereon “Sarajevo PPP Law”, Law on Concessions of October 24, 2011, from hereon “Sarajevo Concession Law” and Law on Public Procurement of April 29, 2014, from hereon “Public Procurement Law”.</p>
and provide a link to a government-supported website where the mentioned regulatory framework is available or provide an electronic copy of it:	<p>PPP Law: http://mp.ks.gov.ba/sites/mp.ks.gov.ba/files/zakon_o_javno-privatnom_partnerstvu_eng.pdf</p> <p>Concession Law: http://propisi.ks.gov.ba/sites/propisi.ks.gov.ba/files/zakon_o_koncesijama_eng.pdf</p>
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 ongoing and/or are planned to be adopted BEFORE June 1, 2017?	No
Please describe:	n/a

2.2. Are ongoing and/or are planned to be adopted AFTER June 1, 2017?	Yes
Please describe:	The Law on PPP of the Federation of Bosnia & Herzegovina, as well as the reform of the existing Cantonal level PPP laws, along with a plan to amend and improve the Law on PPP of Republika Srpska, which is proving difficult to apply.
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 or restrict PPPs in any of the following sectors?: Telecom	No
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.)?	No
If yes, please specify and provide the relevant legal/regulatory provision (if any):	n/a
5. Please identify the PPP procuring authorities in Bosnia and Herzegovina and provide their website(s) (if available):	4.1. Entity governments 4.1.1. http://www.fbihvlada.gov.ba ; 4.1.2. http://www.vladars.net ; 4.2. Cantonal & District governments; 4.2.1. http://vlada.ks.gov.ba ; 4.2.2. http://vladausk.ba/v3 ; 4.2.3. http://www.sbk-ksb.gov.ba ; 4.2.4. http://www.vladatk.kim.ba ; 4.2.5. http://www.zdk.ba/vlada ; 4.2.6. http://www.bpkg.gov.ba ; 4.2.7. http://www.vlada-hnz-k.ba ; 4.2.8. http://www.vladazzh.com ; 4.2.9. http://www.zupanijaposavska.ba ; 4.2.10. http://www.vladahbz.com ; 4.2.11. http://www.bdcentral.net
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):	Pursuant to Article 23 of the PPP Law: 1) The Government shall establish the Commission for Public-Private Partnership as a permanent operating body of the Government, consisting of experts in the field of legislation, economics, technical and other relevant fields of expertise related to PPP; the Commission shall exercise its functions as an expert and independent regulatory body within the competence of the Canton. 2) The Commission shall consist of seven members. The Commission members shall include a representative of the Ministry of Economy, representative of the Ministry of Spatial Planning and Environmental Protection, representative of the Ministry of Education and Science, representative of the Ministry of Traffic, representative of the Ministry of Housing, all of which have the status of leading state officials in their respective ministries, one member of the academic community of the University of Sarajevo employed in the scientific fields related to PPP, as permanent members of the Commission, as well as a representative of the public partner, as a non-permanent member of the Commission. If the

	representative of the public partner is from within the competence of the cited ministries, the non-permanent member shall be selected from the academic community of the University of Sarajevo.
6.1 If yes, what are the main responsibilities of the PPP Unit (check all that apply): PPP regulation and policy guidance.	No
6.2 PPP capacity building for other public authorities.	No
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.	Yes
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:	n/a
PPP Preparation	
8. Does the Ministry of Finance or Central Budgetary Authority approve the PPP project before launching the procurement process?	Yes
If yes, please provide the relevant legal/regulatory provisions (if any):	Pursuant to Article 14 (4) (a) of the Sarajevo PPP Law, the public body shall submit to the Commission the project proposal and accompanying documents, including: the consent of the Ministry of Finance of the Sarajevo Canton, for PPP projects in the area of responsibility of the Canton, that is, the consent of the competent local self-government department, for PPP projects from the area of

	responsibility of the local self-government, pertaining to the compliance of the project proposal with budget projections and plans, fiscal risks and limitations prescribed by special.
8.1. Does the Ministry of Finance or Central Budgetary Authority approve the PPP project before signing the PPP contract?	Yes
If yes, please provide the relevant legal/regulatory provisions (if any):	Pursuant to Article 18 (1) of the Sarajevo PPP Law, prior to the Decision on the private partner selection, the competent public body shall submit to the Commission a proposal of the PPP Agreement for approval, including the addenda as its constituent part, as well as the consent of the Ministry of Finance or competent local self-government department for the proposal of the Agreement.
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 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.)?	Yes
If yes, please specify the relevant authority	The Competent Ministry or Local Government Department
and provide the relevant legal/regulatory provisions (if any):	Pursuant to Article 18 (1) of the Sarajevo PPP Law, prior to the Decision on the private partner selection, the competent public body shall submit to the Commission a proposal of the PPP Agreement for approval, including the addenda as its constituent part, as well as the consent of the Ministry of Finance or competent local self-government department for the proposal of the Agreement.
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?	Yes
If yes, please provide the relevant legal/regulatory provisions (if any):	Pursuant to Article 18 (3) of the Sarajevo PPP Law, The Commission shall submit the Decision to the Government, that is, to the Mayor and/or Municipal Mayor, who shall issue a decision on approval of the PPP Agreement proposal, at the proposal of the Commission.
10. Does the procuring authority use transaction advisors during the PPP project cycle?	Yes
If yes, please provide the relevant legal/regulatory provisions (if any):	Pursuant to Article 19 of the Sarajevo PPP Law, the public body shall conduct the consultant selection procedure in line with the provisions regulating the public procurement sector. It should be pointed out the Article 5 (k) of the Sarajevo PPP Law defines a consultant as one and/or more natural and legal entities with expert knowledge required for the preparation, contracting and implementation of PPP projects
11. In a case comparable to the case study assumptions, please select the option that best describes the way your government integrates the	Yes

<p>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 PPPs with other public investment priorities.</p>	
<p>If yes, please specify and provide the relevant legal/regulatory provisions (if any):</p>	<p>Pursuant to Article 14 (4) (b) of the Sarajevo PPP Law, the public body shall submit to the Commission the project proposal and accompanying documents, including: the opinion of the Competent Ministry on the compliance of the project proposal with the sector development plans and strategies, that is, with the provisions from its area of responsibility, and opinion of the local self-government department on the compliance of project proposals with development policy plans and plans of the local self-government unit. Furthermore, Pursuant to Article 12 (1) of the Sarajevo PPP Law, all ministries of the Canton and competent offices of the local self-government units shall prepare a medium-term (three-year) and annual plan for the proposal of PPP project implementation.</p>
<p>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.</p>	<p>No</p>
<p>If yes, please provide the relevant legal/regulatory provisions (if any):</p>	<p>n/a</p>
<p>The regulatory framework does not include any provisions but the procuring authority evaluates the consistency of PPPs with other government investment priorities in practice.</p>	<p>No</p>
<p>If yes, please elaborate:</p>	<p>n/a</p>

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?	No
If yes, please specify:	n/a
If no, please elaborate:	According to some contributors, with the current regulatory framework there is an issue with the prioritization of PPPs in Bosnia and Herzegovina. In these contributors' view, there is a considerable level of risk for investors to take into account, which in effect leads to the private sector displaying meager enthusiasm for participating in PPPs.
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)	Yes
Relevant legal/regulatory provision (if any)	Pursuant to Article 10 of the Sarajevo Concession Law: In the development of the justifiability study for concession award, the Conceding Authority (Concessor) shall inquire into the public interest, effect on the environment, protection of natural and cultural values, investments, employment, financial effects of the entire concession project, financial effects in favor of the future concessionaire, and the concession effect on the Cantonal budget, that is, budgets of the local self-government units, and its compliance with the business development plans and the Concessor's plans.
Is there a specific methodology for the assessment?	No
If yes, please elaborate	n/a
Is the assessment done in practice?	No Data
Details:	No experience exists at this time, as no PPP agreements have been awarded to this date in Sarajevo.
12.2. Affordability assessment, including the identification of the	Yes

required long term public commitments (explicit and implicit, direct and contingent liabilities)	
Relevant legal/regulatory provision (if any)	Pursuant to Article 10 of the Sarajevo Concession Law: In the development of the justifiability study for concession ward, the Conceding Authority (Concessor) shall inquire into the public interest, effect on the environment, protection of natural and cultural values, investments, employment, financial effects of the entire concession project, financial effects in favor of the future concessionaire, and the concession effect on the Cantonal budget, that is, budgets of the local self-government units, and its compliance with the business development plans and the Concessor's plans.
Is there a specific methodology for the assessment?	No
If yes, please elaborate	n/a
Is the assessment done in practice?	No Data
Details:	No experience exists at this time, as no PPP agreements have been awarded to this date in Sarajevo.
12.3. Risk identification, allocation and assessment (risk matrix)	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
12.4. 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 Article 12 (2) (b) of the Sarajevo PPP Law, the Commission shall evaluate the justifiability of the application of the public-private partnership model.
Is there a specific methodology for the assessment?	No
If yes, please elaborate	n/a
Is the assessment done in practice?	No Data

Details:	No experience exists at this time, as no PPP agreements have been awarded to this date in Sarajevo.
12.5. Financial viability or bankability assessment	Yes
Relevant legal/regulatory provision (if any)	Pursuant to Article 10 of the Sarajevo Concession Law: In the development of the justifiability study for concession ward, the Conceding Authority (Concessor) shall inquire into the public interest, effect on the environment, protection of natural and cultural values, investments, employment, financial effects of the entire concession project, financial effects in favor of the future concessionaire, and the concession effect on the Cantonal budget, that is, budgets of the local self-government units, and its compliance with the business development plans and the Concessor's plans.
Is there a specific methodology for the assessment?	No
If yes, please elaborate	n/a
Is the assessment done in practice?	No Data
Details:	No experience exists at this time, as no PPP agreements have been awarded to this date in Sarajevo.
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	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
12.8. Consultation process with affected communities on potential 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?	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):	Pursuant to Article 17 (2) (a) of the Sarajevo PPP Law, the tender documents will include the proposal of the PPP contract.
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 17 (1) of the Sarajevo PPP Law, The private partner selection procedure shall be performed in line with the provisions and criteria regulating the public procurement area, applying relevant provisions of this Law. The public invitation for the private partner selection shall be published in the Official Gazette of Bosnia and Herzegovina, whereas the unaltered text shall be

	<p>published in daily press as well as on the Government's official website.</p> <p>Furthermore, according to Article 17 (2) of the PPP Law, In addition to the criteria defined under Paragraph (1) of this Article, the tender documents shall also include the following elements:</p> <ul style="list-style-type: none"> a) proposal of the PPP contract, b) instructions for the preparation of financial model for the PPP project, c) discount rate, d) proposal of the risk-sharing sheet
and please specify the website:	http://vlada.ks.gov.ba/
15. In a case comparable to the case study assumptions, 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
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)	Pursuant to Article 21 (1) (9) of the Sarajevo Concession Law, a concession contract shall specify the actions related to obtaining necessary authorizations for undertaking activities in accordance with the concession contract.
16.2. Obtaining the required environmental 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
16.3. 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)	No regulatory basis
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	Yes

<p>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.</p>	
<p>If yes, please provide the relevant legal/regulatory provisions (if any):</p>	<p>Pursuant to Article 23 of the Sarajevo PPP Law:</p> <p>(1) The Government shall establish the Commission for Public-Private Partnerships as a permanent operating body of the Government, consisting of experts in the field of legislation, economics, technology and other relevant fields of expertise related to PPP; the Commission shall exercise its functions as an expert and independent regulatory body within the competence of the Canton.</p> <p>(2) The Commission shall consist of seven members. The Commission members shall include a representative of the Ministry of Economy, representative of the Ministry of Spatial Planning and Environmental Protection, representative of the Ministry of Education and Science, representative of the Ministry of Traffic, representative of the Ministry of Housing, all of which have the status of leading state officials in their respective ministries, one member of the academic community of the University of Sarajevo employed in the scientific fields related to PPP, as permanent members of the Commission, as well as a representative of the public partner, as a non-permanent member of the Commission. If the representative of the public partner is from within the competence of the cited ministries, the non-permanent member shall be selected from the academic community of the University of Sarajevo.</p> <p>(3) The Commission shall have its chairman elected by the permanent members of the Commission for a one-year period, in accordance with the rotation principle.</p> <p>(4) The members of the Commission shall not exercise political functions.</p>
<p>The bid evaluation committee members require sufficient qualification without specific details.</p>	<p>No</p>
<p>If yes, please provide the relevant legal/regulatory provisions (if any):</p>	<p>n/a</p>
<p>The bid evaluation committee members are not required to have any specific qualifications.</p>	<p>No</p>
<p>Please elaborate and provide examples:</p>	<p>n/a</p>
<p>19. Does the procuring authority issue a public procurement notice of the PPP project?</p>	<p>Yes</p>

If yes, please specify the means of publication and provide the relevant legal/regulatory provisions (if any):	Pursuant to Article 17 (1) of the Sarajevo PPP Law, the private partner selection procedure shall be performed in line with the provisions and criteria regulating the public procurement area, applying relevant provisions of this Law. The public invitation for the private partner selection shall be published in the Official Gazette of Bosnia and Herzegovina, whereas the unaltered text shall be published in daily press as well as on the Government's official website. Furthermore, Pursuant to Article 35 (1) of the Public Procurement Law, the contracting authority shall publish the procurement notice for open, restricted, and negotiated procedure with publication of notice, design contest, competitive dialogue, and competitive request for quotations.
19.1. If yes, is the public procurement notice published online?	Yes
If yes, please specify the website:	https://www.ejn.gov.ba/ http://vlada.ks.gov.ba/
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 40 (1) of the Public Procurement Law, the contracting authority shall be under obligation to determine in open procedure with threshold values referred to in Article 14 paragraphs (2) and (3) of the Public Procurement Law, the minimum time limit for receipt of bids of 45 days as of the day of dispatching for publication of procurement notice on the public procurement portal.
and the time in calendar days:	45
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	No
Default	Yes
Relevant legal/regulatory provision (if any)	Pursuant to Article 40 (1) of the Public Procurement Law, the contracting authority shall be under obligation to determine in open procedure with threshold values referred to in Article 14 paragraphs (2) and (3) of the Public Procurement Law, the minimum time limit for receipt of bids of 45 days as of the

	day of dispatching for publication of procurement notice on the public procurement portal.
22.2. Restricted tendering (with pre-qualification stage): Available	No
Default	No
Relevant legal/regulatory provision (if any)	n/a
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:	No
Available	n/a
Default	n/a
Relevant legal/regulatory provision (if any)	n/a
22.8. Do the tender documents detail the procedure of the procurement process providing the same information to all the bidders?	Yes
If yes, please provide the relevant legal/regulatory provisions (if any):	Pursuant to Article 53 of the Public Procurement Law : The contracting authority shall be under obligation to prepare bidding documentation in compliance with the provisions of this Law and Implementing Regulations. In the bidding documentation, the contracting authority shall provide comprehensive information about the terms of the contract and award procedures sufficient for the preparation of requests for participation, i.e. bids on a genuinely competitive

	<p>basis. Procurement notice prepared in compliance with Article 35 of the Law shall represent an integral part of the bidding documentation. Bidding documentation shall include the following information, at the minimum: a) name and address of the contracting authority, as well as contact person from whom the candidates/bidders may request information or clarification; b) the award procedure chosen, and data on whether a framework agreement is envisaged to be concluded; c) description of the supplies, services or works, and the stating of the code and description from the CPV; d) bills of quantity for supplies or terms of reference or task description for services and works, and technical specifications; e) place of delivery of supplies or provision of services or execution of works; f) indication of possibility to submit bids by lots; g) time limits for delivery of supplies; provision of services; execution of works; h) statement on the possibility to submit variants and minimum requirements that shall have to be met in case of variants; i) minimum requirements for the qualifications of candidates, i.e. bidders, as well as the evidence on which the evaluation shall be based; j) contract award criterion fixed as “the most economically advantageous bid” with sub-criteria or “the lowest price”; k) bid validity period; l) bid security; performance security, and any other securities required for interim payments; m) place, date and hour for receipt of requests for participation or receipt of bids; n) place, date and hour for opening of bids; o) information on price calculation, if applicable; p) language related requirements; r) draft contract or main contract elements</p>
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 26 (2) of the Public Procurement Law, a restricted procedure shall include the following: a) publishing the procurement notice in which the contracting authority invites all interested candidates to request the documentation for pre-qualification phase; b) providing or rendering accessible the documentation for pre-qualification phase to the candidates;
22.10. Based on your experience, is it always the case that the specified criteria are respected in practice?	No
If yes, please specify and provide the relevant legal/regulatory provisions (if any):	n/a
If no, please elaborate:	The application of the Public Procurement Law of Bosnia & Herzegovina is obligatory, under penalty to the contracting authority and the responsible person. However, according to some contributors, the enforcement of such penalties is still very rare, resulting in a tendency for the contracting authorities to sometimes not adhere strictly to the standards of public procurement.

23. Can interested parties/potential bidders submit questions to clarify the public procurement notice and/or the request for proposals?	<p>Yes</p>
If yes, please provide the relevant legal/regulatory provisions (if any):	<p>Pursuant to Article 56 (1) of the Public Procurement Law, Interested candidates/bidders may seek clarification of the bidding documentation from the contracting authority in writing in a timely manner, and not later than ten days before the expiry of the time limit for the submission of requests for participation or bids.</p>
23.1. If yes, notwithstanding confidential information pertaining to the bidders, does the procuring authority disclose those questions and clarifications to all potential bidders?	<p>Yes</p>
If yes, please provide the relevant legal/regulatory provisions (if any):	<p>Pursuant to Article 56 (2) of the Public Procurement Law, the contracting authority shall prepare a written answer, and the answer containing clarification shall be delivered to all the candidates/bidders that have bought the bidding documentation, or for which it is known that they received it in one of the ways specified in Article 55 of the same Law, within three days and not later than five days before the expiry of the time limit for the submission of requests for participation or bids.</p>
23.2. Based on your experience, is it always the case that this disclosure of information is done in practice?	<p>No</p>
If yes, please specify:	<p>n/a</p>
If no, please elaborate:	<p>Lack of availability information and transparency creates some problems and difficulties for interested parties</p>
24. Besides questions and clarifications, can the procuring authority conduct pre-bidding conference?	<p>No</p>
If yes, please specify and provide the relevant legal/regulatory provisions (if any):	<p>n/a</p>
24.1. If yes, notwithstanding confidential information pertaining to the bidders, does the procuring authority disclose the content and the results of	<p>n/a</p>

the pre-bid conference to all bidders?	
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?	Yes
If yes, please provide the relevant legal/regulatory provisions (if any):	Pursuant to Article 17 (2) (b) of the Sarajevo PPP Law, the tender documents shall include instructions for the preparation of a financial model for the PPP project.
If no, please elaborate:	n/a
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 17 (1) of the Sarajevo PPP Law, the private partner selection procedure shall be performed in line with the provisions and criteria regulating the public procurement area, applying relevant provisions of this Law. Furthermore, Pursuant to Article 18 (2), the private partner selection will be determined on the basis of evaluation of compliance of the Agreement proposal with the tender documentation and provisions of the Regulation under Article 6, Paragraph (3) of the Sarajevo PPP Law.
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	No

a PPP contract where only one proposal is submitted.	
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):	<p>Pursuant to Article 19 of the Sarajevo Concession Law:</p> <p>(1) The Concessor shall issue decisions pursuant to the Law on Administrative Proceedings.</p> <p>(2) At the proposal of the Commission, the Concessor shall issue a decision on the selection of the most favorable bidder, if all requirements and criteria have been met as defined in the public invitation.</p> <p>(3) At the proposal of the Commission, the Concessor may also issue a decision as referred to under Paragraph (2) of this Article if only one bid arrived with respect to the public invitation.</p>
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 70 (6) of the Public Procurement Law, the contracting authority shall publish the decision on selection or cancelation of procurement procedure on its website, if it has one, simultaneously with the delivery of decisions to bidders that participated in the public procurement procedure.
28.1. If yes, is the public procurement award notice published online?	Yes
If yes, please specify the website:	https://www.ejn.gov.ba/ and the website of the contracting authority
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 70 (6) of the Public Procurement Law, the contracting authority shall publish the decision on selection or cancelation of procurement

	procedure on its website, if it has one, simultaneously with the delivery of decisions to bidders that participated in the public procurement procedure.
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 70 (3) of the Public Procurement Law, the decision on selection shall contain: data on the contracting authority, number and date of the decision making, data on public notice, type of procurement procedure, number of received bids, name and data on the selected bidder, detailed explanation of the reasons behind the selection, instructions on legal remedy, signature of authorized person, and stamp of contracting authority.
30. Is there a standstill (or pause) period after the contract award and before the signing of the contract in order to allow unsuccessful bidders to challenge the award decision?	Yes
If yes, please provide the relevant legal/regulatory provisions (if any):	Pursuant to Article 72 (1) of the Public Procurement Law, the contracting authority shall deliver the contract proposal to the selected bidder after the expiry of the time limit of 15 days, counting from the day when all bidders have been informed of the selection of the most successful bid. The selected bidder shall accept the proposal and conclude the contract. Furthermore, according to Article 28 of the Sarajevo PPP Law, the legal protection in the private partner selection procedure shall be exercised pursuant to the Public Procurement Law of Bosnia and Herzegovina regulating the procurement sector.
and the time in calendar days:	15
30.1. Is the standstill period set out in the notice of intention to award?	No
If yes, please provide the relevant legal/regulatory provisions (if any):	n/a
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 70 (5) of the Public Procurement Law, at the award of procurement contract, the price stated in the most successful bid, as well as the conditions defined in bidding documentation, may not be changed. Exceptionally, if a provision is provided in the bidding documentation on price changeability with objectively defined rules on price changeability, such a provision shall be entered in public procurement contract.
31.1. Based on your experience, is it always the case that this restriction is respected in practice?	No
If yes, please specify:	n/a
If no, please elaborate:	According to some contributors, the bidders sometimes offer prices lower than the market ones in the original offer, after which in most cases a contract is signed with annexes that dramatically increase the cost of the project. These contributors claim that in many cases it is impossible to retrieve those annexes from the procuring authority, and to find out the real value of that public procurement.
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 21 of the Sarajevo PPP Law:</p> <p>(1) The public partner shall submit the signed PPP Agreement with all addenda to the Commission, as well as the amendments to the agreement and to the addenda, within the period that shall be prescribed by the Government in the Regulation under Paragraph (2) of this Article. The signed PPP Agreement with all addenda as its constituent part, as well as all amendments to the agreement and its addenda shall be entered into the Register kept by the Commission.</p> <p>(2) The Regulation on the Contents and Keeping of the Register shall be published in the "Official Gazette of the Sarajevo Canton".</p> <p>(3) This Regulation shall define the persons authorized to access the Register and the scope of rights pertaining to the access to the Register, pursuant to the special provisions regulating data protection and business secrets.</p> <p>(4) The Register under Paragraph (1) of this Article shall be public.</p>
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	Yes
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	No
Publication of a summary of the PPP contract along	No

with the full PPP contract including all its annexes and appendixes	
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:	http://vlada.ks.gov.ba/
32.3. If yes, does the procuring authority also publish any subsequent amendment made to the PPP contract?	Yes
If yes, please provide the relevant legal/regulatory provisions (if any):	<p>Pursuant to Article 21 of the Sarajevo PPP Law:</p> <p>(1) The public partner shall submit the signed PPP Agreement with all addenda to the Commission, as well as the amendments to the agreement and to the addenda, within the period that shall be prescribed by the Government in the Regulation under Paragraph (2) of this Article. The signed PPP Agreement with all addenda as its constituent part, as well as all amendments to the agreement and its addenda shall be entered into the Register kept by the Commission.</p> <p>(2) The Regulation on the Contents and Keeping of the Register shall be published in the "Official Gazette of the Sarajevo Canton".</p> <p>(3) This Regulation shall define the persons authorized to access the Register and the scope of rights pertaining to the access to the Register, pursuant to the special provisions regulating data protection and business secrets.</p> <p>(4) The Register under Paragraph (1) of this Article shall be public.</p>
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)?	Yes
If yes, please provide the relevant legal/regulatory provisions (if any):	According to Article 22 (1) of the Sarajevo PPP Law, Pursuant to the provisions of the Regulation on Monitoring the Implementation of PPP Projects issued by the Government at the proposal of the Commission, the competent Ministry or the local self-government department shall control, that is, monitor the implementation of the PPP projects. The Commission shall have the right to monitor, perform expert inspection and/or supervise the implementation of the PPP project.
41.1. If yes, which of the following tools does it include (check all that	No

apply)?: Establishment of a PPP contract management team	
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	No
Relevant legal/regulatory provisions (if any):	n/a
Elaboration of a PPP implementation manual or an equivalent document	No
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)	No
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.)	No
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	n/a

legal/regulatory provisions (if any):	
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?	Yes

If yes, please provide the relevant legal/regulatory provisions (if any):	<p>Pursuant to Article 32 (1) of the Sarajevo Concession Law, the competent Ministry shall continuously supervise the activities of the Concessionaire and fulfillment of its obligations under the contract on concession, and regularly monitor the scope and extent to which the concession rights are being exercised. Furthermore, Pursuant to Article 22 (1) of the Sarajevo PPP Law, the competent Ministry or the local self-government department shall control, that is, monitor the implementation of the PPP projects. The Commission shall have the right to monitor, perform expert inspection and/or supervise the implementation of the PPP project.</p>
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	<p>No</p>
Relevant legal/regulatory provisions (if any)	<p>n/a</p>
The procuring or contract management authority can abate (reduce) payments for non-performance of operating obligations under the PPP contract	<p>No</p>
Relevant legal/regulatory provisions (if any)	<p>n/a</p>
The private partner must provide the procuring or contract management authority with periodic operational and financial data	<p>No</p>
Relevant legal/regulatory provisions (if any)	<p>n/a</p>
The procuring or contract management authority must periodically gather information on the performance of the PPP contract	<p>No</p>
Relevant legal/regulatory provisions (if any)	<p>n/a</p>
The PPP contract performance information must be available to the public	<p>No</p>
Relevant legal/regulatory provisions (if any)	<p>n/a</p>
43.2. Is PPP contract performance information	<p>No</p>

made publicly available online?	
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?	Yes
If yes, please provide the relevant legal/regulatory/standard contractual provisions (if any):	Pursuant to Article 23 (1) of the Sarajevo Concession Law, the contract may not be transferred to another concessionaire without prior approval by the Assembly of Sarajevo Canton. The concession contract may be transferred only if the contract requirements related to the investments have been met.
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).	No
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 qualifications as the original operator.	Yes
If yes, please provide the relevant legal/regulatory/standard contractual provisions (if any):	Pursuant to Article 23 (3) (b) of the Sarajevo Concession Law, the expertise and capacity of the new proposed Concessionaire to provide services and fulfill the obligations under the concession contract shall be taken into account.

In other cases, flexibility to change the ownership structure and/or assign the contract.	No
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 legal/regulatory/standard contractual provisions (if any):	n/a

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):	Pursuant to Article 27 (1) of the Sarajevo Concession Law, when it is impossible for a party to fulfill a contractual obligation due to circumstances that are beyond the responsibility of any party, whereas neither party wishes to terminate the contract, the concession shall continue upon discontinuation of the circumstances that prevented the concession activities or caused the failure to fulfill the contractual obligations.
Material Adverse government action .	No
If yes, please provide the relevant legal/regulatory/standard contractual provisions (if any):	n/a

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):	Article 33 of the Sarajevo Concession Law outlines the procedures to be undertaken in disputes, but not limited to, the following scenarios: a) in relation to the fulfillment of the contractual obligation, b) in relation to disputes for the concession award between the Federation BiH and the Canton, c) in relation to disputes to the competence of concession between cantons. Furthermore Pursuant to Article 32 of the Sarajevo PPP Law: if the Commission or another competent body detects a violation of the provisions of this Law by a public, private partner or a SPC, it shall submit to the competent court that has jurisdiction over misdemeanors the proposal to initiate misdemeanor procedure.
48.1. If yes, please specify which of the following options are available (check all that apply): Local administrative review body	No
If yes, please specify:	n/a
Local courts	Yes
Domestic arbitration	No
International arbitration	Yes
Investor-State Dispute Settlement (ISDS)	Yes

Mediation	Yes
Please provide the relevant legal/ regulatory/standard contractual provisions (if any)	<p>Article 33 of the Sarajevo Concession Law outlines the procedures to be undertaken in disputes, but not limited to, the following scenarios: a) in relation to the fulfillment of the contractual obligation, b) in relation to disputes for the concession award between the Federation BiH and the Canton, c) in relation to disputes to the competence of concession between cantons. Furthermore Pursuant to Article 32 of the Sarajevo PPP Law: if the Commission or another competent body detects a violation of the provisions of this Law by a public, private partner or a SPC, it shall submit to the competent court that has jurisdiction over misdemeanors the proposal to initiate misdemeanor procedure.</p> <p>Furthermore, Bosnia and Herzegovina is a member of the New York Convention and of ICSID.</p>
48.2. If applicable, are arbitration awards enforceable by the local courts?: Domestic Arbitration	No
If yes, please provide the relevant legal/ regulatory provisions/standard contractual provisions (if any):	n/a
International arbitration	Yes
If yes, please provide the relevant legal/ regulatory provisions/standard contractual provisions (if any):	Bosnia and Herzegovina is a member of the New York Convention and of ICSID
Investor-State arbitration	Yes
If yes, please provide the relevant legal/ regulatory provisions/standard contractual provisions (if any):	Bosnia and Herzegovina is a member of the New York Convention and 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	No

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?	
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) expressly establish	Yes

the grounds for termination of a PPP contract?	
If yes, please specify and provide the relevant legal/regulatory/standard contractual provisions (if any):	Pursuant to Article 26 (1) of the Sarajevo Concession Law: The concession contract may terminate: a) if the Concessionaire has been insolvent for more than six months, b) if the Concessionaire or the Concessor fail to fulfill the contractual obligations, and c) if he performs the activities contrary to the provisions of the concession contract. Article 26 (1) of the Sarajevo PPP Law.
51.1. If yes, does the regulatory framework (including standard contractual clauses) establish the consequences for the termination of the PPP contract?	No
If yes, please specify and provide the relevant legal/regulatory/standard contractual provisions (if any):	n/a
Unsolicited Proposals	
34. Are unsolicited proposals in Bosnia and Herzegovina: (choose only one): Explicitly prohibited by the legal framework? (If prohibited, skip to section F)	No
Explicitly allowed by the legal framework?	Yes
Not regulated by the legal framework, but do happen in practice?	No
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	Pursuant to Article 20 of the Sarajevo Concession Law, the regulatory framework does allow for the submission of unsolicited proposals.
35. Does the procuring authority conduct an assessment to evaluate unsolicited proposals? (if not, skip to question 37)	Yes
If yes, please specify and provide the relevant	Pursuant to Article 20 (2) of the Sarajevo Concession Law: it is obligatory to submit a justifiability study for the concession award and documents on the

legal/regulatory provisions (if any)	settlement of preliminary issues (excerpt from the spatial planning document, consent of the Municipal Council, and other documents specific for the field of concession).
35.1. If yes, is there any vetting procedure and/or pre-feasibility analysis before fully assessing the unsolicited proposal?	No
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.	No
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.	Yes
If yes, please provide the relevant legal/regulatory provisions (if any):	Pursuant to Article 20 (8) of the Sarajevo Concession Law, the Cantonal Government may refuse to grant the authorization for negotiations in the event that the unsolicited bid is not provided under Article 7 of this Law (planned approach); however, if the Cantonal Government renders it justified, the concession award shall be conducted according to the procedure stipulated by this Law. Articles 7 (1), 7 (2) and 7 (3) of the Sarajevo Concession Law state: (1) All ministries of the Canton shall produce medium-term (three-year) and annual plan of concession award as stipulated by this Law. (2) Municipalities in the Sarajevo Canton shall propose projects suitable for the concession award; if the competent Ministry finds the projects justified, it may include them in the plans referred to under Paragraph (1) of this Article. (3) The competent Ministry may also include proposals of business companies in the plans under Paragraph (1) of this Article.
The procuring authority does not evaluate	No

unsolicited proposals against existing government priorities.	
Please elaborate and provide examples:	n/a
37. 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):	Pursuant to Article 20 (8) of the Sarajevo Concession Law: if the Cantonal Government renders the unsolicited proposal justified, the concession award shall be conducted according to the procedure stipulated by the Sarajevo Concession Law.
38. 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 relevant legal/regulatory provisions (if any):	Pursuant to Article 40 (1) of the Public Procurement Law, the contracting authority shall be under obligation to determine in open procedure with threshold values referred to in Article 14 paragraphs (2) and (3) of the Public Procurement Law, the minimum time limit for receipt of bids of 45 days as of the day of dispatching for publication of procurement notice on the public procurement portal.
and the time in calendar days:	45
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