



PROCURING INFRASTRUCTURE PUBLIC-PRIVATE PARTNERSHIPS 2018 IN CAMEROON

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>PPPs in Cameroon are currently governed by Law No. 2006/012 of December 29, 2006, enacting the general regulations of Partnership Contracts (“Law No. 2006/012”); Decree No. 2008/035 of January 23, 2008, organizing and creating the National Partnership Contracts Support Council - Conseil d’Appui à la Réalisation des Contrats de Partenariat, CARPA- (“Decree No. 2008/035”) as amended by Decree No. 2012/148 of March 21, 2012, and Decree No. 2008/0115/PM of January 24, 2008 regulating the Law No. 2006/012 (“Decree No. 2008/0115/PM”) as amended by Decree No 2014/2343 of July 31, 2014. Other applicable laws and regulations are: Law No. 2008/009 of July 16, 2008, enacting the accounting, financial, and tax system applicable to partnership contracts and Order No. 186/CAB/PM of November 15, 2011, to fix terms and conditions for the collection of fees payable for partnership contracts.</p>
and provide a link to a government-supported website where the mentioned regulatory framework is available or provide an electronic copy of it:	http://www.ppp-cameroun.cm/index.php?page=textes-et-lois
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?	Yes
Please describe:	Cameroon adopted in January 2017 a strategic plan for developing PPPs. This document does not contain bidding rules but advices on regulatory changes, that are to be expected as a consequence.
2.2 Are ongoing and/or are planned to be adopted AFTER June 1, 2017?	No
Please describe:	n/a
3.1 Besides national defense and other matters of national security, does the regulatory framework explicitly prohibit or restrict PPPs in any of the	No

following sectors?: Transportation.	
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.)?	Yes
If yes, please specify and provide the relevant	Pursuant to Section 3 of Law n° 2008/009 of the 16th July 2008 stating the accounting, financial and tax system applicable to partnership Contracts, the tax system applicable to partnership contracts is specific to the conception,

legal/regulatory provision (if any):	<p>realization and operation phases of an investment project. The following sections provide more details on tax advantages for PPPs throughout the different phases of the project. In particular, sections 4 to 9 refer to the conception; sections 10 and 11 to operation.</p> <p>The development plan in section 1. 3. 2. 3. however indicates that an implementation decree is still missing and the advantages of a specific regime for partnership contracts instead of following the standard rules (law of April 18th 2013 related to private investment) are still to be proven.</p>
5. Please identify the PPP procuring authorities in Cameroon and provide their website(s) (if available):	<p>Pursuant to Section 2 (2) of Law No. 2006/012, the procuring entities are the State or any of its Representatives.</p>
6. In addition to the PPP procuring authorities listed above, is there a specialized government entity that facilitates the PPP program (PPP Unit)?	<p>Yes</p>
If yes, please indicate its name, and its website (if available):	<p>CARPA (Sill Board for Implementing Partnership Contracts) was created by the Law No. 2006/012 and its functions are detailed in sections 3 and 10 of Decree No. 2008/035. Its website is as follows: www.ppp-cameroun.cm</p>
6.1 If yes, what are the main responsibilities of the PPP Unit (check all that apply): PPP regulation and policy guidance.	<p>Yes</p>
6.2 PPP capacity building for other public authorities.	<p>Yes</p>
6.3 PPP promotion among the public and/or private sectors in national and international forums.	<p>Yes</p>
6.4 Technical support in implementing PPP projects.	<p>Yes</p>
6.5 Identification and selection of PPP projects from the pipeline.	<p>No</p>
6.6 Revision of fiscal risks born by the Government.	<p>No</p>
6.7 Consultation with affected communities on potential impact of PPP projects.	<p>No</p>
6.8 Approval of PPP projects.	<p>Yes</p>
6.9 Undertaking the procurement of PPPs.	<p>No</p>
6.10 Oversight of PPP implementation.	<p>Yes</p>
6.11 Other	<p>No</p>
6.11 please specify:	<p>n/a</p>

Please provide the relevant legal/regulatory provisions:	<p>Pursuant to Section 3 (1) of Decree n° 2008 / 035, the Board’s mission is to contribute, through its expertise, in creating or renewing public infrastructures and equipment, as well as improving the quality of the public service within the framework of bigger technical and financial projects to be achieved through a partnership agreement.</p> <p>Therefore, it is in charge of:</p> <ul style="list-style-type: none"> - Elaborating mechanisms for implementing contracts; - Assessing the public projects feasibility within the partnership framework; - Attending to negotiations, controlling and monitoring projects; - Examining any questions in connection with projects to be carried out, mainly in terms of defining priorities and the selection mode of the contracting partner; - Informing public organisms of decentralized territorial communities, business forums and the general public on the public management concept in terms of partnership. - Promoting better practices in the building and managing public projects within the partnership agreement framework; - Spreading and vulgarising the Cameroon system of partnership CONTRACTS; - Implementing and/or adapting necessary technical and legal tools to be applied in the partnership agreement; - Training, developing a national expertise and watching out innovations of management procedures of public projects within the partnership agreement framework; - Working out technical and legal tools of projects analyses and selection of partners; - Defining an ethic code in connection with the Board’s activities. - Contributing, through its expertise, in the selection of the contracting partner.
PPP Preparation	
8. Does the Ministry of Finance or Central Budgetary Authority approve the PPP project before launching the procurement process?	<p>Yes</p>
If yes, please provide the relevant legal/regulatory provisions (if any):	<p>Section 8 (new) of the Decree No. 2008/0115/PM requires advice from the Ministry of finance and, according to Section 6(2) of the Law No. 2006/012, the partnership contract may not be awarded without the reasoned opinion of the Minister of Finance. In reality, this opinion is an approval since the project can not continue with a negative opinion.</p>
8.1. Does the Ministry of Finance or Central Budgetary Authority approve the PPP project before signing the PPP contract?	<p>No</p>
If yes, please provide the relevant legal/regulatory provisions (if any):	<p>n/a</p>
8.2. Does the Ministry of Finance (or government more	<p>No</p>

broadly) have a specific system of: Budgeting for PPP projects.	
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	Adviser committee of the Sill Board implementing Partnership Contracts
and provide the relevant legal/regulatory provisions (if any):	Section 10 of the Decree No. 2008/035 : (1) The advisers' committee examines the evaluation reports of eligible projects in Partnership Agreement system submitted by the chairman of the Board after a thorough examination of the Technical Secretariat. (2) The aforementioned examination of the evaluation reports must be approved by a feasibility notification of the project. (3) The

	Committee's notification keeps with the standards. It binds with the decision to launch the selection procedure of the public contractor's partner.
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 section 31 (new) (4) of the Decree No. 2008/0115/PM, the signing of the contract takes place after a non-objection of the expert organization [Sill Board implementing Partnership Contracts]. This is followed by an official notification to the beneficiary within the conditions provided by the law.
10. Does the procuring authority use transaction advisors during the PPP project cycle?	No
If yes, please provide the relevant legal/regulatory provisions (if any):	n/a
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 PPPs with other public investment priorities.	No
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	No

procedure to achieve that goal.	
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:	In Cameroon, the regulatory framework does not specifically mention any requirement to assess and prioritize PPPs within the broader context of public investment system. However, a first step for a successful PPP is to identify PPP projects within the broader context of public investment planning. The assessment and prioritization of PPPs happen within a unified framework of public investment management.
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:	In Cameroon, the regulatory framework does not specifically mention any requirement to assess and prioritize PPPs within the broader context of public investment system. However, a first step for a successful PPP is to identify PPP projects within the broader context of public investment planning.
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)	Yes
Relevant legal/regulatory provision (if any)	Pursuant to section 6 (1) of the Law No. 2006/012, the partnership agreement can be approved, only if the implementation of projects which were efficiently assessed by the public contractor before the signing procedure: - Expose with precision: economical, financial, legal, and administrative frameworks which were taken into account further to a comparative analysis in terms of global

	<p>costs, performance and risks sharing, different options to be considered at the signing session of a partnership agreement.</p> <p>Furthermore, the feasibility study corresponds to the maturity phase of the project. It consists of a feasibility file especially showing the economic and social interest of the project (Decree No. 2008/0115/PM, Section 6 (1))</p>
Is there a specific methodology for the assessment?	No
If yes, please elaborate	n/a
Is the assessment done in practice?	Yes
Details:	A socio-economic analysis is in practice prepared through the emergency, complexity and comparative analysis.
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)	<p>Section 8 (new) of the Decree No. 2008/0115/PM indicates that the Ministry of finance gives an opinion on the budget sustainability, by emphasizing :</p> <ul style="list-style-type: none"> - maximum investment level - financing structure - loan conditions - Administration's part - relationships between lenders and the Administration (guarantees) <p>Following transmission of a request to the Ministry of Finance, he creates a Committee including officials in charge of budget, tax, customs and treasure of his ministerial department and an official of the Ministry of Economy.</p>
Is there a specific methodology for the assessment?	No
If yes, please elaborate	n/a
Is the assessment done in practice?	No
Details:	Contributors haven't confirmed that this assessment is actually conducted in practice.
12.3. Risk identification, allocation and assessment (risk matrix)	Yes
Relevant legal/regulatory provision (if any)	<p>Pursuant to section 6 (1) of the Law No. 2006/012, the partnership agreement can be approved, only if the implementation of projects which were efficiently assessed by the public contractor before the signing procedure: - Exposes with precision economical, financial, legal, administrative frameworks which were taken into account further to a comparative analysis in terms of global costs, performance and risks sharing, different options to be considered at the signing session of a partnership agreement.</p>

Is there a specific methodology for the assessment?	No
If yes, please elaborate	n/a
Is the assessment done in practice?	Yes
Details:	Risks are identified through a comparative analysis.
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 section 6 (1) of the Law No. 2006/012, the partnership agreement can be approved, only if the implementation of projects which were efficiently assessed by the public contractor before the signing procedure exposes with precision economical, financial, legal, administrative frameworks which were taken into account further to a comparative analysis in terms of global costs, performance and risks sharing, different options to be considered at the signing session of a partnership agreement. This implies a comparison with traditional procurement.
Is there a specific methodology for the assessment?	No
If yes, please elaborate	n/a
Is the assessment done in practice?	Yes
Details:	Comparison with other procurement mode is made within the justification of using the PPP form.
12.5. Financial viability or bankability assessment	Yes
Relevant legal/regulatory provision (if any)	<p>Pursuant to section 6 (1) of the Law No. 2006/012, the partnership agreement can be approved, only if the implementation of projects which were efficiently assessed by the public contractor before the signing procedure: - Expose with precision: economical, financial, legal, administrative frameworks which were taken into account in a comparative analysis in terms of global costs, performance and risks sharing, and different options are to be considered at the signing session of a partnership agreement.</p> <p>Pursuant to section 6 (1) of the Decree No. 2008/0115/PM, the feasibility study corresponds to the maturity phase of the project. It consists of a feasibility file especially showing the economic and social interest of the project, the technical and financial montage, the judicial montage, the total cost, the existing technology, the list of potential qualified partners.</p>
Is there a specific methodology for the assessment?	No

If yes, please elaborate	n/a
Is the assessment done in practice?	Yes
Details:	Financial viability of a project is assessed through a comparative analysis.
12.6. Market sounding and/or assessment (showing evidence of investors' interest in the market for the project)	Yes
Relevant legal/regulatory provision (if any)	Pursuant to section 3 of the Decree No. 2008/0115/PM, PPPs are possible if a project is complex and the complex nature of a project makes the public contractor unable to define, on its own the appropriate means of satisfying its needs or to evaluate what the market can tender in terms of technical solutions and/or financial or judicial solutions.
Is there a specific methodology for the assessment?	No
If yes, please elaborate	n/a
Is the assessment done in practice?	Yes
Details:	Market assessment is made through a comparative analysis.
12.7. Environmental impact assessment	Yes
Relevant legal/regulatory provision (if any)	Decree No. 2013/0171/PM laying down terms and conditions of the realization of social and environmental impact studies provides with definition, content and method of environmental impact assessment.
Is there a specific methodology for the assessment?	Yes
If yes, please elaborate	Articles 9 of Decree No. 2013/0171/PM describes the content of the environmental and social impact study's overview. Article 10 is related to the details environmental and social impact study. Finally, article 11 lists the documents included in the strategic environmental evaluation. Those include, among others, a description of the initial state of the site, identification of the effects of the project on the environment, measures taken to limit or avoid those effects and documents of the consultation organized with the populations and non governmental organizations.
Is the assessment done in practice?	Yes
Details:	An environmental impact assessment will be prepared for projects susceptible to harm the environment.
12.8. Consultation process with affected communities on potential impact of the PPP project	Yes
Relevant legal/regulatory provision (if any)	Decree No. 2013/0171/PM laying down terms and conditions of the realization of social and environmental impact studies provides with

	definition, content and method of environmental impact assessment. This assessment requires consultation of the affected populations; article 20 (1) notably indicates: the environmental impact study shall be made with the participation of affected population through consultations and public hearings in order to collect populations' opinions on the project.
Is there a specific methodology for the assessment?	Yes
If yes, please elaborate	The Decree No. 2013/0171/PM provides several rules to organize hearings of affected populations. Article 21 (1) for example requires the investor to inform the representatives at least 30 days prior to the meeting by addressing them a program, an overview of the project and the hearing's objectives. An ad hoc commission will be created to prepare the report related to this hearings (article 22).
Is the assessment done in practice?	Yes
Details:	Consultation with communities potentially affected by the PPP is made within the environmental impact assessment.
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?	No
If yes, please provide the relevant legal/regulatory provisions (if any):	n/a

If no, please elaborate	No provision explicitly requires a draft PPP to be included in the request for proposals.
14.1. Are the tender documents published online?	No
If yes, please provide the relevant legal/regulatory provisions (if any):	n/a
and please specify the website:	n/a
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:	Models of procedural documents are available on the following website: www.ppp-cameroun.cm ; http://www.ppp-cameroun.cm/index.php?page=procedure-en-contrat-de-partenariat ; http://www.ppp-cameroun.cm/index.php?page=documents-techniques
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)	Yes
To be established in the contract	No
Relevant legal/regulatory provision (if any)	No regulatory basis
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)	Yes
To be established in the contract	No
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)	Yes
To be established in the contract	No
Relevant legal/regulatory provision (if any)	No regulatory basis
16.4. Obtaining the required land: 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)	Pursuant to section 17 of the Law No. 2006/012, when the contract occupies a public estate, it stands as an authorization of occupation in the course of its duration. The owner of the contract has the rights connected with the works and equipment. These rights entitle him to the owner's prerogatives and obligations, in the conditions and limits defined by the clauses of the contract with the aim to guarantee the integrity and the transfer of the public domain.
16.5. Obtaining the required right of way: 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)	Pursuant to section 17 of the Law No. 2006/012, when the contract occupies a public estate, it stands as an authorization of occupation in the course of its duration. The owner of the contract has the rights connected with the works and equipment. These rights entitle him to the owner's prerogatives and obligations, in the conditions and limits defined by the clauses of the contract with the aim to guarantee the integrity and the transfer of the public domain.
PPP Procurement	
18. Which of the following options best describes the required qualifications of the	No

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.	
If yes, please provide the relevant legal/regulatory provisions (if any):	n/a
The bid evaluation committee members require sufficient qualification without specific details.	Yes
If yes, please provide the relevant legal/regulatory provisions (if any):	According to section 22 (3) of the Decree No. 2008/0115/PM, the special commission is created seven days before going through the bids. It is presided over by a person appointed by the Prime Minister. Its members are experts coming from the expert organism of the originator of the project or any other administrations having technical capacities in analyzing bids.
The bid evaluation committee members are not required to have any specific qualifications.	No
Please elaborate and provide examples:	n/a
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 section 17 of Decree No. 2008/0115/PM : (1) After the validation of the consultation file, the public contractor initiator of the project launches a call for manifestation of interest for the realization of a project on infrastructure, equipment, or service provision through a partnership contract. (2) The tender for the manifestation of interest is subject to a very large public recurrence to all forms of communication. It matches with a specifications sheet of the project to be realized.
19.1. If yes, is the public procurement notice published online?	Yes
If yes, please specify the website:	www.ppp-cameroun.cm
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	Yes

minimum period of time to submit their bids?	
If yes, please provide the relevant legal/regulatory provisions (if any):	No regulatory basis
and the time in calendar days:	n/a
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	No
Relevant legal/regulatory provision (if any)	n/a
22.2. Restricted tendering (with pre-qualification stage): Available	No
Default	Yes
Relevant legal/regulatory provision (if any)	<p>Article 9 of Law 2006-012: (1) The selection of the contracting partner undergoes the following steps:</p> <ul style="list-style-type: none"> - The preselection; - The pre-qualification dialogue - The adjudication <p>This is confirmed by article 13 (new) of Decree 2008/0115: The sections of a contracting partner of the public entity, within the framework of the project eligible in the system of partnership contract, consist of the following stages :</p> <ul style="list-style-type: none"> - A public tender with manifestation of interest - A restricted tender - A dialogue of pre-qualification - The adjudication - The signing of the contract - The notification of results to the winning bid
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 section 19 of the Decree No. 2008/0115/PM, the file for the restricted tender of service determines the rules of competition and the constitution of the candidate's file.
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):	No regulatory basis
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):	Section 20 (2) of Decree 2008/0115 implies and is applied as requiring prequalification criteria to be included in the tender documents. Those criteria are used to prequalify candidates.
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):	No regulatory basis

23.1. If yes, notwithstanding confidential information pertaining to the bidders, does the procuring authority disclose those questions and clarifications to all potential bidders?	No
If yes, please provide the relevant legal/regulatory provisions (if any):	n/a
23.2. Based on your experience, is it always the case that this disclosure of information is done in practice?	No
If yes, please specify:	n/a
If no, please elaborate:	Answers are provided to candidates requesting clarifications, however no established practice appears to provide them to all bidders.
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?	Yes

If yes, please provide the relevant legal/regulatory provisions (if any):	No regulatory basis
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):	No regulatory basis
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 Section 8 of Law No. 2006/012, even in case of a single offer, such offer is examined in accordance with the ordinary procedures.
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):	Further the prequalification report, the public administration which is owner of the project appoints and publishes the name of the contractor who is informed, within a deadline which shall not exceed 10 days (Decree No. 2008/0115/PM, Section 30 (1)).
28.1. If yes, is the public procurement award notice published online?	No
If yes, please specify the website:	n/a
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):	Section 30 of the Decree No. 2008/0115/PM : (1) Further the prequalification report, the public administration which is owner of the project appoints and publishes the name of the contractor who is informed, within a deadline which shall not exceed 10 days. (2) In the same deadlines, candidates whose bids were not preselected are informed.
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?	No
If yes, please provide the relevant legal/regulatory provisions (if any):	n/a
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?	No
If yes, please provide the relevant legal/regulatory provisions (if any):	n/a
and the time in calendar days:	n/a
30.1. Is the standstill period set out in the notice of intention to award?	n/a
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	Yes

prevent an unfair disadvantage to the other bidders?	
If yes, please provide the relevant legal/regulatory provisions (if any):	Pursuant to Section 31 (new) of Decree No. 2008/0115/PM, within 10 days after publishing the results, the procuring entity invites the winning bidder to negotiate terms of the contract. The procuring entity is assisted by the PPP Unit. At the end, a report is prepared and is sent, with the project of contract, to the Sill Board implementing Partnership Contracts to evaluate. The signing of the contract takes place after a non objection of the expert organization [Sill Board implementing Partnership Contracts]. It is followed by an official notification to the beneficiary within the conditions provided by the law.
31.1. Based on your experience, is it always the case that this restriction is respected in practice?	Yes
If yes, please specify:	Provisions of the Decree are in practice respected regarding negotiations between the award and signature.
If no, please elaborate:	n/a
32. Does the procuring authority publish the PPP contract?	No
If yes, please provide the relevant legal/regulatory provisions (if any):	n/a
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	n/a
Publication of the full PPP contract without including all its annexes and appendixes	n/a
Publication of a summary of the PPP contract without publishing the full PPP contract	n/a
Publication of a summary of the PPP contract along with the full PPP contract including all its annexes and appendixes	n/a
Publication of a summary of the PPP contract along with the full PPP contract without including all its annexes and appendixes	n/a
32.2. If yes, is it published online?	n/a

If yes, please specify the website:	n/a
32.3. If yes, does the procuring authority also publish any subsequent amendment made to the PPP contract?	n/a
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)?	Yes
If yes, please provide the relevant legal/regulatory provisions (if any):	<p>Section 34 of the Decree No. 2008/0115/PM : (1) After notification of the contract, its owner appoints a contracting authority and a monitoring executive, without any prejudice of attributions assigned to the expert organization. (2) The monitoring clauses quoted in paragraph 1 above are decided in the partnership contract.</p> <p>Furthermore, the Sill Board implementing Partnership Contracts participates in negotiations, control and monitoring of the execution of partnership contracts (Section 3 of Decree No. 2012/148 of 21 March 2012 To amend and supplement certain provisions of Decree No. 2008/035).</p>
41.1. If yes, which of the following tools does it include (check all that apply)?: Establishment of a PPP contract management team	Yes
Relevant legal/regulatory provisions (if any):	<p>Section 34 of the Decree No. 2008/0115/PM :</p> <p>(1) After notification of the contract, its owner appoints a contracting authority and a monitoring executive, without any prejudice of attributions assigned to the expert organization.</p> <p>(2) The monitoring clauses quoted in paragraph 1 above are decided in the partnership contract.</p>
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.	No
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.	Yes
If yes, please provide the relevant legal/regulatory provisions (if any):	No regulatory basis
The PPP contract management team members are not required to meet any specific qualifications.	No
Please elaborate and provide examples:	n/a
42. Does the procuring or contract management authority establish a system for tracking progress and	Yes

completion of construction works under a PPP contract?	
If yes, please provide the relevant legal/regulatory provisions (if any):	Pursuant to Section 36 of the Decree No. 2008/0115, at the end of each year, the public contractor and his contracting partner undertake a joint assessment of the execution of the partnership contract. The terms and conditions of such assessment shall be included in the partnership contract.
42.1. If yes, is the PPP contract construction performance information made available to the public?	No
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):	Pursuant to Section 36 (new) of the Decree No. 2008/0115/PM, at the end of each year, the public contractor and his contracting partner undertake a joint assessment of the execution of the partnership contract. Clauses of this assessment shall be enclosed in the contract. This evaluation is sanctioned by a report signed by the procuring entity, the private operator and the PPP unit. This report indicates the state of implementation, the respect of engagements by both parties, the difficulties met and their solutions.
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	No
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	No
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	Yes
Relevant legal/regulatory provisions (if any)	Pursuant to Section 36 (new) of Decree No. 2008/0115/PM, at the end of each year, the public contractor and his contracting partner undertake a joint assessment of the execution of the partnership contract. Clauses from this assessment shall be enclosed in the contract.
The procuring or contract management authority must periodically gather information on the performance of the PPP contract	Yes
Relevant legal/regulatory provisions (if any)	Pursuant to Section 36 (new) of the Decree No. 2008/0115/PM, at the end of each year, the public contractor and his contracting partner undertake a joint assessment of the execution the partnership contract. Clauses of this assessment shall be enclosed in the contract.
The PPP contract performance information must be available to the public	No
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?	Yes
If yes, please provide the relevant legal/regulatory/standard	According to section 5 of the Law 2006/012, the contract must include provisions regarding the public contractor's control over cession of the contract.

contractual provisions (if any):	
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):	No regulatory basis
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)?	Yes
If yes, please provide the relevant legal/regulatory/standard contractual provisions (if any):	Pursuant to Section 5 of the Law No. 2006/012, the contract must include provisions regarding conditions appealing for a codicil or, if there is no agreement, for a unilateral decision of the public contractor, to bring in modifications of some aspects of the contract or its cancellation, taking into account the public contractor's needs, technological innovations and modifications of financing conditions given to the contracting partner.
46.1. If yes, is an approval from a government authority,	No

other than the procuring authority, required?	
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.	No
If yes, please provide the relevant legal/regulatory/standard contractual provisions (if any):	n/a
A change in the risk allocation of the contract.	No
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.	No
If yes, please provide the relevant legal/regulatory/standard contractual provisions (if any):	n/a
A change in the duration of the contract.	No
If yes, please provide the relevant legal/regulatory/standard contractual provisions (if any):	n/a
A change in the agreed price or tariff.	No
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?	Yes
If yes, please provide the relevant	Pursuant to Section 5 of the Law No. 2006/012, the contract must include provisions regarding conditions appealing for a codicil or, if there is no

legal/regulatory/standard contractual provisions (if any):	agreement, for a unilateral decision of the public contractor, to bring in modifications of some aspects of the contract or its cancellation, taking into account the public contractor's needs, technological innovations and modifications of financing conditions given to the contracting partner.
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	No
If yes, please provide the relevant legal/regulatory/standard contractual provisions (if any):	n/a
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.	Yes
If yes, please provide the relevant legal/regulatory/standard contractual provisions (if any):	Pursuant to Section 4 of Law No. 2006/012: Without prejudice of provisions of the present law, as well as those provided in the partnership agreement clauses, the operating companies and their contracting partners are subject to the common law. Section 5 furthermore indicates: The partnership agreement embodies clauses in connection with: - The control and monitoring clauses of the running of the contract by the PUBLIC CONTRACTOR, with respect to the performance objectives as well as the conditions used by the contracting partner to call off other companies for the execution of the contract; his commitment to allot part of the contract to small and medium size companies and craftsmen. -The obligations commissioned to the bearer of the partnership agreement when he call off subcontractors in the construction of

	works and equipment; to sign a bail for the payment of their services alongside with the work achievement.
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):	According to Section 5 of the Law No. 2006/012, the partnership agreement embodies clauses in connection with the prevention clauses and settlement of conflicts and the conditions, if need be, to call upon an arbitration in accordance with the Cameroon law. Furthermore, Section 37 (2), (3) and (4) of the Decree No. 2008/0115/PM, Cases of non respect of the aforementioned clauses, if need be, can undergo an out of court settlement. An out of court settlement quoted in paragraph 2 above doesn't affect the common law procedure, except derogation provided by the partnership contract. Out of court settlement clauses are provided by the partnership contract, which can call for arbitration.
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	Yes
International arbitration	Yes
Investor-State Dispute Settlement (ISDS)	Yes
Mediation	Yes
Please provide the relevant legal/ regulatory/standard contractual provisions (if any)	According to Section 5 of the Law No. 2006/012, the partnership agreement embodies clauses in connection with the prevention clauses and settlement of conflicts and the conditions, if need be, to call upon an arbitration in accordance with the Cameroon law. Furthermore, Section 37 (2), (3) and (4) of the Decree No. 2008/0115/PM, Cases of non respect of the aforementioned clauses, if need be, can undergo an out of court settlement. An out of court settlement quoted in paragraph 2 above doesn't affect the common law procedure, except derogation provided by the partnership contract. Out of court settlement clauses are provided by the partnership contract, which can call for arbitration.
48.2. If applicable, are arbitration awards enforceable by the local courts?: Domestic Arbitration	Yes
If yes, please provide the relevant legal/ regulatory	Article 30 of the OHADA Uniform Act on Arbitration dated March 11, 1999: The arbitration judgment is subject to forced execution only by virtue of a

provisions/standard contractual provisions (if any):	<p>decision of exequatur by the competent judge in the State.</p> <p>Article 3 of the New York Convention on Recognition and Enforcement of Foreign Arbitral Awards dated June 10, 1958 (Cameroon accessed on Feb 19, 1988) : Each Contracting State shall recognize arbitral awards as binding and enforce them in accordance with the rules of procedure of the territory where the award is relied upon, under the conditions laid down in the following articles. There shall not be imposed substantially more onerous conditions or higher fees or charges on the recognition or enforcement of arbitral awards to which this Convention applies than are imposed on the recognition or enforcement of domestic arbitral awards.</p>
International arbitration	<p>Yes</p>
If yes, please provide the relevant legal/ regulatory provisions/standard contractual provisions (if any):	<p>Article 30 of the OHADA Uniform Act on Arbitration dated March 11, 1999: The arbitration judgment is subject to forced execution only by virtue of a decision of exequatur by the competent judge in the State.</p> <p>Article 3 of the New York Convention on Recognition and Enforcement of Foreign Arbitral Awards dated June 10, 1958 (Cameroon accessed on Feb 19, 1988) : Each Contracting State shall recognize arbitral awards as binding and enforce them in accordance with the rules of procedure of the territory where the award is relied upon, under the conditions laid down in the following articles. There shall not be imposed substantially more onerous conditions or higher fees or charges on the recognition or enforcement of arbitral awards to which this Convention applies than are imposed on the recognition or enforcement of domestic arbitral awards.</p>
Investor-State arbitration	<p>Yes</p>
If yes, please provide the relevant legal/ regulatory provisions/standard contractual provisions (if any):	<p>Cameroon is a member state of ICSID (entry into force on Feb 02, 1967), as mentioned in article 45 of the Investment Code, in which investor-State arbitration awards may be enforced.</p>
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?	<p>No</p>
If yes, please specify and provide the relevant legal/regulatory/standard contractual provisions (if any):	<p>n/a</p>
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	<p>No</p>

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 the grounds for termination of a PPP contract?	Yes
If yes, please specify and provide the relevant legal/regulatory/standard contractual provisions (if any):	The partnership contract can be cancelled : - By the judge, at the request of the contracting partner ; - By the conceding contractor, either for a contracting partner's misconduct, or general interest reasons. In this case, an allowance covering investment charges is paid to the contracting partner (Section 39 of the Decree No. 2008/0115/PM).

51.1. If yes, does the regulatory framework (including standard contractual clauses) establish the consequences for the termination of the PPP contract?	<p>Yes</p>
If yes, please specify and provide the relevant legal/regulatory/standard contractual provisions (if any):	<p>Pursuant to Section 5 of the Law 2006/012, the contract must include provisions regarding consequences of termination, anticipated or not, regarding especially property of infrastructures.</p> <p>Furthermore, according to Section 39 of the Decree No. 2008/0115/PM, the partnership contract can be cancelled : - By the judge, at the request of the contracting partner ; - By the conceding contractor, either for a contracting partner's misconduct, or general interest reasons. In this case, an allowance covering investment charges is paid to the contracting partner.</p> <p>Section 40 moreover provides that, in case of cancellation of the contract, the public contractor takes necessary measures to insure the continuity of the public service. He can therefore call for the most graded candidate after a prequalification dialogue or insure the continuity of the on-going works.</p>
Unsolicited Proposals	
34. Are unsolicited proposals in Cameroon: (choose only one): Explicitly prohibited by the legal framework? (If prohibited, skip to section F)	<p>No</p>
Explicitly allowed by the legal framework?	<p>Yes</p>
Not regulated by the legal framework, but do happen in practice?	<p>No</p>
Not regulated by the legal framework, and do not happen in practice? (if not done in practice, skip to section F)	<p>No</p>
If the legal framework explicitly prohibits or allows unsolicited proposals, please provide the relevant legal/regulatory provisions	<p>Pursuant to Section 5 (2) of the Decree No. 2008/0115/PM, the provisions of the previous paragraph remain valuable even if the proposal of the project is done by a private entity [The initiation of projects eligible in the system of partnership contracts or partners depend on the public contractors, decentralize territorial embodiments and public establishments]. In this case, the private operator concern can benefit from an advantage within the framework of public tender to competition for the selection of a partner to the public entity. Furthermore, the procedure targeted in Sections 12 and 15 of the present decree [refer to competition] remain valuable even in situations where the project has been proposed by a private operator (Section 17 (3)).</p>
35. Does the procuring authority conduct an assessment to evaluate	<p>Yes</p>

unsolicited proposals? (if not, skip to question 37)	
If yes, please specify and provide the relevant legal/regulatory provisions (if any)	No regulatory basis
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.	No
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.	Yes
Please elaborate and provide examples:	No provision requires unsolicited proposals to be assessed against existing government priorities.
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 section 17 (3) of the Decree No. 2008/0115/PM, the procedure targeted in Sections 12 and 15 of the present decree [Competitive rules] remain valuable even in situations where the project has been proposed by a private operator.
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):	No regulatory basis
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.	Yes
Please specify:	[Competitive rules] remain valuable even in situations where the project has been proposed by a private entity. In this case, the private operator concern can benefit from an advantage within the framework of public tender to competition for the selection of a partner to the public entity.
Please provide the relevant legal/regulatory provisions (if any):	Section 5 (2) of Decree No. 2008/0115/PM