

## PROCURING INFRASTRUCTURE PUBLIC-PRIVATE PARTNERSHIPS 2018 IN CONGO, DEM. REP.

SURVEY QUESTION	ANALYSIS
<b>PPP Regulatory Framework</b>	
<b>2. Does the regulatory framework in your country allow procuring PPPs?</b>	Yes
<b>If yes, please specify the relevant regulatory framework and the year of adoption:</b>	<p>To date, authorities in DRC only refer to the public procurement law for PPP contracts: Law N 10/010 of April 27, 2010 (Loi relative au MARCHES PUBLICS). (in addition to Decree No. 10/21 of June 02, 2010 on the creation, organization and functioning of the Procurement Regulatory Authority (acronym: ARMP), and Decree No. 10/22 of June 02, 2010 on the Procedural Manual of the Law on Public Procurement).</p> <p>On February 11, 2014, the Democratic Republic of the Congo (DRC) enacted the Law No 14/005 creating tax, customs and parafiscal system of non-tax revenues and exchange control system applicable to Cooperation Agreements and Cooperation Projects. This law is substantiated by the will of the DRC to implement a public-private partnership aimed at raising significant funds to further the implementation of huge reconstruction and development programme designed to provide the country with core infrastructures in order to upgrade the social welfare of the population. To date, Law n.14/005 does not constitute a PPP Law per se. The cooperation agreement and cooperation projects shall be the subject of the private-public partnership regarding resources-generating areas, especially core infrastructures and natural resources such as mines, hydrocarbons, forest and water. Cooperation agreements concern also related projects, namely projects implemented based on the same conditions as cooperation projects and with the aim to reach one or several goals of the same, especially construction projects of hydro-electric power station, electric, road and railway network. PPP law specifies that Decree from the Prime Minister determines conditions of eligibility and the content of cooperation agreements. We have to underline that terms and conditions to achieve cooperation projects shall be defined in the cooperation agreement, subject to complying with the statutory provisions prevailing in the DRC. In this regard, PPP law particularly imposes the creation of one or several joint ventures between the Government and State-run Company designated by the Government and the enterprise, business group, the company and/or the firm, which have entered into the cooperation agreement.</p>
<b>and provide a link to a government-supported website where the mentioned regulatory framework is available or provide an electronic copy of it:</b>	<p>PP Law 10/010: <a href="http://www.droit-afrique.com/upload/doc/rdc/RDC-Code-2010-des-marches-publics.pdf">http://www.droit-afrique.com/upload/doc/rdc/RDC-Code-2010-des-marches-publics.pdf</a></p> <p>Law n.14/005: <a href="http://www.congomines.org/system/attachments/assets/000/000/615/original/Loi-du-11-f_C3_A9vri-2014.pdf?1430929400">http://www.congomines.org/system/attachments/assets/000/000/615/original/Loi-du-11-f_C3_A9vri-2014.pdf?1430929400</a></p> <p>Decree n.10/21: <a href="http://www.arpmp-rdc.org/index.php/fr/reglementation?task=getdownloadlink&amp;tmpl=component&amp;id=138">http://www.arpmp-rdc.org/index.php/fr/reglementation?task=getdownloadlink&amp;tmpl=component&amp;id=138</a></p> <p>Decree n.10/22: <a href="http://www.google.com/url?sa=t&amp;rct=j&amp;q=&amp;esrc=s&amp;source=web&amp;cd=3&amp;ved=0ahUKEwjKr96i46TVAhWI4SYKHVRWD54QFggxMAI&amp;url=http%3A%2F%2Fwww.arpmp-rdc.org%2Findex.php%2Ffr%2Fpublications-2%2Fitem%2Fdownload%2F37_c86574a1bb4bea6a8418e6c4fd6f9c9b&amp;usq=AFQjCNHxRDclJFAIwB7cGUugzBRbXrocEQ">http://www.google.com/url?sa=t&amp;rct=j&amp;q=&amp;esrc=s&amp;source=web&amp;cd=3&amp;ved=0ahUKEwjKr96i46TVAhWI4SYKHVRWD54QFggxMAI&amp;url=http%3A%2F%2Fwww.arpmp-rdc.org%2Findex.php%2Ffr%2Fpublications-2%2Fitem%2Fdownload%2F37_c86574a1bb4bea6a8418e6c4fd6f9c9b&amp;usq=AFQjCNHxRDclJFAIwB7cGUugzBRbXrocEQ</a></p>
<b>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</b>	No

<p>place in 2016, are ongoing and/or are planned to be adopted BEFORE June 1, 2017?</p>	
<p>Please describe:</p>	<p>n/a</p>
<p>2.2 Are ongoing and/or are planned to be adopted AFTER June 1, 2017?</p>	<p>No</p>
<p>Please describe:</p>	<p>n/a</p>
<p>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.</p>	<p>No</p>
<p>If yes, please provide the relevant legal/regulatory provisions:</p>	<p>n/a</p>
<p>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</p>	<p>No</p>
<p>If yes, please provide the relevant legal/regulatory provisions:</p>	<p>n/a</p>
<p>3.3 Besides national defense and other matters of national security, does the regulatory framework explicitly prohibit</p>	<p>No</p>

<p>or restrict PPPs in any of the following sectors?: Energy generation and distribution.</p>	
<p>If yes, please provide the relevant legal/regulatory provisions:</p>	<p>n/a</p>
<p>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</p>	<p>No</p>
<p>If yes, please provide the relevant legal/regulatory provisions:</p>	<p>n/a</p>
<p>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</p>	<p>Yes</p>
<p>If yes, specify and provide the relevant legal/regulatory provisions:</p>	<p>Aside from national defense and other national security issues, the regulatory framework limits the PPP by enacting Article 10 paragraph 2 supra that "... minerals , forests , oil , water must first be certified by specialized firms '</p>
<p>4. Does the regulatory framework provide for a specific tax regime for PPP transactions (i.e. tax incentives, special tax depreciation treatment, etc.)?</p>	<p>Yes</p>

<b>If yes, please specify and provide the relevant legal/regulatory provision (if any):</b>	Articles 14, 15 and 19 of Law No. 13/005 of February 11, 2014 on taxation, customs and parafiscal taxation of non-tax and exchange rates applicable to collaboration agreements and cooperation projects provides for exemptions from taxes, duties as well as taxes on imports and exports.
<b>5. Please identify the PPP procuring authorities in Congo, Dem. Rep. and provide their website(s) (if available):</b>	PPP procuring authorities: The state, local governments , domestic and foreign companies and public institutions , private companies Note: RDC has a Public procurement Regulator : Cellule de gestion des projets et des marchés publics (CGPMP) - <a href="http://www.armp-rdc.org/">http://www.armp-rdc.org/</a>
<b>6. In addition to the PPP procuring authorities listed above, is there a specialized government entity that facilitates the PPP program (PPP Unit)?</b>	No
<b>If yes, please indicate its name, and its website (if available):</b>	n/a
<b>6.1 If yes, what are the main responsibilities of the PPP Unit (check all that apply): PPP regulation and policy guidance.</b>	n/a
<b>6.2 PPP capacity building for other public authorities.</b>	n/a
<b>6.3 PPP promotion among the public and/or private sectors in national and international forums.</b>	n/a
<b>6.4 Technical support in implementing PPP projects.</b>	n/a
<b>6.5 Identification and selection of PPP projects from the pipeline.</b>	n/a
<b>6.6 Revision of fiscal risks born by the Government.</b>	n/a
<b>6.7 Consultation with affected communities on</b>	n/a

<b>potential impact of PPP projects.</b>	
<b>6.8 Approval of PPP projects.</b>	n/a
<b>6.9 Undertaking the procurement of PPPs.</b>	n/a
<b>6.10 Oversight of PPP implementation.</b>	n/a
<b>6.11 Other</b>	n/a
<b>6.11 please specify:</b>	n/a
<b>Please provide the relevant legal/regulatory provisions:</b>	n/a
<b>PPP Preparation</b>	
<b>8. Does the Ministry of Finance or Central Budgetary Authority approve the PPP project before launching the procurement process?</b>	Yes
<b>If yes, please provide the relevant legal/regulatory provisions (if any):</b>	Article 13 paragraph 2 of the Law N.10/010 on Public Procurement provides that the department within the Ministry having the budget in its attributions ensures a prior control to ensure respect of the procedures of procurement and delegation of the public contracts. However, this control shall be carried out by means of no-objection notices, necessary authorizations and derogations. This body is the Directorate-General for Public Procurement Control, abbreviated DGCMP. It ensures the a priori control of the application of public procurement regulations and public service delegation.
<b>8.1. Does the Ministry of Finance or Central Budgetary Authority approve the PPP project before signing the PPP contract?</b>	Yes
<b>If yes, please provide the relevant legal/regulatory provisions (if any):</b>	No regulatory basis
<b>8.2. Does the Ministry of Finance (or government more broadly) have a specific system of: Budgeting for PPP projects.</b>	No
<b>If yes, please provide the</b>	n/a

<b>relevant legal/regulatory provisions (if any):</b>	
<b>Accounting liabilities (explicit and implicit, direct and contingent) arising from PPPs.</b>	No
<b>If yes, please provide the relevant legal/regulatory provisions (if any):</b>	n/a
<b>Reporting liabilities (explicit and implicit, direct and contingent) arising from PPPs.</b>	No
<b>If yes, please provide the relevant legal/regulatory provisions (if any):</b>	n/a
<b>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).</b>	No
<b>Accounting and reporting according to other international standard (e.g. European System of Accounts).</b>	No
<b>Please specify:</b>	n/a
<b>Other.</b>	No
<b>Please specify:</b>	n/a
<b>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</b>	No

<p><b>procurement process (e.g. Cabinet, Cabinet Committee, Parliament, Supreme Audit Office, etc.)?</b></p>	
<p><b>If yes, please specify the relevant authority</b></p>	n/a
<p><b>and provide the relevant legal/regulatory provisions (if any):</b></p>	n/a
<p><b>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?</b></p>	Yes
<p><b>If yes, please provide the relevant legal/regulatory provisions (if any):</b></p>	<p>According to Article 15 of the PP law, the public procurement contracts and public service delegations must be approved by a competent authority in the manner established by decree of the Prime Minister deliberated in Cabinet. A public contract or a public service delegation shall have effect only if it is approved.</p>
<p><b>10. Does the procuring authority use transaction advisors during the PPP project cycle?</b></p>	Yes
<p><b>If yes, please provide the relevant legal/regulatory provisions (if any):</b></p>	No regulatory basis
<p><b>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</b></p>	No

<p><b>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.</b></p>	
<p><b>If yes, please specify and provide the relevant legal/regulatory provisions (if any):</b></p>	n/a
<p><b>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.</b></p>	No
<p><b>If yes, please provide the relevant legal/regulatory provisions (if any):</b></p>	n/a
<p><b>The regulatory framework does not include any provisions but the procuring authority evaluates the consistency of PPPs with other government investment</b></p>	Yes



<b>priorities in practice.</b>	
<b>If yes, please elaborate:</b>	Although the regulatory framework does not include any provisions about inclusion of PPPs in the national public investment plan, in practice, the procuring authority evaluates consistency of PPPs with other government investment priorities
<b>The procuring authority does not evaluate PPPs against existing government priorities.</b>	No
<b>Please elaborate and provide examples:</b>	n/a
<b>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?</b>	Yes
<b>If yes, please specify:</b>	The government in the Democratic Republic of Congo always integrates the prioritization of PPP projects with other public investment project prioritization
<b>If no, please elaborate:</b>	n/a
<b>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)</b>	Yes
<b>Relevant legal/regulatory provision (if any)</b>	No regulatory basis
<b>Is there a specific methodology for the assessment?</b>	No
<b>If yes, please elaborate</b>	n/a
<b>Is the assessment done in practice?</b>	Yes

<b>Details:</b>	A socio-economic assessment is always conducted in practice when identifying and preparing a PPP project in the Democratic Republic of Congo
<b>12.2. Affordability assessment, including the identification of the required long term public commitments (explicit and implicit, direct and contingent liabilities)</b>	No
<b>Relevant legal/regulatory provision (if any)</b>	n/a
<b>Is there a specific methodology for the assessment?</b>	n/a
<b>If yes, please elaborate</b>	n/a
<b>Is the assessment done in practice?</b>	n/a
<b>Details:</b>	n/a
<b>12.3. Risk identification, allocation and assessment (risk matrix)</b>	Yes
<b>Relevant legal/regulatory provision (if any)</b>	No regulatory basis
<b>Is there a specific methodology for the assessment?</b>	No
<b>If yes, please elaborate</b>	n/a
<b>Is the assessment done in practice?</b>	Yes
<b>Details:</b>	the risk identification, allocation and assessment is done in practice when identifying and preparing a PPP project in the Democratic Republic of Congo
<b>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)</b>	Yes

<b>Relevant legal/regulatory provision (if any)</b>	No regulatory basis
<b>Is there a specific methodology for the assessment?</b>	No
<b>If yes, please elaborate</b>	n/a
<b>Is the assessment done in practice?</b>	No
<b>Details:</b>	According to our contributors, when identifying and preparing a PPP project, the procuring authority does not do a comparative assessment to evaluate whether a PPP is the best option when compared to other procurement alternatives
<b>12.5. Financial viability or bankability assessment</b>	Yes
<b>Relevant legal/regulatory provision (if any)</b>	No regulatory basis
<b>Is there a specific methodology for the assessment?</b>	No
<b>If yes, please elaborate</b>	n/a
<b>Is the assessment done in practice?</b>	Yes
<b>Details:</b>	In practice, when identifying and preparing a PPP project, the procuring authority does a financial viability assessment in the Democratic Republic of Congo
<b>12.6. Market sounding and/or assessment (showing evidence of investors' interest in the market for the project)</b>	Yes
<b>Relevant legal/regulatory provision (if any)</b>	No regulatory basis
<b>Is there a specific methodology for the assessment?</b>	No
<b>If yes, please elaborate</b>	n/a
<b>Is the assessment done in practice?</b>	Yes
<b>Details:</b>	According to our contributors, a market sounding is done in practice when identifying and preparing a PPP project in the Democratic Republic of Congo
<b>12.7. Environmental impact assessment</b>	Yes

<b>Relevant legal/regulatory provision (if any)</b>	No regulatory basis
<b>Is there a specific methodology for the assessment?</b>	No
<b>If yes, please elaborate</b>	n/a
<b>Is the assessment done in practice?</b>	Yes
<b>Details:</b>	According to our contributors, an environmental impact assessment is done in practice when identifying and preparing a PPP project in the Democratic Republic of Congo
<b>12.8. Consultation process with affected communities on potential impact of the PPP project</b>	No
<b>Relevant legal/regulatory provision (if any)</b>	n/a
<b>Is there a specific methodology for the assessment?</b>	n/a
<b>If yes, please elaborate</b>	n/a
<b>Is the assessment done in practice?</b>	n/a
<b>Details:</b>	n/a
<b>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)?</b>	No
<b>If yes, please provide the relevant legal/regulatory provisions (if any):</b>	n/a
<b>and specify which of the assessments are included in the request for proposals and/or tender documents:</b>	n/a

<b>13.1. Are the assessments published online?</b>	No
<b>If yes, please provide the relevant legal/regulatory provisions (if any):</b>	n/a
<b>specify the website</b>	n/a
<b>please specify which of the assessments are published online:</b>	n/a
<b>14. Does the procuring authority include a draft PPP contract in the request for proposals?</b>	No
<b>If yes, please provide the relevant legal/regulatory provisions (if any):</b>	n/a
<b>If no, please elaborate</b>	In the absence of a PPP Law in DRC, we are basing our answers on the Public Procurement Law, where there are no requirements for the procuring authority to include any draft contract in the request for proposals.
<b>14.1. Are the tender documents published online?</b>	Yes
<b>If yes, please provide the relevant legal/regulatory provisions (if any):</b>	Art. 33 of the PP Law N. 10/010 provides that the tender documents can be made available to the candidates by electronic means, following the conditions provided by regulation, as long as such documents are also made available to the candidates by postal mail if they request them.
<b>and please specify the website:</b>	<a href="http://www.arpmp-rdc.org/index.php/fr/">http://www.arpmp-rdc.org/index.php/fr/</a>
<b>15. In a case comparable to the case study assumptions, have standardized PPP model contracts and/or transaction documents been developed?</b>	No
<b>If yes, please specify and provide a government-supported website where the mentioned standards are available or provide an</b>	n/a

<b>electronic copy of them:</b>	
<b>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)</b>	Yes
<b>Private Partner</b>	No
<b>Private partner with facilitation role assigned to the procuring authority (or other Government entity)</b>	No
<b>To be established in the contract</b>	Yes
<b>Relevant legal/regulatory provision (if any)</b>	No regulatory basis
<b>16.2. Obtaining the required environmental permits: Procuring authority (or other Government entity)</b>	Yes
<b>Private Partner</b>	No
<b>Private partner with facilitation role assigned to the procuring authority (or other Government entity)</b>	No
<b>To be established in the contract</b>	Yes
<b>Relevant legal/regulatory provision (if any)</b>	No regulatory basis
<b>16.3. Obtaining the required operational permits: Procuring authority (or other</b>	Yes

<b>Government entity)</b>	
<b>Private Partner</b>	No
<b>Private partner with facilitation role assigned to the procuring authority (or other Government entity)</b>	No
<b>To be established in the contract</b>	Yes
<b>Relevant legal/regulatory provision (if any)</b>	No regulatory basis
<b>16.4. Obtaining the required land: Procuring authority (or other Government entity)</b>	Yes
<b>Private Partner</b>	No
<b>Private partner with facilitation role assigned to the procuring authority (or other Government entity)</b>	No
<b>To be established in the contract</b>	Yes
<b>Relevant legal/regulatory provision (if any)</b>	No regulatory basis
<b>16.5. Obtaining the required right of way: Procuring authority (or other Government entity)</b>	Yes
<b>Private Partner</b>	No
<b>Private partner with facilitation role assigned to the procuring authority (or other Government entity)</b>	No
<b>To be established in the contract</b>	Yes
<b>Relevant legal/regulatory provision (if any)</b>	No regulatory basis

<b>18. Which of the following options best describes the required qualifications of the bid evaluation committee members? (Please select only one):</b> <b>The membership of the bid evaluation committee is specified and/or its members are required to meet detailed qualifications.</b>	No
<b>If yes, please provide the relevant legal/regulatory provisions (if any):</b>	No
<b>The bid evaluation committee members require sufficient qualification without specific details.</b>	No
<b>If yes, please provide the relevant legal/regulatory provisions (if any):</b>	n/a
<b>The bid evaluation committee members are not required to have any specific qualifications.</b>	Yes
<b>Please elaborate and provide examples:</b>	<p>There are no regulatory requirements for the bid evaluation committee to have specific qualifications. The only provisions are the following: Article 14 of the PP Law provides that: Market regulation is provided by a particular institution in charge of subsequent verifications of public procurement and concessions. It is also responsible for auditing, training and capacity building. The establishment, organization and functioning of this institution are set by Decree of the Prime Ministerial Decree deliberated in the Cabinet. Furthermore, Article 66 provides that: The execution of public contracts is subject to the control of: a) the Contracting Authority as detailed in the General administrative clauses; b) the institution responsible for regulating public procurement; and c) any other competent administrative body under applicable laws and regulations. These are the relevant articles in the PP Law in DRC, and there are no explicit requirement for the bid evaluation committee members to meet specific qualifications (the establishment of such regulatory committee, its functioning and institution need to be set y Decree of the Prime Minister).</p>
<b>19. Does the procuring authority</b>	Yes



<b>issue a public procurement notice of the PPP project?</b>	
<b>If yes, please specify the means of publication and provide the relevant legal/regulatory provisions (if any):</b>	Pursuant to Article 34 of the PP Law, Public contracts (where the amount equals or exceeds the regulatory threshold) are subject to a public call for tender. The procurement notice must be published in a national and/or international press and by electronic means (and it has to conform to a model document that sets the mandatory provisions to be included in such published notice), under penalty of nullity of the proceedings.
<b>19.1. If yes, is the public procurement notice published online?</b>	Yes
<b>If yes, please specify the website:</b>	DRMP website and each appropriate entity <a href="http://www.armp-rdc.org/index.php/fr/annonces-speciales">http://www.armp-rdc.org/index.php/fr/annonces-speciales</a>
<b>20. Are foreign companies prohibited from participating in the bidding process?</b>	No
<b>If yes, please provide the relevant legal/regulatory provisions (if any):</b>	n/a
<b>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?</b>	Yes
<b>If yes, please provide the relevant legal/regulatory provisions (if any):</b>	According to Article 35 of the PP Law: In open or restricted procedures, the deadline for receipt of applications and tenders may not be less than thirty calendar days from the notice publication date. When the notice and the tender documents are prepared and sent by electronic means, the minimum time for receipt of tenders may be shortened by seven calendar days.
<b>and the time in calendar days:</b>	30
<b>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</b>	No

<b>tendering: Available</b>	
<b>Default</b>	Yes
<b>Relevant legal/regulatory provision (if any)</b>	Article 22 of the PP Law provides that a tendering is open when any interested party can submit a bid
<b>22.2. Restricted tendering (with pre-qualification stage): Available</b>	No
<b>Default</b>	No
<b>Relevant legal/regulatory provision (if any)</b>	n/a
<b>22.3 Multi-stage tendering (with shortlisting of final candidate(s)): Available</b>	Yes
<b>Default</b>	No
<b>Relevant legal/regulatory provision (if any)</b>	No regulatory basis
<b>22.4. Competitive dialogue: Available</b>	No
<b>Default</b>	No
<b>Relevant legal/regulatory provision (if any)</b>	n/a
<b>22.5. Direct negotiation with more than one candidate: Available</b>	Yes
<b>Default</b>	No
<b>Relevant legal/regulatory provision (if any)</b>	Articles 25, and 26 of the PP Law provide a definition of the restricted tendering and a description of the cases where such tendering can be used. According to Article 26: The restricted tendering procedure may only be used where the goods, works or services, by their specialized nature, are not available only from a limited number of suppliers, contractors or service providers. In this case, all potential candidates are guests. The use of the restricted tendering procedure is justified and subject to the authorization of the department responsible for the control of public contracts.
<b>22.6. Direct negotiation with only one candidate: Available</b>	No
<b>Default</b>	No
<b>Relevant legal/regulatory provision (if any)</b>	n/a
<b>22.7 Other. Specify:</b>	No
<b>Available</b>	No

<b>Default</b>	No
<b>Relevant legal/regulatory provision (if any)</b>	n/a
<b>22.8. Do the tender documents detail the procedure of the procurement process providing the same information to all the bidders?</b>	Yes
<b>If yes, please provide the relevant legal/regulatory provisions (if any):</b>	According to Art. 56 of Decree N. 10/22, the purpose of the tender documents is to provide applicants with the information needed to prepare their tenders. It contains comprehensive information on the purpose, scope and conditions of submission, opening of tenders and evaluation of tenders and on the award of contracts. They provide the administrative and technical framework that will govern the contract after it is signed
<b>If no, please elaborate:</b>	n/a
<b>22.9. Do the tender documents specify the prequalification/shortlisting criteria (when applicable) in order to make them available to all the bidders?</b>	Yes
<b>If yes, please provide the relevant legal/regulatory provisions (if any):</b>	Art. 61 of Decree N. 10/22 provides for a prequalification document that has to be prepared by the regulatory authority, and specifies the elements that it should contain.
<b>22.10. Based on your experience, is it always the case that the specified criteria are respected in practice?</b>	Yes
<b>If yes, please specify and provide the relevant legal/regulatory provisions (if any):</b>	In practice, the criteria specified in the prequalification document prepared by the regulatory authority are respected
<b>If no, please elaborate:</b>	n/a
<b>23. Can interested parties/potential bidders submit questions to clarify the public procurement notice and/or the</b>	Yes

<b>request for proposals?</b>	
<b>If yes, please provide the relevant legal/regulatory provisions (if any):</b>	No regulatory basis
<b>23.1. If yes, notwithstanding confidential information pertaining to the bidders, does the procuring authority disclose those questions and clarifications to all potential bidders?</b>	No
<b>If yes, please provide the relevant legal/regulatory provisions (if any):</b>	n/a
<b>23.2. Based on your experience, is it always the case that this disclosure of information is done in practice?</b>	No
<b>If yes, please specify:</b>	n/a
<b>If no, please elaborate:</b>	Such disclosure of information is not requested by law, and does not happen in practice
<b>24. Besides questions and clarifications, can the procuring authority conduct pre-bidding conference?</b>	No
<b>If yes, please specify and provide the relevant legal/regulatory provisions (if any):</b>	n/a
<b>24.1. If yes, notwithstanding confidential information pertaining to the bidders, does the procuring authority disclose the content and the results of the pre-</b>	n/a

<b>bid conference to all bidders?</b>	
<b>If yes, please provide the relevant legal/regulatory provisions (if any):</b>	n/a
<b>24.2. Based on your experience, is it always the case that this disclosure of information is done in practice?</b>	n/a
<b>If yes, please specify:</b>	n/a
<b>If no, please elaborate:</b>	n/a
<b>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?</b>	No
<b>If yes, please provide the relevant legal/regulatory provisions (if any):</b>	n/a
<b>If no, please elaborate:</b>	No relevant provision in the law
<b>26. Does the procuring authority evaluate the proposals strictly and solely in accordance with the evaluation criteria stated in the tender documents?</b>	Yes
<b>If yes, please provide the relevant legal/regulatory provisions (if any):</b>	No regulatory basis
<b>Evaluation criteria is not set in the tender documents</b>	No
<b>27. In the case where only one</b>	No

<p>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.</p>	
<p>Please specify and provide the relevant legal/regulatory provisions (if any):</p>	n/a
<p>The procuring authority considers sole proposals valid as long as they meet the conditions outlined in the tender documents.</p>	No
<p>Please provide the relevant legal/regulatory provisions (if any):</p>	n/a
<p>The procuring authority does not award a PPP contract if only one proposal is submitted.</p>	No
<p>Please provide the relevant legal/regulatory provisions (if any):</p>	n/a
<p>The regulatory framework does not include any provisions.</p>	Yes
<p>28. Does the procuring authority publish the award notice?</p>	Yes
<p>If yes, please specify the means of publication and</p>	Article 12 of Decree 10/33 of December 28, 2010 lays down the procedures for approving public procurement and public service delegations provides for publication of the award notice

<b>provide the relevant legal/regulatory provisions (if any):</b>	
<b>28.1. If yes, is the public procurement award notice published online?</b>	No
<b>If yes, please specify the website:</b>	n/a
<b>29. Does the procuring authority provide all the bidders with the result of the PPP procurement process?</b>	No
<b>If yes, please provide the relevant legal/regulatory provisions (if any):</b>	n/a
<b>If no, please elaborate:</b>	There are no relevant provisions in the legal framework
<b>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?</b>	n/a
<b>If yes, please provide the relevant legal/regulatory provisions (if any):</b>	n/a
<b>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?</b>	Yes
<b>If yes, please provide the relevant legal/regulatory provisions (if any):</b>	Article 74 of the PP Law provides that any candidate or tenderer who considers himself illegally ousted from public procurement procedures or from public service delegations is allowed to challenge the procedure. Such a candidate may lodge a complaint within five days of the publication of the award decision or the public service delegation or within 10 working days before the date of the bid or tender. The challenge is suspensive of the final award procedure.

and the time in calendar days:	5
<b>30.1. Is the standstill period set out in the notice of intention to award?</b>	No
<b>If yes, please provide the relevant legal/regulatory provisions (if any):</b>	n/a
<b>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?</b>	No
<b>If yes, please provide the relevant legal/regulatory provisions (if any):</b>	n/a
<b>31.1. Based on your experience, is it always the case that this restriction is respected in practice?</b>	n/a
<b>If yes, please specify:</b>	n/a
<b>If no, please elaborate:</b>	n/a
<b>32. Does the procuring authority publish the PPP contract?</b>	No
<b>If yes, please provide the relevant legal/regulatory provisions (if any):</b>	n/a
<b>32.1. If yes, which of the following options best describes this publication (choose only one)?: Publication of the</b>	n/a



<b>full PPP contract including all its annexes and appendixes</b>	
<b>Publication of the full PPP contract without including all its annexes and appendixes</b>	n/a
<b>Publication of a summary of the PPP contract without publishing the full PPP contract</b>	n/a
<b>Publication of a summary of the PPP contract along with the full PPP contract including all its annexes and appendixes</b>	n/a
<b>Publication of a summary of the PPP contract along with the full PPP contract without including all its annexes and appendixes</b>	n/a
<b>32.2. If yes, is it published online?</b>	n/a
<b>If yes, please specify the website:</b>	n/a
<b>32.3. If yes, does the procuring authority also publish any subsequent amendment made to the PPP contract?</b>	n/a
<b>If yes, please provide the relevant legal/regulatory provisions (if any):</b>	n/a
<b>PPP Contract Management</b>	
<b>41. Has the procuring or contract management authority established a</b>	Yes

<p><b>system to manage the implementation of the PPP contract (e.g. attributing responsibilities or establishing specific management tools)?</b></p>	
<p><b>If yes, please provide the relevant legal/regulatory provisions (if any):</b></p>	<p>Article 66 of Law No. 10/010 of April 27, 2010 on public procurement provides that: The performance of public contracts is subject to control by: a) the Contracting Authority as detailed in the contract clauses; b) the institution responsible for regulating public procurement; c) any other competent administrative body under the laws and regulations in force.</p>
<p><b>41.1. If yes, which of the following tools does it include (check all that apply)?: Establishment of a PPP contract management team</b></p>	<p>Yes</p>
<p><b>Relevant legal/regulatory provisions (if any):</b></p>	<p>No regulatory basis</p>
<p><b>Participation of the members of the PPP contract management team in the PPP procurement process and/or vice versa</b></p>	<p>Yes</p>
<p><b>Relevant legal/regulatory provisions (if any):</b></p>	<p>No regulatory basis</p>
<p><b>Elaboration of a PPP implementation manual or an equivalent document</b></p>	<p>No</p>
<p><b>Relevant legal/regulatory provisions (if any):</b></p>	<p>n/a</p>
<p><b>Establishment of personnel training programs (i.e. initial training and continued training throughout the course of the project)</b></p>	<p>No</p>

<b>Relevant legal/regulatory provisions (if any):</b>	n/a
<b>Establishment of a risk mitigation mechanism which considers the evolving nature of risks throughout the project lifecycle (guidelines, specific processes, insurance regime, etc.)</b>	No
<b>Relevant legal/regulatory provisions (if any):</b>	n/a
<b>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.</b>	No
<b>If yes, please specify and provide the relevant legal/regulatory provisions (if any):</b>	n/a
<b>The PPP contract management team members are required to meet sufficient qualification without specific details.</b>	Yes
<b>If yes, please provide the relevant legal/regulatory provisions (if any):</b>	No regulatory basis
<b>The PPP contract management team members are not</b>	No

<b>required to meet any specific qualifications.</b>	
<b>Please elaborate and provide examples:</b>	n/a
<b>42. Does the procuring or contract management authority establish a system for tracking progress and completion of construction works under a PPP contract?</b>	Yes
<b>If yes, please provide the relevant legal/regulatory provisions (if any):</b>	<p>According to Art. 11 of Decree N. 10/22, the institution responsible for regulating public procurement is responsible of carrying out periodic monitoring and evaluation missions, taking into account the performance indicators for procurement, control and execution of public contracts and public service delegations;</p> <p>7. Ensuring the information and training of all public procurement actors, the development of the professional framework and the evaluation of the performance of the actors in the procurement system, supervision and enforcement of public contracts and delegations of public service</p>
<b>42.1. If yes, is the PPP contract construction performance information made available to the public?</b>	No
<b>If yes, please provide the relevant legal/regulatory provisions (if any):</b>	n/a
<b>42.2. If yes, is the PPP contract construction performance information made publicly available online?</b>	No
<b>If yes, please specify the website:</b>	n/a
<b>43. Does the procuring or contract management authority establish a monitoring and evaluation system of the PPP contract</b>	No

<b>implementation after construction?</b>	
<b>If yes, please provide the relevant legal/regulatory provisions (if any):</b>	n/a
<b>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</b>	n/a
<b>Relevant legal/regulatory provisions (if any)</b>	n/a
<b>The procuring or contract management authority can abate (reduce) payments for non-performance of operating obligations under the PPP contract</b>	n/a
<b>Relevant legal/regulatory provisions (if any)</b>	n/a
<b>The private partner must provide the procuring or contract management authority with periodic operational and financial data</b>	n/a
<b>Relevant legal/regulatory provisions (if any)</b>	n/a
<b>The procuring or contract management authority must periodically gather information on the performance of the PPP contract</b>	n/a

<b>Relevant legal/regulatory provisions (if any)</b>	n/a
<b>The PPP contract performance information must be available to the public</b>	n/a
<b>Relevant legal/regulatory provisions (if any)</b>	n/a
<b>43.2. Is PPP contract performance information made publicly available online?</b>	No
<b>If yes, please specify the website:</b>	n/a
<b>44. Are foreign companies prohibited from repatriating the income resulting from the operation of a PPP project?</b>	No
<b>If yes, please provide the relevant legal/regulatory provisions (if any):</b>	n/a
<b>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?</b>	No
<b>If yes, please provide the relevant legal/regulatory/standard contractual provisions (if any):</b>	n/a
<b>45.1. If yes, which of the following</b>	No

<p>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).</p>	
<p>If yes, please provide the relevant legal/regulatory/standard contractual provisions (if any):</p>	n/a
<p>Changes of ownership/contract assignment, at any time during the contract, must preserve the same technical qualifications as the original operator.</p>	n/a
<p>If yes, please provide the relevant legal/regulatory/standard contractual provisions (if any):</p>	n/a
<p>In other cases, flexibility to change the ownership structure and/or assign the contract.</p>	n/a
<p>If yes, please provide the relevant legal/regulatory/standard contractual provisions (if any):</p>	n/a
<p>46. Does the regulatory framework (including standard contractual clauses) expressly regulate the modification or renegotiation of the PPP contract</p>	Yes

<p><b>(once the contract is signed)?</b></p>	
<p><b>If yes, please provide the relevant legal/regulatory/standard contractual provisions (if any):</b></p>	<p>Art. 194...203 of Decree N. 10/22 provide for addendums to PP contracts after their signature.</p> <p>Article 194: An addendum is an additional contract to the main contract concluded in accordance with the provisions of Article 58 of the Public Procurement Act and designed to amend one or more of the provisions of the main contract. An addendum is only valid if: It obtained non-objection from the Directorate-General for Public Procurement Control; It is approved by the appropriate approving authority, taking into account the amount of the contract plus the amount of the addendum; It shall be signed by the parties.</p> <p>Article 195: The addendum may, in particular, provided that there is no disruption of the economy of the contract and that the conditions of the initial call for competition are not called into question: •Allow to take account of a duration of execution and / or expenses or additional work; •Provide for continuation of benefits beyond the deadline (without having the effect of prolonging the market beyond the maximum duration provided for by the law on public procurement for certain types of contracts. In the latter case, the contract may not be extended); Modify the technical definition of the service, the variation in the mass of the works or supplies, the time required for execution, the place where the services are performed or delivered.</p> <p>Article 197: In accordance with Article 58 of the Public Procurement Act, the cumulative amount of the amendments may not exceed fifteen percent (15%) Of the value of the contract. For any amount in excess of 15%, the Contracting Authority will proceed through the award of a new contract in accordance with the requirements of the above-mentioned law.</p>
<p><b>46.1. If yes, is an approval from a government authority, other than the procuring authority, required?</b></p>	<p>Yes</p>
<p><b>If yes, please provide the relevant legal/regulatory/standard contractual provisions (if any):</b></p>	<p>According to Article 194 of Decree N. 10/22, "... an addendum is only valid if: It obtained non-objection from the Directorate-General for Public Procurement Control; and it is approved by the appropriate approving authority ..."</p>
<p><b>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.</b></p>	<p>Yes</p>
<p><b>If yes, please provide the relevant legal/regulatory/standard contractual provisions (if any):</b></p>	<p>Article 200 of Decree N. 10/22 provides that ... the addendum may not alter the subject-matter of the contract or the contractor, neither can it change the settlement currency nor the price revision formula..."</p>



<b>A change in the risk allocation of the contract.</b>	No
<b>If yes, please provide the relevant legal/regulatory/standard contractual provisions (if any):</b>	n/a
<b>A change in the financial and/or economic balance of the contract.</b>	Yes
<b>If yes, please provide the relevant legal/regulatory/standard contractual provisions (if any):</b>	According to Art. 195 of Decree N. 10/22, an addendum is possible as long as it does not disrupt the economy of the contract
<b>A change in the duration of the contract.</b>	Yes
<b>If yes, please provide the relevant legal/regulatory/standard contractual provisions (if any):</b>	According to Art. 195 of Decree N. 10/22, the addendum may, in particular...: <ul style="list-style-type: none"> <li>•Allow to take account of a duration of execution and / or expenses or additional work;</li> <li>•Provide for continuation of benefits beyond the deadline (without having the effect of prolonging the market beyond the maximum duration provided for by the law on public procurement for certain types of contracts. In the latter case, the contract may not be extended);</li> </ul> Modify ... the time required for execution, the place where the services are performed or delivered.
<b>A change in the agreed price or tariff.</b>	Yes
<b>If yes, please provide the relevant legal/regulatory/standard contractual provisions (if any):</b>	Decree N. 10/22 provides in its Articles: Art. 197: "... in accordance with Article 58 of the Public Procurement Act, the cumulative amount of the amendments may not exceed fifteen percent (15%) Of the value of the basic contract. For any amount in excess of 15%, the Contracting Authority will proceed through the award of a new contract in accordance with the requirements of the above-mentioned law. Article 198: However, any change occurring during performance of the contract and resulting in a change in the price of the contract within the limits of zero to five percent (0-5%) shall be subject to an order of Service notified to the contractor. Article 199: The stipulations of a public contract may be amended only by means of amendments and within the cumulative limit of fifteen (15) percent of the total value of the basic contract.
<b>46.3. Can the procuring authority unilaterally modify a PPP contract?</b>	No
<b>If yes, please provide the relevant legal/regulatory/standard contractual provisions (if any):</b>	n/a

<b>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</b>	<p>Yes</p>
<b>If yes, please provide the relevant legal/regulatory/standard contractual provisions (if any):</b>	<p>According to Art. 180 of Decree N. 10/22, public procurement contracts may be terminated according to the conditions provided for in the specification documents either on the initiative of the Contracting Authority or on the initiative of the private party or by mutual agreement between the parties, or in case of force majeure.</p>
<b>Material Adverse government action</b>	<p>No</p>
<b>If yes, please provide the relevant legal/regulatory/standard contractual provisions (if any):</b>	<p>n/a</p>
<b>Change in the Law.</b>	<p>No</p>
<b>If yes, please provide the relevant legal/regulatory/standard contractual provisions (if any):</b>	<p>n/a</p>
<b>Refinancing.</b>	<p>No</p>
<b>If yes, please provide the relevant legal/regulatory/standard contractual provisions (if any):</b>	<p>n/a</p>
<b>Subcontracting and replacement of the subcontractors.</b>	<p>Yes</p>
<b>If yes, please provide the relevant legal/regulatory/standard contractual provisions (if any):</b>	<p>According to Art. 59 of the PP Law, subcontracting is allowed for up to 40% of the value of the contract. Also, Art. 60 provides that subcontracting cannot lead to a substantial change in the qualifications of the contractor after award of the contract. Finally, Art. 62 of the PP Law provides that in case of subcontracting, the contractor remains personally liable for its execution. Also, At. 77 of Decree N. 10/22 provides that the respective responsibilities of the contractor and the subcontractor should be clearly stated in the contract</p>
<b>48. Does the regulatory</b>	<p>Yes</p>

<b>framework (including standard contractual clauses) allow for administrative and/or contractual complaint review mechanisms to address disputes arising from the implementation of PPP contracts?</b>	
<b>If yes, please specify and provide the relevant legal/regulatory/standard contractual provisions (if any):</b>	<p>Concerning disputes caused by the contract execution, pursuant to PP Law: Article 75 provides that any party aggrieved in the execution of a public contract or public service delegation can file a complaint with the Contracting Authority. Finally, Article 76 provides that any dispute not settled after the complaint under Articles 73 to 75 of the law shall be decided by the competent court.</p>
<b>48.1. If yes, please specify which of the following options are available (check all that apply): Local administrative review body</b>	<p>Yes</p>
<b>If yes, please specify:</b>	<p>According to Article 75 of the PP Law: any party aggrieved in the execution of a public contract or public service delegation can file a complaint with the Contracting Authority</p>
<b>Local courts</b>	<p>Yes</p>
<b>Domestic arbitration</b>	<p>No</p>
<b>International arbitration</b>	<p>Yes</p>
<b>Investor-State Dispute Settlement (ISDS)</b>	<p>Yes</p>
<b>Mediation</b>	<p>No</p>
<b>Please provide the relevant legal/regulatory/standard contractual provisions (if any)</b>	<p>Article 193 of Decree N. 10/22 provides that any litigation that has been the subject of a hierarchical appeal and which has not been settled amicably within thirty calendar days following the lodging of the appeal, will be settled, in accordance with applicable law and contractual stipulations, before the courts or the competent arbitral bodies.          (Also, Article 76 of the PP Law provides that any dispute not settled after the complaint under Articles 73 to 75 of the law shall be decided by the competent court)          Finally, Congo Democratic Republic is a member state to the International Centre for the Settlement of Investment Disputes (ICSID convention)</p>
<b>48.2. If applicable, are arbitration awards enforceable by the local courts?: Domestic Arbitration</b>	<p>Yes</p>
<b>If yes, please provide the relevant legal/</b>	<p>As a member of OHADA, DRC local courts enforce domestic arbitration sentences</p>

<b>regulatory provisions/standard contractual provisions (if any):</b>	
<b>International arbitration</b>	Yes
<b>If yes, please provide the relevant legal/regulatory provisions/standard contractual provisions (if any):</b>	As a signing country of the Arbitration Uniform Act (ODAHA), and since the Democratic Republic of Congo did not express any reserves when adhering to the New York Convention of June 10, 1958, it recognizes the execution of the international arbitration sentences
<b>Investor-State arbitration</b>	Yes
<b>If yes, please provide the relevant legal/regulatory provisions/standard contractual provisions (if any):</b>	The DRC is a member state to the International Centre for the Settlement of Investment Disputes (ICSID convention)
<b>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?</b>	Yes
<b>If yes, please specify and provide the relevant legal/regulatory/standard contractual provisions (if any):</b>	Article 188 of Decree N. 10/22 provides that in the event of serious misconduct on the part of the Contractor or of a change in the status of the Contractor, which may jeopardize the normal performance of the Contract not remedied after formal notice, the procuring authority may substitute the Contractor by another (and the initial contractor would still be held accountable)
<b>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</b>	No

<b>failure to meet service obligations?</b>	
<b>If yes, please provide the relevant legal/regulatory/standard contractual provisions (if any):</b>	n/a
<b>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.</b>	No
<b>If yes, please specify and provide the relevant legal/regulatory/standard contractual provisions (if any):</b>	n/a
<b>The regulatory framework prescribes that a direct agreement should be signed with the lenders.</b>	No
<b>If yes, please specify and provide the relevant legal/regulatory/standard contractual provisions (if any):</b>	n/a
<b>The regulatory framework prescribes that the lender step-in rights should be regulated in the contract.</b>	No
<b>If yes, please specify and provide the relevant legal/regulatory/standard contractual provisions (if any):</b>	n/a
<b>Other.</b>	No
<b>Please Specify:</b>	n/a
<b>51. Does the regulatory</b>	Yes

<b>framework (including standard contractual clauses) expressly establish the grounds for termination of a PPP contract?</b>	
<b>If yes, please specify and provide the relevant legal/regulatory/standard contractual provisions (if any):</b>	Art. 68 and 69 of the PP Law provide for the termination conditions. Furthermore, Articles 180 to 183 of Decree N. 10/22 establish grounds for termination of a PP contract
<b>51.1. If yes, does the regulatory framework (including standard contractual clauses) establish the consequences for the termination of the PPP contract?</b>	Yes
<b>If yes, please specify and provide the relevant legal/regulatory/standard contractual provisions (if any):</b>	Articles 182 of Decree N. 10/22 provides: In the event of termination made pursuant to article 181, paragraph b of this decree, the holder of the contract is entitled to a termination indemnity calculated on the basis of the services still to be performed. A method of calculation is set out in the general administrative clauses for each contract category and for the public service delegation.
<b>Unsolicited Proposals</b>	
<b>34. Are unsolicited proposals in Congo, Dem. Rep.: (choose only one): Explicitly prohibited by the legal framework? (If prohibited, skip to section F)</b>	No
<b>Explicitly allowed by the legal framework?</b>	No
<b>Not regulated by the legal framework, but do happen in practice?</b>	No
<b>Not regulated by the legal framework, and do not happen in practice? (if not done in practice, skip to section F)</b>	Yes
<b>If the legal framework</b>	n/a

<p><b>explicitly prohibits or allows unsolicited proposals, please provide the relevant legal/regulatory provisions</b></p>	
<p><b>35. Does the procuring authority conduct an assessment to evaluate unsolicited proposals? (if not, skip to question 37)</b></p>	n/a
<p><b>If yes, please specify and provide the relevant legal/regulatory provisions (if any)</b></p>	n/a
<p><b>35.1. If yes, is there any vetting procedure and/or pre-feasibility analysis before fully assessing the unsolicited proposal?</b></p>	n/a
<p><b>If yes, please provide the relevant legal/regulatory provisions (if any):</b></p>	n/a
<p><b>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.</b></p>	n/a

<p><b>If yes, please specify and provide the relevant legal/regulatory provisions (if any):</b></p>	<p>n/a</p>
<p><b>The regulatory framework requires unsolicited proposals to be among the existing government priorities without establishing specific procedures to achieve that goal.</b></p>	<p>n/a</p>
<p><b>If yes, please provide the relevant legal/regulatory provisions (if any):</b></p>	<p>n/a</p>
<p><b>The procuring authority does not evaluate unsolicited proposals against existing government priorities.</b></p>	<p>n/a</p>
<p><b>Please elaborate and provide examples:</b></p>	<p>n/a</p>
<p><b>37. Does the procuring authority initiate a competitive PPP procurement procedure when proceeding with the unsolicited proposal?</b></p>	<p>n/a</p>
<p><b>If yes, please provide the relevant legal/regulatory provisions (if any):</b></p>	<p>n/a</p>
<p><b>38. Does the procuring authority grant a minimum period of time to additional prospective bidders (besides the proponent) to</b></p>	<p>n/a</p>



<b>prepare their proposals?</b>	
<b>If yes, please provide the relevant legal/regulatory provisions (if any):</b>	n/a
<b>and the time in calendar days:</b>	n/a
<b>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.</b>	n/a
<b>39.2 Developer's fee (reimbursing the original proponent for the project development cost).</b>	n/a
<b>39.3 Bid Bonus.</b>	n/a
<b>39.4 Swiss challenge (If unsuccessful, the original proponent has the option to match the winning bid and win the contract).</b>	n/a
<b>39.5 Other.</b>	n/a
<b>Please specify:</b>	n/a
<b>Please provide the relevant legal/regulatory provisions (if any):</b>	n/a