

## PROCURING INFRASTRUCTURE PUBLIC-PRIVATE PARTNERSHIPS 2018 IN GUINEA

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>PPPs are regulated in Guinea by Law 97/012, authorizing the financing, construction, operation, maintenance and transfer of development infrastructures by the private sector, hereinafter the ‘BOT Law’.</p> <p>A BOT convention is defined as any operation of “financing, construction, exploitation, maintenance and, possibly, ownership transfer” of infrastructures of development by the private sector, under all its various variants (Article 1.1 of the BOT Law).</p> <p>Pursuant to Article 2.3, the BOT Law does not prevent the application of other legislatives texts as long as they do not oppose its disposition. However, the BOT Law dominates any different existing legislation.</p> <p>It is also applicable for the framework of public service delegations, which consists of (i) the Law L/2012/020/CNT of October 11, 2012 determining the rules for procuring, controlling and regulating public procurement contracts and public service delegations (hereinafter the ‘PP Law’) and (ii) Decree D/2012/128/PRG/SGG of December 3, 2012 creating a public procurement and public service delegations Code (hereinafter the ‘PP Code’). The PPP Code applies to the procurement, control and regulations of public service delegations, not their execution (Article 2). The Manual of application of the public procurement Code provide details (hereinafter the ‘Manual’).</p> <p>Article 3 of the PPP Law defines a public service delegation as any contract by which a public person entrusts with a public service of its competence a partner whose remuneration is significantly linked by the results of the service’s operation.</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><a href="http://mines.gov.gn/docs/PDF/code_marches_publics.pdf">http://mines.gov.gn/docs/PDF/code_marches_publics.pdf</a></p> <p><a href="http://investir.oufarez.net/sites/default/files/Documents/Loi%20BOT_1.pdf">http://investir.oufarez.net/sites/default/files/Documents/Loi%20BOT_1.pdf</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 place in 2016, are ongoing and/or are planned to be adopted BEFORE June 1, 2017?</b>	No
<b>Please describe:</b>	n/a

<b>2.2 Are ongoing and/or are planned to be adopted AFTER June 1, 2017?</b>	Yes
<b>Please describe:</b>	A PPP Law had been adopted on July 4 <sup>th</sup> , 2017 and promulgated on August 7 <sup>th</sup> , 2017.
<b>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.</b>	No
<b>If yes, please provide the relevant legal/regulatory provisions:</b>	n/a
<b>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</b>	No
<b>If yes, please provide the relevant legal/regulatory provisions:</b>	n/a
<b>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.</b>	No
<b>If yes, please provide the relevant legal/regulatory provisions:</b>	n/a
<b>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</b>	No
<b>If yes, please provide the relevant legal/regulatory provisions:</b>	n/a
<b>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</b>	No

<b>If yes, specify and provide the relevant legal/regulatory provisions:</b>	n/a
<b>4. Does the regulatory framework provide for a specific tax regime for PPP transactions (i.e. tax incentives, special tax depreciation treatment, etc.)?</b>	Yes
<b>If yes, please specify and provide the relevant legal/regulatory provision (if any):</b>	<p>Pursuant to Article 10 of the BOT Law, subject to the provisions of present Law, the investor will be subjected to no other tax, rights and customs fee. The investor profit by virtue of the present Law of the stabilization of the tax regime and the incentives such as defined by the present Law, during all the period defined by the BOT Convention.</p> <p>Article 9.3 indicates the investor party to a BOT convention beneficiates the benefits of the general regime of the Code of Investments. Article 32 of the Code of Investment provides: investors which realize projects of creation or extension of company beneficiate of tax and custom advantages determined by the current tax and custom legislation. 9.4 furthermore provides that the investor can beneficiate one or several special regimes of this Code, which is precedes in the convention.</p> <p>Besides, for the major Investments realized in sectors considered priority for the state economy and the public interest such as the hydropower, the railroad and harbor infrastructures, the agro-industrial developments and the free zones, it will be granted:</p> <ul style="list-style-type: none"> <li>i. An exemption from all taxes until complete amortization of the investments, initial and extension.</li> <li>ii. An exemption and/or a reduction of the customs duties at conventional rates to be fixed by the Agreement.</li> <li>iii. A VAT equal to the one which is applied to the entities classified among the exporting companies.</li> <li>iv. A valuable structure of petroleum products applicable to the BOT operations.</li> </ul>
<b>5. Please identify the PPP procuring authorities in Guinea and provide their website(s) (if available):</b>	<p>Article 5.1 of the BOT Law identifies as procuring authorities the following: Ministers, government agencies and other decentralized entities. Exceptionally, local entities could sign a BOT convention, due to the local aspect of a project (article 9.2).</p> <p>Article 3 of the PPP Law indicates the procuring authorities are: the State, public administrative institutions and local entities; industrial and commercial public institutions, institutions, agencies or offices creates by the State or local entities to satisfy general interest needs which activity is mainly financed by the State or a public person, or which beneficiate financial support or guarantee from the State or a public person, procuring entities public companies or anonymous companies with a majority of public participations, associations created by several public persons. Finally, the public procurement regulations apply to the contracts entered into by private persons acting on behalf of the State or a public person; and by public persons or companies of mixt economy when those contracts have the financial support of the State or a public person.</p>

<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>	<p>Yes</p>
<b>If yes, please indicate its name, and its website (if available):</b>	<p>A PPP Unit was created by Decree D/2014/212/PRG/SGG of October 17, 2014, the presidential council of investments and public private partnerships (CPI-PPP), under the authority of the President of the Republic and which secretary is organized by the Agency of promotion of private investment. Its mission is to promote the direct dialogue between the State, the private sector and the civil society to identify and prevent obstacles to investment. The following questions will focus on the CPI-PPP's missions.</p> <p>The BOT Law does not provide any institutional arrangement. For public service delegations however, there is not a unique specialized entity. But three are created in order to separate functions of procurement, regulation and control:</p> <p>(i) National Direction of public procurement: pursuant to Article 9 of the PPP Code, it is the structure of procurement of public service delegations. Hence, it is in charge of receiving the offers, their evaluation, the awarding of the contract and its submission for approval to the Ministry of Finance.</p> <p>(ii) Administration of Large projects and public procurement: Under the authority of the President of the Republic, and, pursuant to Article 12 of the PPP Code, it is in charge of controlling the expenses of contracting authorities and the application of the public service delegations' regulatory framework. It approves the annual plans of procurement prepared by the procuring authorities, has a non objection power over derogations' request for procedure, tender documents, report of offers' analysis and awards, signs the contract after the procuring authority has signed and before approval of the Ministry of Finance, coordinates the control operation of the engineer Councils and realizes punctual monitoring missions on the field.</p> <p>(iii) Authority of regulation of public procurement: pursuant to Article 15 of the PPP Law, it ensures the healthy application of the regulation; prepares standard documents; collect data for a database; periodically evaluates the institutions' capacity and procedures and practices of the procurement system and propose actions; initiate training and information programs; receives complaints by candidates; refers cases to itself and resolves disputes;...</p>
<b>6.1 If yes, what are the main responsibilities of the PPP Unit (check all that apply): PPP regulation and policy guidance.</b>	<p>No</p>
<b>6.2 PPP capacity building for other public authorities.</b>	<p>Yes</p>
<b>6.3 PPP promotion among the public and/or private sectors in national and international forums.</b>	<p>Yes</p>

<b>6.4 Technical support in implementing PPP projects.</b>	Yes
<b>6.5 Identification and selection of PPP projects from the pipeline.</b>	No
<b>6.6 Revision of fiscal risks born by the Government.</b>	No
<b>6.7 Consultation with affected communities on potential impact of PPP projects.</b>	No
<b>6.8 Approval of PPP projects.</b>	No
<b>6.9 Undertaking the procurement of PPPs.</b>	No
<b>6.10 Oversight of PPP implementation.</b>	No
<b>6.11 Other</b>	No
<b>6.11 please specify:</b>	n/a
<b>Please provide the relevant legal/regulatory provisions:</b>	<p>Pursuant to Article 2 of the CPI-PPP Decree, the missions of the CPI-PPP are as follows:</p> <ul style="list-style-type: none"> <li>- to organize the reflection and to formulate recommendations on the questions relating to the promotion and development of the private, public, national and foreign investments;</li> <li>- to reduce the time, simplify the administrative procedures and establish standards corresponding to the international standards;</li> <li>- to fix the main orientations regarding admission, processing, protection and promotion of the investment;</li> <li>- to coordinate the definition of the strategy and the priorities of development of the private investment as well as the national program of promotion of the investment;</li> <li>- to establish the list of the expenses susceptible to be imputed to the supporting dedicated fund and to the promotion of the investment;</li> <li>- to arouse and encourage the creation and the development of institutions and financial instruments adapted to the investment financing;</li> <li>- to ensure the effectiveness of the implementation of the reforms by watching the consolidation of the experiences and application of the texts of laws;</li> <li>- to handle any other question related to investment.</li> </ul>
<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>	No regulatory basis
<b>8.1. Does the Ministry of Finance or Central Budgetary Authority approve the PPP</b>	Yes

<b>project before signing the PPP contract?</b>	
<b>If yes, please provide the relevant legal/regulatory provisions (if any):</b>	Pursuant to Article 9 of the PPP Code, the contract is submitted to the Ministry in charge of finance for approval by the National direction of public procurement.
<b>8.2. Does the Ministry of Finance (or government more broadly) have a specific system of: Budgeting for PPP projects.</b>	Yes
<b>If yes, please provide the relevant legal/regulatory provisions (if any):</b>	<p>An innovation implemented by the of the organic Law of public finance (L/2012/012/CNT) is, in terms of budget, an authorization of engagement limited to investments and PPPs. Pursuant to Article 27, the State can lead some of its operations of investment in partnership with a company or a group of private enterprises by entrusting him with a global mission concerning the financing of these operations as well as concerning their realization, their maintenance, their exploitation and their management. In this case the budget has to plan, from the year when the contract is concluded, an authorization of commitment covering all of the legal commitment. The general regulation on budget management and public accountability indicates that regarding the expenses which run on a duration superior to one year, the dissociation of the credits in authorization of commitment and credits of payment will allow a better control of investment expenditure and PPPs.</p> <p>Article 53 furthermore indicates that, regarding investment expenditure and operations led in partnership in application of Article 27 of the organic law relative to the finance laws, the budgetary accounting distinguishes:</p> <ul style="list-style-type: none"> <li>· the accounting of the consumption of the authorizations of commitments which registers their commitment as well as, where necessary, the withdrawal of commitment;</li> <li>· the accounting of the consumption of the credits of payment which registers their commitment, their liquidation and their payment.</li> </ul> <p>For these expenses, the budgetary commitment of the authorization of commitment remains valid beyond the year during which the legal commitment was made and up to the last payment concerning this operation. At the end of the year, the budgetary accounting reveals the difference between the commitment and payments relative to the same operation.</p>
<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 procurement process (e.g. Cabinet, Cabinet Committee, Parliament, Supreme Audit Office, etc.)?</b>	Yes
<b>If yes, please specify the relevant authority</b>	<p>For Projects of infrastructure and development by the private sector, President of the Republic.</p> <p>Administration of control of large projects and public procurement (ACGPMP) for derogation to an open tendering; and the tender documents.</p>
<b>and provide the relevant legal/regulatory provisions (if any):</b>	<p>Tender documents are approved by the structure in charge of control of public procurement (Article 8 of the PPP Code). Furthermore, a notice of non-objection of the Administration of control of large projects and public procurement (ACGPMP) is required on the request for derogation to an open tendering; and on the tender documents (Article 12).</p> <p>Projects of infrastructure and development by the private sector are procured following the eventual modifications to the contractual clauses approved by the President of the Republic (Article 1.2 of the BOT Law).</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>	Yes
<b>If yes, please provide the relevant legal/regulatory provisions (if any):</b>	<p>Pursuant to Article 9 of the PPP Code, the project of contract is transmitted to the structure in charge of public procurement control for non-objection (Administration of control of large projects and public procurement).</p> <p>Furthermore, according to Article 12 of the PPP Code: The ACGPMP gives an non-objection notice on the project of contract.</p>

	BOT convention shall be approved by the Council of Ministries and ratified by the National Assembly (Article 9.2 of the BOT Law).
<b>10. Does the procuring authority use transaction advisors during the PPP project cycle?</b>	Yes
<b>If yes, please provide the relevant legal/regulatory provisions (if any):</b>	The Manual (part 2, chapter I) recommends to recourse to experts if the project is complex or if the procuring authority does not have the means to define its needs. Article 5.4 of the BOT Law indicates the Authority can obtain support of independent experts or large international institutions recognized by the government to evaluate, prepare, negotiate and monitor the execution of the BOT convention.
<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 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>	No
<b>If yes, please specify and provide the relevant legal/regulatory provisions (if any):</b>	n/a
<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>	Yes
<b>If yes, please provide the relevant legal/regulatory provisions (if any):</b>	Pursuant to Article 5.1 of the BOT Law, all Ministries, departments, government agencies and decentralized government entities considering using a BOT Convention should include in their development programs priority projects that can be funded, constructed, operated and maintained by the private sector following the provisions of this Act.



	Article 9 of the PPP Law provides a similar requirement for public service delegations, requiring annual provisional plans of procurement to be prepared by procuring authorities. All projects shall be included in those plans. PPPs are a mean of implementation of the National Plan of economic and social development 2016-2020.
<b>The regulatory framework does not include any provisions but the procuring authority evaluates the consistency of PPPs with other government investment priorities in practice.</b>	No
<b>If yes, please elaborate:</b>	n/a
<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>	In practice, PPP projects are included in a programme of investment and development of the government.
<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>	Socio-economic impacts are assessed through a study of the economic rentability.

<b>12.2. Affordability assessment, including the identification of the required long term public commitments (explicit and implicit, direct and contingent liabilities)</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>	Affordability assessment is prepared by the services of the Ministry of finance.
<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>	Risk identification and allocation is made through a study of the economic rentability.
<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>	The Manual of public procurement procedures indicates in Chapter 2, Section 3, that the choice between public procurement and public service delegation shall be made using an opportunity report including at least: <ul style="list-style-type: none"> <li>- The organization and the mode of management of the concerned public service, if it exists, including the possible dysfunctions and the practiced price tariffs;</li> <li>- The desired evolutions of the current service or the characteristics of the service to be created, in particular regarding investments, levels of performances and tariffs;</li> <li>- The type of delegated management envisaged, its comparative advantages as well as the main characteristics of the agreement of delegation or the partnership agreement, in particular its duration.</li> </ul>

<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>	Comparative assessment with other procurement options is realised in practice.
<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>	Assessment of the financial viability is made through a study of the economic rentability.
<b>12.6. Market sounding and/or assessment (showing evidence of investors' interest in the market for the 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>12.7. Environmental impact assessment</b>	Yes
<b>Relevant legal/regulatory provision (if any)</b>	Regulation A/2013/473/MEEF/CAB/SGG of March 11, 2013 related to approval of the study of environmental and social impact.
<b>Is there a specific methodology for the assessment?</b>	Yes
<b>If yes, please elaborate</b>	Regulation A/2013/473/MEEF/CAB/SGG of March 11, 2013 related to approval of the study of environmental and social impact.
<b>Is the assessment done in practice?</b>	Yes
<b>Details:</b>	Environmental impacts are in practice assessed.
<b>12.8. Consultation process with affected communities on potential impact of the PPP project</b>	Yes

<b>Relevant legal/regulatory provision (if any)</b>	Regulation A/2013/473/MEEF/CAB/SGG of March 11, 2013 related to approval of the study of environmental and social impact.
<b>Is there a specific methodology for the assessment?</b>	Yes
<b>If yes, please elaborate</b>	Regulation A/2013/473/MEEF/CAB/SGG of March 11, 2013 related to approval of the study of environmental and social impact.
<b>Is the assessment done in practice?</b>	Yes
<b>Details:</b>	Consultation of potential impact is done in practice.
<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>	There is no requirement to include a draft PPP contract in the tender documents neither an established practice to do so.
<b>14.1. Are the tender documents published online?</b>	No
<b>If yes, please provide the relevant legal/regulatory provisions (if any):</b>	n/a
<b>and please specify the website:</b>	n/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 electronic copy of them:</b>	n/a
<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>	No
<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>	No
<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 Government entity)</b>	No
<b>Private Partner</b>	No
<b>Private partner with facilitation role assigned to the procuring authority (or other Government entity)</b>	Yes

<b>To be established in the contract</b>	No
<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>	No
<b>Relevant legal/regulatory provision (if any)</b>	Pursuant to Article 7.1 of the BOT Law, among the facilities and guarantees to be provided by the State is availability of Lands and right of passages.
<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>	No
<b>Relevant legal/regulatory provision (if any)</b>	Pursuant to Article 7.1 of the BOT Law, among the facilities and guarantees to be provided by the State is availability of Lands and right of passages.
<b>PPP Procurement</b>	
<b>18. Which of the following options best describes the required qualifications of the bid evaluation committee members? (Please select only one): The membership of the bid evaluation committee is specified and/or its members are required to meet detailed qualifications.</b>	No
<b>If yes, please provide the relevant legal/regulatory provisions (if any):</b>	n/a
<b>The bid evaluation committee members require sufficient qualification without specific details.</b>	Yes
<b>If yes, please provide the relevant legal/regulatory provisions (if any):</b>	Pursuant to Part I, Chapter 3, Section 1, Paragraph 2, 2. of the Manual, the procuring commission of public procurement is composed of 5 members appointed by the procuring authority. Those members are designated

	according to criteria of moral integrity, qualification and experience in the juridical, technical and economic fields.
<b>The bid evaluation committee members are not required to have any specific qualifications.</b>	No
<b>Please elaborate and provide examples:</b>	n/a
<b>19. Does the procuring authority issue a public procurement notice of the PPP project?</b>	Yes
<b>If yes, please specify the means of publication and provide the relevant legal/regulatory provisions (if any):</b>	Pursuant to Article 45 of the PPP Code, applicable to public service delegations according to Article 77, publication is made through the public procurement journal, and at least 3 national and/or international publications, as well as on websites.
<b>19.1. If yes, is the public procurement notice published online?</b>	Yes
<b>If yes, please specify the website:</b>	<a href="http://www.armpguinee.org">http://www.armpguinee.org</a> ; <a href="http://mef.gov.gn/dnm/">http://mef.gov.gn/dnm/</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>	Pursuant to Article 77 of the PPP Code, potential bidders have at least 45 business days to submit their bids.
<b>and the time in calendar days:</b>	58
<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 tendering: Available</b>	No
<b>Default</b>	No
<b>Relevant legal/regulatory provision (if any)</b>	n/a
<b>22.2. Restricted tendering (with pre-qualification stage): Available</b>	No

<b>Default</b>	Yes
<b>Relevant legal/regulatory provision (if any)</b>	Pursuant to Article 79 of the PPP Code, selection of offers is made through a procedure of open tendering or in 2 stages. Article 78 indicates that a prequalification of candidates shall be organized.
<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>	Pursuant to Article 79 of the PPP Code, selection of offers is made through a procedure of open tendering or in 2 stages. 2 stages procedure is to be chosen if the procuring authority does not have detailed technical specifications and performance criteria, or precise indicators of results. Prequalified candidates submit first technical propositions, without an indication of price, based on the general principles of conception or performance norms. Once the proposals received and examined by the national direction of public procurement with the procuring authority, it can invite to submit technical offers with a price.
<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>	No
<b>Default</b>	No
<b>Relevant legal/regulatory provision (if any)</b>	n/a
<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>	n/a
<b>Default</b>	n/a
<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>	Pursuant to article 77 of the PP Code, procuring is preceded with a publicity allowing the clearest information on the considers project.



<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>	Article 78 of the PPP Code refers to prequalification for public service delegations, Article 22 requires a precise description of the conditions to be prequalified to be included in the prequalification documents.
<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>	Procuring authority includes in practice the criteria for prequalification in the documents.
<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 request for proposals?</b>	Yes
<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>	n/a
<b>If yes, please specify:</b>	n/a
<b>If no, please elaborate:</b>	n/a
<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</b>	n/a

<b>legal/regulatory provisions (if any):</b>	
<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-bid conference to all bidders?</b>	n/a
<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>	n/a
<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>	Pursuant to Article 80 of the PPP Code, attribution of the convention is made based on the optimal combination of different evaluation criteria included in the tender documents.
<b>Evaluation criteria is not set in the tender documents</b>	No
<b>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</b>	No

<b>PPP contract where only one proposal is submitted.</b>	
<b>Please specify and provide the relevant legal/regulatory provisions (if any):</b>	n/a
<b>The procuring authority considers sole proposals valid as long as they meet the conditions outlined in the tender documents.</b>	Yes
<b>Please provide the relevant legal/regulatory provisions (if any):</b>	Pursuant to Article 6.2 of the BOT Law, when only one investor participates, a direct negotiation can be conducted within conditions set by an implementing text.
<b>The procuring authority does not award a PPP contract if only one proposal is submitted.</b>	No
<b>Please provide the relevant legal/regulatory provisions (if any):</b>	n/a
<b>The regulatory framework does not include any provisions.</b>	No
<b>28. Does the procuring authority publish the award notice?</b>	Yes
<b>If yes, please specify the means of publication and provide the relevant legal/regulatory provisions (if any):</b>	Pursuant to Article 81 of the PPP Code, the procuring authority publishes a notice of award of public service delegation convention. This notice designated the winning bid and includes a synthesis of the main clauses of the convention.
<b>28.1. If yes, is the public procurement award notice published online?</b>	Yes
<b>If yes, please specify the website:</b>	<a href="http://mef.gov.gn/attributions-provisoires/">http://mef.gov.gn/attributions-provisoires/</a>
<b>29. Does the procuring authority provide all the bidders with the result of the PPP procurement process?</b>	Yes
<b>If yes, please provide the relevant legal/regulatory provisions (if any):</b>	Pursuant to Article 81 of the PPP Code, unsuccessful bidders are informed, according to Article 68. Article 68 requires the national direction of public procurement to communicate in writing to all unsuccessful bidders grounds for rejection of its offer, the value of the awarded contract and the name of the winning bidder. Candidates can request a copy of the report of award.
<b>If no, please elaborate:</b>	n/a
<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>	Yes

<b>If yes, please provide the relevant legal/regulatory provisions (if any):</b>	Pursuant to Article 81 of the PPP Code, unsuccessful bidders are informed, according to Article 68. Article 68 requires the national direction of public procurement to communicate in writing to all unsuccessful bidders grounds for rejection of its offer, the value of the awarded contract and the name of the winning bidder. Candidates can request a copy of the report of award.
<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 68 of the PPP Code requires the procuring authorities to have a minimum of 15 days between publishing an award notice and signing the contract (and sending it for approval to the competent authorities).
<b>and the time in calendar days:</b>	15
<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>	Yes
<b>If yes, please provide the relevant legal/regulatory provisions (if any):</b>	Pursuant to Article 83 of the PPP Code, the entry into force of public service delegations is conditioned by publication in the official journal.
<b>32.1. If yes, which of the following options best describes this publication (choose only one)?: Publication of the full PPP</b>	No

<b>contract including all its annexes and appendixes</b>	
<b>Publication of the full PPP contract without including all its annexes and appendixes</b>	No
<b>Publication of a summary of the PPP contract without publishing the full PPP contract</b>	No
<b>Publication of a summary of the PPP contract along with the full PPP contract including all its annexes and appendixes</b>	No
<b>Publication of a summary of the PPP contract along with the full PPP contract without including all its annexes and appendixes</b>	Yes
<b>32.2. If yes, is it published online?</b>	Yes
<b>If yes, please specify the website:</b>	<a href="http://mef.gov.gn/dnm/">http://mef.gov.gn/dnm/</a>
<b>32.3. If yes, does the procuring authority also publish any subsequent amendment made to the PPP contract?</b>	No
<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 system to manage the implementation of the PPP contract (e.g. attributing responsibilities or establishing specific management tools)?</b>	Yes
<b>If yes, please provide the relevant legal/regulatory provisions (if any):</b>	Administration of control of large projects and public procurement is in charge of controlling procurement and execution of public service delegations (Article 12 of the PPP Code). It coordinates control operations realized by engineer-councils and punctual missions of monitoring on site to ensure the conformity of works and supplies to the technical prescriptions. It is in charge of receiving the works and furniture.
<b>41.1. If yes, which of the following tools does it include (check all that apply)?:</b>	No

<b>Establishment of a PPP contract management team</b>	
<b>Relevant legal/regulatory provisions (if any):</b>	n/a
<b>Participation of the members of the PPP contract management team in the PPP procurement process and/or vice versa</b>	No
<b>Relevant legal/regulatory provisions (if any):</b>	n/a
<b>Elaboration of a PPP implementation manual or an equivalent document</b>	No
<b>Relevant legal/regulatory provisions (if any):</b>	n/a
<b>Establishment of personnel training programs (i.e. initial training and continued training throughout the course of the project)</b>	No
<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>	n/a
<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>	n/a

<b>If yes, please provide the relevant legal/regulatory provisions (if any):</b>	n/a
<b>The PPP contract management team members are not required to meet any specific qualifications.</b>	n/a
<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>	Administration of control of large projects and public procurement is in charge of controlling procurement and execution of public service delegations (Article 12 of the PP Code). It coordinates control operations realized by engineer-councils and punctual missions of monitoring on site to ensure the conformity of works and supplies to the technical prescriptions. It is in charge of receiving the works and furniture.
<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>	n/a
<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 implementation after construction?</b>	Yes
<b>If yes, please provide the relevant legal/regulatory provisions (if any):</b>	The administration in control of large projects and public procurement is in charge of controlling procurement and execution of public service delegations (Article 12 of the PPP Code).
<b>43.1. If yes, which of the following tools does it include (check all that apply)? Performance is assessed against evaluation criteria set</b>	No

<b>in the tender documents and the PPP contract</b>	
<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>	No
<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>	No
<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>	No
<b>Relevant legal/regulatory provisions (if any)</b>	n/a
<b>The PPP contract performance information must be available to the public</b>	No
<b>Relevant legal/regulatory provisions (if any)</b>	n/a
<b>43.2. Is PPP contract performance information made publicly available online?</b>	n/a
<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</b>	No



the private partner and/or assignment of the PPP contract?	
If yes, please provide the relevant legal/regulatory/standard contractual provisions (if any):	n/a
45.1. If yes, which of the following circumstances are specifically regulated? (check all that apply): Any change in the private partner during an initial period (e.g. construction and first five years of operation).	n/a
If yes, please provide the relevant legal/regulatory/standard contractual provisions (if any):	n/a
Changes of ownership/contract assignment, at any time during the contract, must preserve the same technical qualifications as the original operator.	n/a
If yes, please provide the relevant legal/regulatory/standard contractual provisions (if any):	n/a
In other cases, flexibility to change the ownership structure and/or assign the contract.	n/a
If yes, please provide the relevant legal/regulatory/standard contractual provisions (if any):	n/a
46. Does the regulatory framework (including standard contractual clauses) expressly regulate the modification or renegotiation of the PPP contract (once the contract is signed)?	Yes
If yes, please provide the relevant legal/regulatory/standard	Pursuant to Article 12.2 of the BOT Law, duration can only be changed in case of force majeure.

<b>contractual provisions (if any):</b>	
<b>46.1. If yes, is an approval from a government authority, other than the procuring authority, required?</b>	Yes
<b>If yes, please provide the relevant legal/regulatory/standard contractual provisions (if any):</b>	No regulatory basis
<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>	No
<b>If yes, please provide the relevant legal/regulatory/standard contractual provisions (if any):</b>	n/a
<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>	No
<b>If yes, please provide the relevant legal/regulatory/standard contractual provisions (if any):</b>	n/a
<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>	Pursuant to Article 12.2 of the BOT Law, duration can only be changed in case of force majeure.
<b>A change in the agreed price or tariff.</b>	No
<b>If yes, please provide the relevant legal/regulatory/standard contractual provisions (if any):</b>	n/a

<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>	Yes
<b>If yes, please provide the relevant legal/regulatory/standard contractual provisions (if any):</b>	Pursuant to Article 12.2 of the BOT Law, duration can only be changed in case of force majeure.
<b>Material Adverse government action .</b>	Yes
<b>If yes, please provide the relevant legal/regulatory/standard contractual provisions (if any):</b>	Pursuant to Article 7.2.1. of the BOT Law, the State cannot provoke or edict any measure implying a change in the freedom to choose subcontractors; imports of merchandise; freedom of circulation for materials.
<b>Change in the Law.</b>	No
<b>If yes, please provide the relevant legal/regulatory/standard contractual provisions (if any):</b>	Pursuant to Article 10 of the BOT Law, the investor profit by virtue of the present Law of the stabilization of the tax regime and the incentives such as defined by the present Law, during all the period defined by the BOT Convention.
<b>Refinancing.</b>	No
<b>If yes, please provide the relevant legal/regulatory/standard contractual provisions (if any):</b>	n/a
<b>Subcontracting and replacement of the subcontractors.</b>	Yes
<b>If yes, please provide the relevant legal/regulatory/standard contractual provisions (if any):</b>	Pursuant to Article 7.2.1. of the BOT Law, the State cannot provoke or edict any measure implying a change in the freedom to choose subcontractors. Article 8.4 requires all subcontractors to abide by the rules related to the constitution of a company.
<b>48. Does the regulatory framework (including standard contractual clauses) allow for administrative</b>	Yes

<b>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>	Article 13.2 of the BOT Law indicates the BOT Convention can determine the institutions and procedure of dispute resolution between the State and the investor. This includes arbitration. If absence of provisions, the first degree tribunal of Conakry is competent. Article 20 of the PP Law: before any judicial or arbitral action, the private partner shall contact the procuring authority or its hierarchical authority.
<b>48.1. If yes, please specify which of the following options are available (check all that apply): Local administrative review body</b>	No
<b>If yes, please specify:</b>	n/a
<b>Local courts</b>	Yes
<b>Domestic arbitration</b>	Yes
<b>International arbitration</b>	Yes
<b>Investor-State Dispute Settlement (ISDS)</b>	Yes
<b>Mediation</b>	Yes
<b>Please provide the relevant legal/ regulatory/standard contractual provisions (if any)</b>	Article 13.2 of the BOT Law indicates the BOT Convention can determine the institutions and procedure of dispute resolution between the State and the investor. This includes arbitration. If absence of provisions, the first degree tribunal of Conakry is competent. Article 20 of the PPP Law: before any judicial or arbitral action, the private partner shall contact the procuring authority or its hierarchical authority.
<b>48.2. If applicable, are arbitration awards enforceable by the local courts?: Domestic Arbitration</b>	Yes
<b>If yes, please provide the relevant legal/ regulatory provisions/standard contractual provisions (if any):</b>	Article 30 of the OHADA Uniform Act on Arbitration dated March 11, 1999.
<b>International arbitration</b>	Yes
<b>If yes, please provide the relevant legal/ regulatory provisions/standard contractual provisions (if any):</b>	Guinea acceded to the New-York convention on 23 Jan 1991. Article 30 of the OHADA Uniform Act on Arbitration dated March 11, 1999.
<b>Investor-State arbitration</b>	Yes
<b>If yes, please provide the relevant legal/ regulatory provisions/standard</b>	The ICSID convention came into force in Guinea on Dec 04, 1968.

<b>contractual provisions (if any):</b>	
<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>	No
<b>If yes, please specify and provide the relevant legal/regulatory/standard contractual provisions (if any):</b>	n/a
<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 failure to meet service obligations?</b>	Yes
<b>If yes, please provide the relevant legal/regulatory/standard contractual provisions (if any):</b>	Pursuant to Article 12.6 of the BOT Law, in case of termination, the lending banks may request that the entities capable of assuring the smooth progress of the operations and qualified in the concerned business sector, replace the investor to preserve, until the settlement of all the amounts which are due, their interests and those of the shareholders of the company created by the investor.
<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>	Yes
<b>If yes, please specify and provide the relevant legal/regulatory/standard contractual provisions (if any):</b>	Pursuant to Article 12.6 of the BOT Law, in case of termination, the lending banks may request that the entities capable of assuring the smooth progress of the operations and qualified in the concerned business sector, replace the investor to preserve, until the settlement of all the amounts which are due, their interests and those of the shareholders of the company created by the investor.
<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</b>	n/a

legal/regulatory/standard contractual provisions (if any):	
The regulatory framework prescribes that the lender step-in rights should be regulated in the contract.	No
If yes, please specify and provide the relevant legal/regulatory/standard contractual provisions (if any):	n/a
Other.	No
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):	Pursuant to Article 12.5 of the BOT Law, the BOT convention can be terminated through mutual consent. Furthermore, the State can only terminate the convention in case of failure, national defense - in which case there is an indemnity from the Sate to the investor.
51.1. If yes, does the regulatory framework (including standard contractual clauses) establish the consequences for the termination of the PPP contract?	n/a
If yes, please specify and provide the relevant legal/regulatory/standard contractual provisions (if any):	Pursuant to Article 12.5 of the BOT Law, the State can only terminate the convention in case of failure, national defense - in which case there is a indemnity from the Sate to the investor.
<b>Unsolicited Proposals</b>	
34. Are unsolicited proposals in Guinea: (choose only one): Explicitly prohibited by the legal framework? (If prohibited, skip to section F)	No
Explicitly allowed by the legal framework?	Yes
Not regulated by the legal framework, but do happen in practice?	No
Not regulated by the legal framework, and do not happen in practice? (if not	No

done in practice, skip to section F)	
<b>If the legal framework explicitly prohibits or allows unsolicited proposals, please provide the relevant legal/regulatory provisions</b>	Pursuant to Article 5.2. of the BOT Law, the investors can take the initiative to propose a project to the Guinean Government. In this case the study of prefeasibility is chargeable to the investor and the project is beforehand the object of approval by Decree taken in Council of Ministers. The public procurement regulatory framework does not make provision for Unsolicited Proposals.
<b>35. Does the procuring authority conduct an assessment to evaluate unsolicited proposals? (if not, skip to question 37)</b>	Yes
<b>If yes, please specify and provide the relevant legal/regulatory provisions (if any)</b>	No regulatory basis
<b>35.1. If yes, is there any vetting procedure and/or pre-feasibility analysis before fully assessing the unsolicited proposal?</b>	No
<b>If yes, please provide the relevant legal/regulatory provisions (if any):</b>	n/a
<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>	No
<b>If yes, please specify and provide the relevant legal/regulatory provisions (if any):</b>	n/a
<b>The regulatory framework requires unsolicited proposals to be among the existing government priorities without establishing specific procedures to achieve that goal.</b>	Yes
<b>If yes, please provide the relevant legal/regulatory provisions (if any):</b>	No regulatory basis

The procuring authority does not evaluate unsolicited proposals against existing government priorities.	No
Please elaborate and provide examples:	n/a
37. Does the procuring authority initiate a competitive PPP procurement procedure when proceeding with the unsolicited proposal?	No
If yes, please provide the relevant legal/regulatory provisions (if any):	n/a
38. Does the procuring authority grant a minimum period of time to additional prospective bidders (besides the proponent) to prepare their proposals?	No
If yes, please provide the relevant legal/regulatory provisions (if any):	n/a
and the time in calendar days:	n/a
39.1 Does the procuring authority use any of the following incentive mechanisms to reward/compensate the presentation of unsolicited proposals? (check all that apply): Access to the best and final offer (BAFO) process and/or automatic shortlisting.	No
39.2 Developer's fee (reimbursing the original proponent for the project development cost).	No
39.3 Bid Bonus.	No
39.4 Swiss challenge (If unsuccessful, the original proponent has the option to match the winning bid and win the contract).	No
39.5 Other.	No
Please specify:	n/a
Please provide the relevant legal/regulatory provisions (if any):	n/a



