

PROCURING INFRASTRUCTURE PUBLIC-PRIVATE PARTNERSHIPS 2018 IN JORDAN

SURVEY QUESTION	ANALYSIS
PPP Regulatory Framework	
2. Does the regulatory framework in your country allow procuring PPPs?	Yes
If yes, please specify the relevant regulatory framework and the year of adoption:	The Public Private Partnership Law no. 31 of 2014 (“PPP Law”) is the main law currently governing PPPs in Jordan. Pursuant to Articles 5 (c) & 22 of the PPP Law, the Regulation on Public Private Partnership Projects no. 98 of 2015 (“PPP Regulation”) and Instructions for the Regulation of the Work of the Partnership Council (“PPP Instructions”) were issued. The PPP Regulation addresses, inter alia, the procedures for the various stages of the PPP procurement and tender process; whereas, the PPP Instructions exclusively set the mechanism for, inter alia, the meetings and decision-making process of the PPP Council established pursuant to the PPP Law. The previous instruments set out the general framework for regulating PPPs in Jordan for purposes of this analysis.
and provide a link to a government-supported website where the mentioned regulatory framework is available or provide an electronic copy of it:	http://www.mof.gov.jo/en-us/datacenter/legislations/laws.aspx www.pppu.gov.jo
2.1. Are you aware of any reforms (in the regulatory frameworks – laws, regulations, policies, etc.- or in generally followed practices) related to PPPs that: Took place in 2016, are ongoing and/or are planned to be adopted BEFORE June 1, 2017?	No
Please describe:	n/a
2.2 Are ongoing and/or are planned to be adopted AFTER June 1, 2017?	No
Please describe:	n/a
3.1 Besides national defense and other matters of national security, does the regulatory framework explicitly prohibit or restrict PPPs in any of the following sectors?: Transportation.	No

If yes, please provide the relevant legal/regulatory provisions:	n/a
3.2 Besides national defense and other matters of national security, does the regulatory framework explicitly prohibit or restrict PPPs in any of the following sectors?: Water and Irrigation	No
If yes, please provide the relevant legal/regulatory provisions:	n/a
3.3 Besides national defense and other matters of national security, does the regulatory framework explicitly prohibit or restrict PPPs in any of the following sectors?: Energy generation and distribution.	No
If yes, please provide the relevant legal/regulatory provisions:	n/a
3.4 Besides national defense and other matters of national security, does the regulatory framework explicitly prohibit or restrict PPPs in any of the following sectors?: Telecom	No
If yes, please provide the relevant legal/regulatory provisions:	n/a
3.5 Besides national defense and other matters of national security, does the regulatory framework explicitly prohibit or restrict PPPs in any of the following sectors?: Other	Yes
If yes, specify and provide the relevant legal/regulatory provisions:	According to Article 4 of the PPP Law, PPP Projects may be established in all economic sectors, except those in which the Council of Ministers excludes based on the PPP Council's recommendations.
4. Does the regulatory framework provide for a specific tax regime for PPP transactions (i.e. tax incentives, special tax depreciation treatment, etc.)?	Yes
If yes, please specify and provide the relevant legal/regulatory provision (if any):	According to Article 9 (L) of the PPP Law, the Contracting Entity is responsible for clarifying the extent of the partnership project's need for financial support from the Treasury or any kind of support, facilities or exemptions and to

	submit a special request for this to the Public Private Partnership Unit (“PPP Unit”).
5. Please identify the PPP procuring authorities in Jordan and provide their website(s) (if available):	The Contracting Entity is the PPP procuring authority in Jordan. This Entity is the “Government Entity,” which implements the PPP contract with the private entity. The Government Entity is defined under the PPP Law as any ministry, department, public institution, commission, council, authority, municipality, or corporation that is either wholly owned by the Government of Jordan (“GOJ”) or which the government of Jordan owns no less than 50% of its shares. The Ministry of Transportation is the relevant entity for purposes of the case study assumption, http://www.mot.gov.jo/
6. In addition to the PPP procuring authorities listed above, is there a specialized government entity that facilitates the PPP program (PPP Unit)?	Yes
If yes, please indicate its name, and its website (if available):	The Public-Private Partnership Unit (“PPP Unit”) located in the Ministry of Finance. www.pppu.gov.jo
6.1 If yes, what are the main responsibilities of the PPP Unit (check all that apply): PPP regulation and policy guidance.	Yes
6.2 PPP capacity building for other public authorities.	Yes
6.3 PPP promotion among the public and/or private sectors in national and international forums.	Yes
6.4 Technical support in implementing PPP projects.	Yes
6.5 Identification and selection of PPP projects from the pipeline.	No
6.6 Revision of fiscal risks born by the Government.	No
6.7 Consultation with affected communities on potential impact of PPP projects.	No
6.8 Approval of PPP projects.	Yes
6.9 Undertaking the procurement of PPPs.	No
6.10 Oversight of PPP implementation.	Yes
6.11 Other	No
6.11 please specify:	n/a
Please provide the relevant legal/regulatory provisions:	n/a
PPP Preparation	

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

<p>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.)?</p>	<p>Yes</p>
<p>If yes, please specify the relevant authority</p>	<p>The Council of Ministers in addition to the PPP Council.</p>
<p>and provide the relevant legal/regulatory provisions (if any):</p>	<p>According to Articles 6(a)(3) and 17 of the PPP Law, the PPP Council must attain the Council of Ministers' approval to PPP projects. Article 6 of the PPP Regulation provides that the Council's approval is to be procured before launching the procurement process. Article (5) of the Law provides that the Council shall be comprised of 6 members, two of which shall be the Minister of Finance and the Governor of the Central Bank.</p>
<p>9.1. Besides the procuring authority and the Ministry of Finance or Central Budgetary Authority, does any other authority(s) approve the PPP project before signing the PPP contract?</p>	<p>Yes</p>
<p>If yes, please provide the relevant legal/regulatory provisions (if any):</p>	<p>According to Articles 6(a)(4) and 17 of the PPP Law and Article 32/f of the PPP Regulation, the Council must approve the PPP contract in its final version. Article 5 and 32 of the PPP Regulation stipulates that the Council has to approve the final award of the partnership project bid and the winning proposal, in addition to that, the Council has to approve the final draft of the partnership contract.</p>
<p>10. Does the procuring authority use transaction advisors during the PPP project cycle?</p>	<p>Yes</p>
<p>If yes, please provide the relevant legal/regulatory provisions (if any):</p>	<p>According to Article 9/h of the PPP Law and Article 5/b/1 of the PPP Regulation, the procuring authority has the right to appoint advisors during the PPP project cycle as deemed necessary.</p>
<p>11. In a case comparable to the case study assumptions, please select the option that best describes the way your government integrates the prioritization of PPP projects with other public investment project prioritization? (e.g. in the context of a national public investment system, multi-year perspective plans, medium-term budgetary framework): The regulatory</p>	<p>No</p>

<p>framework provides for the inclusion of PPPs in the national public investment system/medium term budgetary framework and details a specific procedure to ensure the consistency of PPPs with other public investment priorities.</p>	
<p>If yes, please specify and provide the relevant legal/regulatory provisions (if any):</p>	n/a
<p>The regulatory framework prescribes the need for PPPs to be consistent with all other investment priorities without establishing a specific procedure to achieve that goal.</p>	No
<p>If yes, please provide the relevant legal/regulatory provisions (if any):</p>	n/a
<p>The regulatory framework does not include any provisions but the procuring authority evaluates the consistency of PPPs with other government investment priorities in practice.</p>	No
<p>If yes, please elaborate:</p>	n/a
<p>The procuring authority does not evaluate PPPs against existing government priorities.</p>	Yes
<p>Please elaborate and provide examples:</p>	There are no explicit provisions within the regulatory framework or consistently established practice on evaluating PPPs against existing government priorities
<p>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?</p>	n/a
<p>If yes, please specify:</p>	n/a
<p>If no, please elaborate:</p>	n/a
<p>12.1 Which of the following assessments are conducted when identifying and preparing a PPP in order to</p>	Yes

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)	
Relevant legal/regulatory provision (if any)	According to Articles 10(A) of the PPP Law and 2 & 5(a)(1)(F) of the PPP Regulation, a feasibility study shall be prepared. This study is defined as an analytical study that covers different aspects such as legal, technical, social, economic, environmental, financial, and financing aspects of the project. The PPP Unit shall evaluate this study in accordance with Article 3(d)(2)(b) of the PPP Regulation based on the previously mentioned criteria.
Is there a specific methodology for the assessment?	No
If yes, please elaborate	n/a
Is the assessment done in practice?	Yes
Details:	This is in application to the regulatory provisions and contributors provide it is regularly conducted in practice in order to inform the decision to proceed with the PPP
12.2. Affordability assessment, including the identification of the required long term public commitments (explicit and implicit, direct and contingent liabilities)	Yes
Relevant legal/regulatory provision (if any)	According to Articles 10(A) of the PPP Law and 2 & 5(b)(2) of the PPP Regulation, a feasibility study shall be prepared. This study is defined as an analytical study that covers different aspects such as legal, technical, social, economic, environmental, financial, and financing aspects of the project. The PPP Unit shall evaluate this study in accordance with Article 3(d)(2)(b) of the PPP Regulation based on the previously mentioned criteria.
Is there a specific methodology for the assessment?	No
If yes, please elaborate	n/a
Is the assessment done in practice?	Yes
Details:	This is in application to the regulatory provisions and contributors, provided that it is regularly conducted in practice in order to inform the decision to proceed with the PPP
12.3. Risk identification, allocation and assessment (risk matrix)	Yes
Relevant legal/regulatory provision (if any)	No regulatory basis

Is there a specific methodology for the assessment?	No
If yes, please elaborate	n/a
Is the assessment done in practice?	Yes
Details:	This is in application to the regulatory provisions and contributors, provided that it is regularly conducted in practice in order to inform the decision to proceed with the PPP
12.4. Comparative assessment to evaluate whether a PPP is the best option when compared to other procurement alternatives (i.e. value for money analysis, public sector comparator)	Yes
Relevant legal/regulatory provision (if any)	Articles 10 (a) of the PPP Law and 5 (b) (2) of the PPP Regulation identify that the contracting authority shall prepare a cost-benefit analysis and feasibility study to be submitted to the PPP Unit, in which contributors provided includes a Value for Money analysis to conclude whether PPPs are the best option for the project.
Is there a specific methodology for the assessment?	No
If yes, please elaborate	n/a
Is the assessment done in practice?	Yes
Details:	This is in application to the regulatory provisions and contributors provide it is regularly conducted in practice in order to inform the decision to proceed with the PPP
12.5. Financial viability or bankability assessment	Yes
Relevant legal/regulatory provision (if any)	No regulatory basis
Is there a specific methodology for the assessment?	No
If yes, please elaborate	n/a
Is the assessment done in practice?	Yes
Details:	Contributors provide it is regularly conducted in practice in order to inform the decision to proceed with the PPP
12.6. Market sounding and/or assessment (showing evidence of investors' interest in the market for the project)	Yes
Relevant legal/regulatory provision (if any)	Article 5 (a) (1) of the PPP Regulation provides that it is incumbent on the contracting party to prepare a partnership project proposal memorandum in accordance with the form prepared by the Unit, which contains the following

	data, 5 (a) (1) (g): The extent of the interest of the private sector and its capability of implementing the partnership project.
Is there a specific methodology for the assessment?	No
If yes, please elaborate	n/a
Is the assessment done in practice?	No
Details:	Contributors provided that this is not actually clearly implemented in practice.
12.7. Environmental impact assessment	Yes
Relevant legal/regulatory provision (if any)	Articles 10 (a) of the PPP Law and 5 (b) (2) of the PPP Regulation identify that the contracting authority shall prepare a cost-benefit analysis and feasibility study to be submitted to the PPP Unit. Article 2 of the PPP Regulation as previously displayed, defines the feasibility study as, “The analytical study prepared by the contracting authority, addressing the institutional, legal, technical, environmental, social, economic, financial, and other aspects of the proposed partnership project during the project’s standardized cycle. The study should also identify the need for government support to guarantee the sustainability and continuity of the project and clarify the realization of value for money, the ability to bear costs, risk analysis and diversification, and any other requirements based on the nature of the project. “
Is there a specific methodology for the assessment?	No
If yes, please elaborate	n/a
Is the assessment done in practice?	No
Details:	Contributors provided that this is not actually clearly implemented in practice.
12.8. Consultation process with affected communities on potential impact of the PPP project	No
Relevant legal/regulatory provision (if any)	n/a
Is there a specific methodology for the assessment?	n/a
If yes, please elaborate	n/a
Is the assessment done in practice?	n/a
Details:	n/a
13. Does the procuring authority include the assessments (indicated in Question 12 above) in the request for proposals and/or tender documents (for	No

example, as part of an Information Memorandum to the bidders)?	
If yes, please provide the relevant legal/regulatory provisions (if any):	n/a
and specify which of the assessments are included in the request for proposals and/or tender documents:	n/a
13.1. Are the assessments published online?	No
If yes, please provide the relevant legal/regulatory provisions (if any):	n/a
specify the website	n/a
please specify which of the assessments are published online:	n/a
14. Does the procuring authority include a draft PPP contract in the request for proposals?	Yes
If yes, please provide the relevant legal/regulatory provisions (if any):	The PPP contract and the request for proposal are part of the tender documents, according to Article 19(b) of the PPP Regulation.
If no, please elaborate	n/a
14.1. Are the tender documents published online?	No
If yes, please provide the relevant legal/regulatory provisions (if any):	n/a
and please specify the website:	n/a
15. In a case comparable to the case study assumptions, have standardized PPP model contracts and/or transaction documents been developed?	No
If yes, please specify and provide a government-supported website where the mentioned standards are available or provide an electronic copy of them:	n/a
16.1 In a case comparable to the case study assumptions, who is the responsible party for each of the following requirements? Obtaining the required urban permits:	No

Procuring authority (or other Government entity)	
Private Partner	No
Private partner with facilitation role assigned to the procuring authority (or other Government entity)	Yes
To be established in the contract	No
Relevant legal/regulatory provision (if any)	According to Article 7/B/11 of the PPP Law, the PPP Unit will assist the Contracting Parties in obtaining the required licenses and approvals in coordination with the Jordan Investment Commission.
16.2. Obtaining the required environmental permits: Procuring authority (or other Government entity)	No
Private Partner	No
Private partner with facilitation role assigned to the procuring authority (or other Government entity)	Yes
To be established in the contract	No
Relevant legal/regulatory provision (if any)	According to Article 7/B/11 of the PPP Law, the PPP Unit will assist the Contracting Parties in obtaining the required licenses and approvals in coordination with the Jordan Investment Commission.
16.3. Obtaining the required operational permits: Procuring authority (or other Government entity)	No
Private Partner	No
Private partner with facilitation role assigned to the procuring authority (or other Government entity)	Yes
To be established in the contract	No
Relevant legal/regulatory provision (if any)	According to Article 7/B/11 of the PPP Law, the PPP Unit will assist the Contracting Parties in obtaining the required licenses and approvals in coordination with the Jordan Investment Commission.
16.4. Obtaining the required land: Procuring authority (or other Government entity)	No
Private Partner	No
Private partner with facilitation role assigned to the procuring authority (or other Government entity)	Yes
To be established in the contract	No

Relevant legal/regulatory provision (if any)	According to Article 7/B/11 of the PPP Law, the PPP Unit will assist the Contracting Parties in obtaining the required licenses and approvals in coordination with the Jordan Investment Commission. Contributors confirmed that this serves as a basis for obtaining the necessary land.
16.5. Obtaining the required right of way: Procuring authority (or other Government entity)	No
Private Partner	No
Private partner with facilitation role assigned to the procuring authority (or other Government entity)	Yes
To be established in the contract	No
Relevant legal/regulatory provision (if any)	According to Article 7/B/11 of the PPP Law, the PPP Unit will assist the Contracting Parties in obtaining the required licenses and approvals in coordination with the Jordan Investment Commission. Contributors confirm that this serves as a basis for obtaining the required right of way.
PPP Procurement	
18. Which of the following options best describes the required qualifications of the bid evaluation committee members? (Please select only one): The membership of the bid evaluation committee is specified and/or its members are required to meet detailed qualifications.	Yes
If yes, please provide the relevant legal/regulatory provisions (if any):	Primarily, there are two committees of bid evaluation which may be formed pursuant to the PPP Law, more specifically, a steering committee and a technical committee. The technical committee evaluates the bids and provides the steering committee with its findings/report. Article 4/b of the PPP Regulation indicates that the steering committee includes representatives of the relevant Government Entities, who have the legal, financial, technical, and other expertise necessary for the project in addition to a representative of the PPP Unit and the person in charge of the project as appointed as such by the Contracting Entity. The steering committee has a chairman. The chairman of the steering committee is appointed by the Contracting Entity. On the other hand, there is nothing in the PPP Law and the PPP Regulation relating to specific qualifications of the technical committee. The PPP Regulation under Article 4/c merely sets out that the chairman of the technical committee is the person in charge of the project as appointed as such by the Contracting Entity.
The bid evaluation committee members require sufficient qualification without specific details.	No

If yes, please provide the relevant legal/regulatory provisions (if any):	n/a
The bid evaluation committee members are not required to have any specific qualifications.	No
Please elaborate and provide examples:	n/a
19. Does the procuring authority issue a public procurement notice of the PPP project?	Yes
If yes, please specify the means of publication and provide the relevant legal/regulatory provisions (if any):	<p>According to Articles 8 & 10(a) of the PPP Regulation, publication is made by the Contracting Entity in Arabic and English in two local daily newspapers, on the websites of both the Contracting Entity and the PPP Unit, and, if necessary, in a foreign newspaper published abroad. Publication in such means covers:</p> <ol style="list-style-type: none"> 1. the request for expression of interest prior to the initiation of the PPP tender process and in the event the PPP Unit determines that such publication is needed. 2. the request for pre-qualification once the PPP tender process has been initiated.
19.1. If yes, is the public procurement notice published online?	Yes
If yes, please specify the website:	The website of the procuring entity and the PPP Unit. The PPP Unit's website is www.pppu.gov.jo
20. Are foreign companies prohibited from participating in the bidding process?	No
If yes, please provide the relevant legal/regulatory provisions (if any):	n/a
21. In a case comparable to the case study assumptions, does the procuring authority grant the potential bidders a minimum period of time to submit their bids?	Yes
If yes, please provide the relevant legal/regulatory provisions (if any):	<p>Article 19 of the PPP Regulation provides, "The documents relating to placement of tender of the partnership project and its award include the following:</p> <p>A- Invitation to tender, including</p> <ol style="list-style-type: none"> 1- Integrated information relating to the partnership project. 2- Conditions and procedures for preparing and receiving bids (proposals), the number of copies to be submitted, and the deadline for submission of bids, as well as the location for delivery." And Article 22(H) of the same Regulation provides, "Any proposal submitted after the deadline for submitting the bids will be disqualified."

and the time in calendar days:	n/a
22.1. In a case comparable to the case study assumptions, which are the procurement procedures available and/or set as default for PPP projects? Open tendering: Available	No
Default	No
Relevant legal/regulatory provision (if any)	n/a
22.2. Restricted tendering (with pre-qualification stage): Available	No
Default	Yes
Relevant legal/regulatory provision (if any)	<p>Article 5 (c) (2) of the PPP Regulation provides in connection with the tender’s invitation stage, “2- The contracting party shall comply with the invitation to tender procedures in accordance with the provisions of this Regulation.”</p> <p>Article (6) of this Regulation provides, “The contracting party shall initiate, upon obtaining the approval of the Council, procedures of placing the Tender’s invitation in coordination with the Unit.” And Article 9 of the PPP Regulation provides the default nature of restricted tendering where, “The prequalification process will be open to all those interested, provided that it is not confined to those who replied in response to an “Expression of Interest invitation” pursuant to paragraphs (C), (D), and (E) of Article 8 of this Regulation.”</p> <p>Article 16 of this Regulation further provides, “B- The contracting party shall review the report and define the list of prequalified bidders who will be notified by official registered mail or official electronic mail in reply to the invitation to prequalification.</p> <p>C- The contracting party shall post the list of the prequalified bidders on its website and on the website of the Unit.</p> <p>D- The contracting party shall notify the bidders who did not qualify (or were precluded) by official registered mail or official electronic mail in response to the prequalification invitation.”</p>
22.3 Multi-stage tendering (with shortlisting of final candidate(s)): Available	No
Default	No
Relevant legal/regulatory provision (if any)	n/a
22.4. Competitive dialogue: Available	No
Default	No
Relevant legal/regulatory provision (if any)	n/a
22.5. Direct negotiation with more than one candidate: Available	No
Default	No

Relevant legal/regulatory provision (if any)	n/a
22.6. Direct negotiation with only one candidate: Available	No
Default	No
Relevant legal/regulatory provision (if any)	n/a
22.7 Other. Specify:	No
Available	No
Default	No
Relevant legal/regulatory provision (if any)	n/a
22.8. Do the tender documents detail the procedure of the procurement process providing the same information to all the bidders?	Yes
If yes, please provide the relevant legal/regulatory provisions (if any):	Article 11 (d) of the PPP Regulation provides Article 11 of the PPP Regulation discusses the pre-qualification phase and requires the invitation for pre-qualification phase (if any); the invitation shall specify the criteria for qualification, the description of the project, the role of the private partner, and the procedures, venue, and deadline for submission. Article 19(a) of the PPP Regulation provide, "The documents relating to placement of tender of the partnership project and its award include the following: A- Invitation to tender, including: 2- Conditions and procedures for preparing and receiving bids (proposals), the number of copies to be submitted, and the deadline for submission of bids, as well as the location for delivery.
If no, please elaborate:	n/a
22.9. Do the tender documents specify the prequalification/shortlisting criteria (when applicable) in order to make them available to all the bidders?	Yes
If yes, please provide the relevant legal/regulatory provisions (if any):	Article (11) of the PPP Regulation provides that the initial-qualification criteria is defined in the initial qualification invitation.
22.10. Based on your experience, is it always the case that the specified criteria are respected in practice?	Yes
If yes, please specify and provide the relevant legal/regulatory provisions (if any):	Article 25/C of PPP of the Regulations: "The Technical Committee will evaluate the technical proposals that are consonant with this Regulation and the requirements of the invitation to tender in accordance with the evaluation standards shown in the invitation to tender." Application of this provision is confirmed by contributors.

If no, please elaborate:	n/a
23. Can interested parties/potential bidders submit questions to clarify the public procurement notice and/or the request for proposals?	Yes
If yes, please provide the relevant legal/regulatory provisions (if any):	Article 13 (c) of the PPP Regulation implies that potential bidders can submit questions regarding pre-qualification as it mandates the technical committee to respond to any clarification requests. Additionally, Article 20(a) of the PPP Regulation allows the Contracting Entity in coordination with the PPP Unit to invite pre-qualified bidders prior to submitting their proposals to a preliminary meeting (pre-bid conference). The purpose of the preliminary meeting is to discuss matters relating to the project and provide the pre-qualified bidders with the opportunity to request clarification. The Contracting Entity will provide responses to the clarifications requested by the pre-qualified bidders irrespective of whether or not they were present at such meeting.
23.1. If yes, notwithstanding confidential information pertaining to the bidders, does the procuring authority disclose those questions and clarifications to all potential bidders?	Yes
If yes, please provide the relevant legal/regulatory provisions (if any):	Contributors provided that such questions and clarifications would be disclosed if they were presented in the context of the preliminary meeting mentioned in Article 20(a) of the PPP Regulation, which provides that the Contracting Entity will provide responses to the clarifications requested by the pre-qualified bidders irrespective of whether or not they were present at such meeting.
23.2. Based on your experience, is it always the case that this disclosure of information is done in practice?	Yes
If yes, please specify:	Contributors provide that, based on their historical experience in PPP projects, responses to questions and clarification were disclosed to all potential bidders.
If no, please elaborate:	n/a
24. Besides questions and clarifications, can the procuring authority conduct pre-bidding conference?	Yes
If yes, please specify and provide the relevant legal/regulatory provisions (if any):	Article 20(A) of PPP Regulation: "The contracting party in coordination with the Unit, may call the prequalified bidders to a preliminary meeting, preceding the submission of proposals, and discussing matters relating to the project specifications and preliminary conditions, provided that the inquiries and replies are provided to the prequalified bidders who have attended the preliminary meeting or those absent."

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?	<p>Yes</p>
If yes, please provide the relevant legal/regulatory provisions (if any):	<p>Article 20(C) of the PPP regulation: The contracting authority may, with the approval of the Unit, decide to reconsider the tender documents and to amend them, or to extend the term of the tender, based on the preliminary meeting referred to in Paragraph (A) of this Article, without impinging on the prequalification standards, provided that the contracting party distributes the amendment or change to the prequalified bidders within the time period stated in the tender documents.”</p>
24.2. Based on your experience, is it always the case that this disclosure of information is done in practice?	<p>Yes</p>
If yes, please specify:	<p>Contributors provide that in practice, the procuring authority discloses such information although it is not necessary</p>
If no, please elaborate:	<p>n/a</p>
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?	<p>Yes</p>
If yes, please provide the relevant legal/regulatory provisions (if any):	<p>Article 22(d) & 27 of the PPP Regulation provides that the financial documents to be presented with the bid shall include the financial proposal of the partnership project. And according to 11(b) of the same regulation, the prequalification standards include, 2- Financial solvency, including the ability to provide financing and capital if required by the partnership project, in addition to average annual revenues. 3- Evidence that the company is a member of a consortium, in case the interested party is in the form of a consortium, and the suggested role of each consortium member in the partnership project. Contributors have confirmed that financial models are required based on these provisions.</p>
If no, please elaborate:	<p>n/a</p>
26. Does the procuring authority evaluate the proposals strictly and solely in accordance with the evaluation criteria stated in the tender documents?	<p>Yes</p>
If yes, please provide the relevant legal/regulatory provisions (if any):	<p>Articles 25 and 27 of the PPP Regulation provide that the technical and financial proposals will be assessed according to the assessment criteria mentioned in the request for proposals.</p>

Evaluation criteria is not set in the tender documents	No
27. In the case where only one proposal is submitted (sole proposals), which of the following options best describes the way the procuring authority deals with them? (Please select only one)?: The procuring authority follows a specific procedure before awarding a PPP contract where only one proposal is submitted.	No
Please specify and provide the relevant legal/regulatory provisions (if any):	n/a
The procuring authority considers sole proposals valid as long as they meet the conditions outlined in the tender documents.	No
Please provide the relevant legal/regulatory provisions (if any):	n/a
The procuring authority does not award a PPP contract if only one proposal is submitted.	Yes
Please provide the relevant legal/regulatory provisions (if any):	According to Article 31 (A) of PPP Regulation, it is permissible to cancel the partnership project tender by virtue of a decision issued by the contracting party based on the recommendation of the Unit grounded in the recommendation of the Steering Committee and with the approval of the Council in a case where there is only one bidder in the prequalification stage.
The regulatory framework does not include any provisions.	No
28. Does the procuring authority publish the award notice?	Yes
If yes, please specify the means of publication and provide the relevant legal/regulatory provisions (if any):	No regulatory basis
28.1. If yes, is the public procurement award notice published online?	Yes
If yes, please specify the website:	The PPP Unit's website
29. Does the procuring authority provide all the	Yes

bidders with the result of the PPP procurement process?	
If yes, please provide the relevant legal/regulatory provisions (if any):	<p>According to Articles 26, 29, & 30 of the PPP Regulation, with respect to pre-qualification stage, the Contracting Entity is obliged to notify the pre-qualified applicants whether they have been selected as pre-qualified bidders or their application has been rejected.</p> <p>In the case of award and the evaluation of the proposals, the Contracting Entity is obliged to only notify:</p> <ol style="list-style-type: none"> 1. the persons whose technical proposals have been rejected prior to the review of the financial proposals; 2. the person who has been selected as the bidder with the best offer upon completion of the evaluation of the financial proposal; and 3. the person who has been awarded the PPP project.
If no, please elaborate:	n/a
29.1. If yes, does the notification of the result of the PPP procurement process include the grounds for the selection of the winning bid?	Yes
If yes, please provide the relevant legal/regulatory provisions (if any):	<p>According to Article 26 of the PPP Regulation, "The technical proposals that do not meet the minimum extent of the technical standards stated in the invitation to tender, and the tender documents shall be rejected by virtue of a justified written decision issued by the contracting party on the recommendation of the Technical Committee based on the recommendation of the Steering Committee." Contributors have provided that this applies generally to winning and unsuccessful bidders.</p>
30. Is there a standstill (or pause) period after the contract award and before the signing of the contract in order to allow unsuccessful bidders to challenge the award decision?	No
If yes, please provide the relevant legal/regulatory provisions (if any):	n/a
and the time in calendar days:	n/a
30.1. Is the standstill period set out in the notice of intention to award?	n/a
If yes, please provide the relevant legal/regulatory provisions (if any):	n/a
31. Does the regulatory framework restrict negotiations with the selected bidder between the award and the signature of the PPP contract in order to	Yes

prevent an unfair disadvantage to the other bidders?	
If yes, please provide the relevant legal/regulatory provisions (if any):	According to Article 32 of the PPP Regulation, the negotiations, which are precisely between the PPP Steering Committee and the winner, cannot affect the terms, which were previously designated in the tender documents as non-negotiable terms, the basis of risk allocation as set out in the viability report, and the financial and technical conditions based on which the bidder was selected as the bidder with the best offer.
31.1. Based on your experience, is it always the case that this restriction is respected in practice?	No
If yes, please specify:	n/a
If no, please elaborate:	Contributors provide there is not much data to support institutionalized practice, and negotiations may differ from one PPP project to another.
32. Does the procuring authority publish the PPP contract?	No
If yes, please provide the relevant legal/regulatory provisions (if any):	n/a
32.1. If yes, which of the following options best describes this publication (choose only one)?: Publication of the full PPP contract including all its annexes and appendixes	n/a
Publication of the full PPP contract without including all its annexes and appendixes	n/a
Publication of a summary of the PPP contract without publishing the full PPP contract	n/a
Publication of a summary of the PPP contract along with the full PPP contract including all its annexes and appendixes	n/a
Publication of a summary of the PPP contract along with the full PPP contract without including all its annexes and appendixes	n/a
32.2. If yes, is it published online?	n/a
If yes, please specify the website:	n/a

32.3. If yes, does the procuring authority also publish any subsequent amendment made to the PPP contract?	n/a
If yes, please provide the relevant legal/regulatory provisions (if any):	n/a
PPP Contract Management	
41. Has the procuring or contract management authority established a system to manage the implementation of the PPP contract (e.g. attributing responsibilities or establishing specific management tools)?	Yes
If yes, please provide the relevant legal/regulatory provisions (if any):	According to Article 9(k) of the PPP Law and Article 4 of the PPP Regulation, the contracting authority would refer to the PPP Council in order to establish a technical committee with a project officer (director) shall be chairman formed by the contracting party for purposes of assisting the steering committee in its tasks during the implementation phase the partnership project, and its members must be specifically equipped to monitor the implementation of the PPP contract. The head of the committee would be appointed by the concerned contacting authority. The Contracting Authority would specifically oversee the performance of partnership projects after concluding the contract, and submit relevant periodic reports to the Unit.
41.1. If yes, which of the following tools does it include (check all that apply)?: Establishment of a PPP contract management team	Yes
Relevant legal/regulatory provisions (if any):	According to Article 9(k) of the PPP Law and Article 4 of the PPP Regulation, the contracting authority would refer to the PPP Council in order to establish a technical committee with a project officer (director) shall be chairman formed by the contracting party for purposes of assisting the steering committee in its tasks during the implementation phase the partnership project, and its members must be specifically equipped to monitor the implementation of the PPP contract. The head of the committee would be appointed by the concerned contacting authority. The Contracting Authority would specifically oversee the performance of partnership projects after concluding the contract, and submit relevant periodic reports to the Unit.
Participation of the members of the PPP contract management team in the PPP procurement process and/or vice versa	No
Relevant legal/regulatory provisions (if any):	n/a

Elaboration of a PPP implementation manual or an equivalent document	Yes
Relevant legal/regulatory provisions (if any):	<p>According to Article 3(d) of the PPP Regulation, the PPP Unit may “Prepare general guidelines and approval forms and publish them on the website of the Unit, from which the forms can be downloaded, with a view to guiding the contracting parties, assisting them with the procedures of registering and developing the partnership project, and the procedures of implementing the contract. Guidelines and forms shall include the following:</p> <ol style="list-style-type: none"> 1- Application for registering the partnership project to be completed by the contracting authority. 2- A manual to identify the requirements and technical information relating to the preparation of the following: <ol style="list-style-type: none"> a. Partnership project proposal memorandum. b. Feasibility study and analysis of the costs and benefits of the partnership project. c. Sustainability report. 3- Expression of interest invitation form. 4- Prequalification invitation form. 5- Invitation to bid form. 6- Contract form for the partnership projects. 7- Evaluation and follow-up report forms subsequent to the signing of the contract. 8- Any other documents which the Council and Unit deem necessary for the implementation of the partnership project.
Establishment of personnel training programs (i.e. initial training and continued training throughout the course of the project)	No
Relevant legal/regulatory provisions (if any):	n/a
Establishment of a risk mitigation mechanism which considers the evolving nature of risks throughout the project lifecycle (guidelines, specific processes, insurance regime, etc.)	No
Relevant legal/regulatory provisions (if any):	n/a
41.2. Which of the following options best describes the required qualifications of the PPP contract management team members? (Please select only one): The membership of the PPP contract management team is specified and/or its members	Yes

are required to meet detailed qualifications.	
If yes, please specify and provide the relevant legal/regulatory provisions (if any):	<p>Article 4 of the PPP Regulation provides, “B- The steering committee shall be formed in consultation with the Unit, provided that it includes representatives of relevant governmental agencies and a committee chairman to be appointed by the contracting party. Members shall have the appropriate legal, financial, and technical experience, as well as other experience necessary for overseeing the implementation of the partnership project phases, in addition to a representative of the Unit and the project director.</p> <p>C- The project officer (director) shall be chairman of the technical committee formed by the contracting party for purposes of assisting the steering committee in its tasks during the implementation phase the partnership project.”</p>
The PPP contract management team members are required to meet sufficient qualification without specific details.	No
If yes, please provide the relevant legal/regulatory provisions (if any):	n/a
The PPP contract management team members are not required to meet any specific qualifications.	Yes
Please elaborate and provide examples:	n/a
42. Does the procuring or contract management authority establish a system for tracking progress and completion of construction works under a PPP contract?	Yes
If yes, please provide the relevant legal/regulatory provisions (if any):	Article 5(d)(2) of the PPP Regulation provides, “2- The contracting party shall, with the assistance of the Unit, follow up on the private partner’s satisfying its contractual obligations and any amendments introduced to the contract, while giving due regard to Article (14) of the Law.”
42.1. If yes, is the PPP contract construction performance information made available to the public?	No
If yes, please provide the relevant legal/regulatory provisions (if any):	n/a
42.2. If yes, is the PPP contract construction performance information made publicly available online?	n/a
If yes, please specify the website:	n/a

43. Does the procuring or contract management authority establish a monitoring and evaluation system of the PPP contract implementation after construction?	Yes
If yes, please provide the relevant legal/regulatory provisions (if any):	Article 5(d)(3) of the PPP Regulation provides, "The specialized governmental monitoring quarter identified in the contract shall follow up on the contract parties, satisfying their obligations and shall verify and monitor them."
43.1. If yes, which of the following tools does it include (check all that apply)?: Performance is assessed against evaluation criteria set in the tender documents and the PPP contract	No
Relevant legal/regulatory provisions (if any)	n/a
The procuring or contract management authority can abate (reduce) payments for non-performance of operating obligations under the PPP contract	No
Relevant legal/regulatory provisions (if any)	n/a
The private partner must provide the procuring or contract management authority with periodic operational and financial data	Yes
Relevant legal/regulatory provisions (if any)	Article 37 (n) of the PPP regulation states that the contract shall include: Financial, technical, and administrative supervision, the methodology of monitoring the multiple stages of the partnership project and following up on their implementation, and the requirements of preparing the report relating to monitoring activities and agreement to be reached on the quarters that will bear the costs of monitoring.
The procuring or contract management authority must periodically gather information on the performance of the PPP contract	Yes
Relevant legal/regulatory provisions (if any)	Article 9(k) of the PPP Law provides that the Contracting Authority would specifically oversee the performance of partnership projects after concluding the contract and submit relevant periodic reports to the Unit.
The PPP contract performance information	No

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

<p>If yes, please provide the relevant legal/regulatory/standard contractual provisions (if any):</p>	<p>n/a</p>
<p>In other cases, flexibility to change the ownership structure and/or assign the contract.</p>	<p>n/a</p>
<p>If yes, please provide the relevant legal/regulatory/standard contractual provisions (if any):</p>	<p>n/a</p>
<p>46. Does the regulatory framework (including standard contractual clauses) expressly regulate the modification or renegotiation of the PPP contract (once the contract is signed)?</p>	<p>Yes</p>
<p>If yes, please provide the relevant legal/regulatory/standard contractual provisions (if any):</p>	<p>Article 37 of the PPP Regulation provides that the contract shall include the contract's amendment procedures. Article 14 of the PPP Law provides that the prior written approval of the Council of Ministers shall be obtained in case of any amendments with respect to the price, duration, and waiver of the contractor's rights, which might significantly affect the risk allocation or the assumptions provided in the Sustainability Report. Moreover, paragraph (a)3 of Article 14 of this Law provides that any other amendments shall be made with the prior consent of the Contracting Authority and after consultation with the Ministry of Finance.</p>
<p>46.1. If yes, is an approval from a government authority, other than the procuring authority, required?</p>	<p>Yes</p>
<p>If yes, please provide the relevant legal/regulatory/standard contractual provisions (if any):</p>	<p>Article 14 of the PPP Law provides that the prior written approval of the Council of Ministers shall be obtained in case of any amendments with respect to the price, duration, and waiver of the contractor's rights, which might significantly affect the risk allocation or the assumptions provided in the Sustainability Report. Moreover, paragraph (a)3 of Article 14 of this Law provides that any other amendments shall be made with the prior consent of the Contracting Authority and after consultation with the Ministry of Finance.</p>
<p>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.</p>	<p>No</p>
<p>If yes, please provide the relevant legal/regulatory/standard</p>	<p>n/a</p>

contractual provisions (if any):	
A change in the risk allocation of the contract.	Yes
If yes, please provide the relevant legal/regulatory/standard contractual provisions (if any):	Article 14 of the PPP Law provides that the prior written approval of the Council of Ministers shall be obtained in case of any amendments with respect to the price, duration, and waiver of the contractor's rights, which might significantly affect the risk allocation or the assumptions provided in the Sustainability Report.
A change in the financial and/or economic balance of the contract.	No
If yes, please provide the relevant legal/regulatory/standard contractual provisions (if any):	n/a
A change in the duration of the contract.	Yes
If yes, please provide the relevant legal/regulatory/standard contractual provisions (if any):	Article 14 of the PPP Law provides that the prior written approval of the Council of Ministers shall be obtained in case of any amendments with respect to the price, duration, and waiver of the contractor's rights, which might significantly affect the risk allocation or the assumptions provided in the Sustainability Report.
A change in the agreed price or tariff.	Yes
If yes, please provide the relevant legal/regulatory/standard contractual provisions (if any):	Article 14 of the PPP Law provides that the prior written approval of the Council of Ministers shall be obtained in case of any amendments with respect to the price, duration, and waiver of the contractor's rights, which might significantly affect the risk allocation or the assumptions provided in the Sustainability Report.
46.3. Can the procuring authority unilaterally modify a PPP contract?	No
If yes, please provide the relevant legal/regulatory/standard contractual provisions (if any):	n/a
47. Does the regulatory framework (including standard contractual clauses) expressly regulate the following circumstances that may occur during the life of the PPP contract? (check all that apply): Force Majeure	Yes
If yes, please provide the relevant legal/regulatory/standard	Article 37 of the PPP Regulation sets out the minimum contract terms that the PPP contract should regulate, which includes: 1. force majeure;

contractual provisions (if any):	2. change in law; 3. unforeseen circumstances.”
Material Adverse government action .	Yes
If yes, please provide the relevant legal/regulatory/standard contractual provisions (if any):	No regulatory basis
Change in the Law.	Yes
If yes, please provide the relevant legal/regulatory/standard contractual provisions (if any):	Article 37 of the PPP Regulation sets out the minimum contract terms that the PPP contract should regulate, which includes: 1. force majeure; 2. change in law.”
Refinancing.	No
If yes, please provide the relevant legal/regulatory/standard contractual provisions (if any):	n/a
Subcontracting and replacement of the subcontractors.	No
If yes, please provide the relevant legal/regulatory/standard contractual provisions (if any):	n/a
48. Does the regulatory framework (including standard contractual clauses) allow for administrative and/or contractual complaint review mechanisms to address disputes arising from the implementation of PPP contracts?	Yes
If yes, please specify and provide the relevant legal/regulatory/standard contractual provisions (if any):	Article 17 of the PPP Law provides that the parties to the contract can agree to settle their disputes under alternative dispute resolution mechanisms. Article 37 of the PPP regulation states that the contract should include methods of settlement and dispute resolution. The regulatory provisions thus leave to the parties of the PPP contract the choice to designate their preferred complaints mechanism.
48.1. If yes, please specify which of the following options are available (check all that apply): Local administrative review body	No
If yes, please specify:	n/a

Local courts	Yes
Domestic arbitration	Yes
International arbitration	Yes
Investor-State Dispute Settlement (ISDS)	Yes
Mediation	Yes
Please provide the relevant legal/ regulatory/standard contractual provisions (if any)	Article 17 of the PPP Law provides that the parties to the contract can agree to settle their disputes under alternative dispute resolution mechanisms. Article 37 of the PPP regulation states that the contract should include methods of settlement and dispute resolution. The option to choose the adequate means to settle disputes is left to the parties to the PPP agreement, which can include but shall not be restricted to alternative means such as arbitration and mediation. Additionally, the Jordanian Arbitration Law No. (31) for the year (2001) and the State's status as a signatory to the New York and ICSID Conventions shall permit arbitration in both its domestic and international form. Article 3 of the Arbitration Law provides, "The provisions of this law shall apply to every conventional arbitration conducted in the Kingdom (3) and relates to a civil or commercial dispute between parties of public or private law persons, whatever the legal relationship to which the dispute is connected, whether contractual or not."
48.2. If applicable, are arbitration awards enforceable by the local courts?: Domestic Arbitration	Yes
If yes, please provide the relevant legal/ regulatory provisions/standard contractual provisions (if any):	Article (52), (53), and (54) of the Jordanian Arbitration Law No. (31) for the year (2001) provide for the enforcement of arbitration awards by competent courts.
International arbitration	Yes
If yes, please provide the relevant legal/ regulatory provisions/standard contractual provisions (if any):	Article (52), (53), and (54) of the Jordanian Arbitration Law No. (31) for the year (2001) regarding enforcement of arbitration awards by competent courts apply. In addition to Article (2) and (3) of the Enforceability of Foreign Decisions Law No. (8) for the year (1952). New York Convention and any other convention that Jordan is party of will be relevant, in addition to ICSID convention.
Investor-State arbitration	Yes
If yes, please provide the relevant legal/ regulatory provisions/standard contractual provisions (if any):	Article (52), (53), and (54) of the Jordanian Arbitration Law No. (31) for the year (2001) regarding enforcement of arbitration awards by competent courts apply. In addition to Article (2) and (3) of the Enforceability of Foreign Decisions Law No. (8) for the year (1952). New York Convention and any other convention that Jordan is party of will be relevant, in addition to the ICSID convention.
49. Does the regulatory framework (including standard contractual clauses) allow for the restructuring of a PPP private partner (SPV) in	No

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

contractual provisions (if any):	
Other.	n/a
Please Specify:	n/a
51. Does the regulatory framework (including standard contractual clauses) expressly establish the grounds for termination of a PPP contract?	Yes
If yes, please specify and provide the relevant legal/regulatory/standard contractual provisions (if any):	<p>Article 37 of the PPP Regulation provides, "The contract must include the following data and basic conditions at a minimum:</p> <p>L- Early completion of the contract and the rights and obligations of the stakeholders.</p> <p>M- Exclusive entitlement of the contracting party to sever the contract and the financial obligations, stemming from utilization of this right (entitlement).</p> <p>N- Financial, technical, and administrative supervision, the methodology of monitoring the multiple stages of the partnership project, following up on their implementation, and the requirements of preparing the report relating to monitoring activities and agreement to be reached on the quarters that will bear the costs of monitoring."</p>
51.1. If yes, does the regulatory framework (including standard contractual clauses) establish the consequences for the termination of the PPP contract?	Yes
If yes, please specify and provide the relevant legal/regulatory/standard contractual provisions (if any):	<p>Article 37 of the PPP Regulation provides, "The contract must include the following data and basic conditions at a minimum:</p> <p>L- Early completion of the contract and the rights and obligations of the stakeholders.</p> <p>M- Exclusive entitlement of the contracting party to sever the contract and the financial obligations, stemming from utilization of this right (entitlement).</p> <p>N- Financial, technical, and administrative supervision, the methodology of monitoring the multiple stages of the partnership project, following up on their implementation, and the requirements of preparing the report relating to monitoring activities and agreement to be reached on the quarters that will bear the costs of monitoring."</p>
Unsolicited Proposals	
34. Are unsolicited proposals in Jordan: (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

<p>Not regulated by the legal framework, and do not happen in practice? (if not done in practice, skip to section F)</p>	<p>No</p>
<p>If the legal framework explicitly prohibits or allows unsolicited proposals, please provide the relevant legal/regulatory provisions</p>	<p>Article 11 of the PPP Law provides that any private party can propose directly the idea of a partnership project to any of the governmental authorities under certain conditions.</p>
<p>35. Does the procuring authority conduct an assessment to evaluate unsolicited proposals? (if not, skip to question 37)</p>	<p>Yes</p>
<p>If yes, please specify and provide the relevant legal/regulatory provisions (if any)</p>	<p>Article 11 of the PPP Law provides that private party submitting the unsolicited proposal must prepare a feasibility study and sustainability report. The PPP Unit shall review the aforementioned and submit it to the PPP Council with its recommendation for a final decision.</p>
<p>35.1. If yes, is there any vetting procedure and/or pre-feasibility analysis before fully assessing the unsolicited proposal?</p>	<p>Yes</p>
<p>If yes, please provide the relevant legal/regulatory provisions (if any):</p>	<p>Article 11 of the PPP Law provides that private party submitting the unsolicited proposal must prepare a feasibility study and sustainability report. The PPP Unit shall review the aforementioned and submit it to the PPP Council with its recommendation for a final decision.</p>
<p>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.</p>	<p>No</p>
<p>If yes, please specify and provide the relevant legal/regulatory provisions (if any):</p>	<p>n/a</p>
<p>The regulatory framework requires unsolicited proposals to be among the existing government priorities without establishing specific procedures to achieve that goal.</p>	<p>Yes</p>

If yes, please provide the relevant legal/regulatory provisions (if any):	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?	Yes
If yes, please provide the relevant legal/regulatory provisions (if any):	Article 35 (c) of the PPP Regulation provides that the unsolicited proposal shall be subject to the bidding process in accordance with the general rules set out in the Regulation.
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.	Yes
39.2 Developer's fee (reimbursing the original proponent for the project development cost).	Yes
39.3 Bid Bonus.	Yes
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):

Article 35 (c) of the PPP Regulation provides, "The Council may, on the joint recommendation of the contracting party and Unit, grant the bidder an advantage, bonus, or preferential treatment as per the following:

1- Qualify the direct bidder without his passing through the stage of invitation to express interest or the prequalification stage.

2- The winning bidder will compensate the direct bidder, in case of not winning, for the cost of preparing the feasibility study and the sustainability report in accordance with the evaluation criteria stated in the tenders invitation.

3- Combining qualification and compensation stated in clauses (1) and (2) of this Paragraph or any other procedure decided by the Council, based on the joint recommendation of the contracting party and the Unit."