

## PROCURING INFRASTRUCTURE PUBLIC-PRIVATE PARTNERSHIPS 2018 IN KYRGYZ REPUBLIC

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>	<ol style="list-style-type: none"> <li>1. Law of the Kyrgyz Republic on Public-Private Partnership, dated 22 February 2012, No. 7 (hereinafter - PPP Law);</li> <li>2. Regulation on preparation of public-private partnership projects at the expense of the financing Fund of preparation of public-private partnership projects, approved by Decree of Government of the Kyrgyz Republic dated 17 March 2014 No. 147 (hereinafter Resolution No. 147);</li> <li>3. Regulation on tender commission for the selection of private partners in PPP project, approved by Decree of the Government of the Kyrgyz Republic dated 28 January 2013 No. 39);</li> <li>4. Procedure on preparing tender rules and tender documentation on public-private partnership projects, approved by Decree of the Government of the Kyrgyz Republic dated 28 January 2013 No. 39);</li> <li>5. Regulation on the use of forms of participation of the private partner in a public-private partnership (models of public-private partnerships), approved by Order of the Ministry of Economy of the Kyrgyz Republic dated 28 February 2013 No. 39;</li> </ol>
<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>	<ol style="list-style-type: none"> <li>1. <a href="http://www.ppp.gov.kg/upload/file/KG_PPP_law_ENG.pdf">http://www.ppp.gov.kg/upload/file/KG_PPP_law_ENG.pdf</a></li> <li>2. <a href="http://cbd.minjust.gov.kg/act/view/ru-ru/96267">http://cbd.minjust.gov.kg/act/view/ru-ru/96267</a></li> <li>3. <a href="http://cbd.minjust.gov.kg/act/view/ru-ru/94221">http://cbd.minjust.gov.kg/act/view/ru-ru/94221</a></li> <li>4. <a href="http://cbd.minjust.gov.kg/act/view/ru-ru/94222">http://cbd.minjust.gov.kg/act/view/ru-ru/94222</a></li> <li>5. <a href="http://cbd.minjust.gov.kg/act/view/ru-ru/94135">http://cbd.minjust.gov.kg/act/view/ru-ru/94135</a></li> </ol>
<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>	Yes
<b>Please describe:</b>	<ol style="list-style-type: none"> <li>1) On June 22, 2016, the Law of the Kyrgyz Republic No. 88 was adopted, amending and supplementing the PPP Law. The adopted amendments and additions are aimed at clarifying the conditions and forms of PPP implementation, as well as carrying out PPP procurement procedures.</li> <li>2) Decree of the Government of the KR of June 16, 2016 No. 327 approved the Public-Private Partnership Development Program in the Kyrgyz Republic for 2016-2021.</li> </ol>

	3) In 2016, the Decree of the Government of the KR of June 16, 2016 No. 328 established the Council for Public-Private Partnerships in the Kyrgyz Republic.
<b>2.2 Are ongoing and/or are planned to be adopted AFTER June 1, 2017?</b>	Yes
<b>Please describe:</b>	The Ministry of Economy is leading the process of amending the PPP Law, with an objective to simplify PPP review and approval process. These amendments should come into force in 2018.
<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</b>	Yes

<b>or restrict PPPs in any of the following sectors?: Other</b>	
<b>If yes, specify and provide the relevant legal/regulatory provisions:</b>	Pursuant to Article 3 of the PPP Law, PPP does not apply to relations connected with the use of mineral resources, public procurement and privatization. PPP does not apply to infrastructure objects and services, a list of which is determined by the Government of the Kyrgyz Republic.
<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>	According to paragraph 3, Article 12 of the PPP Law, privileges and / or deferrals and / or installment plan for the payment of taxes are granted in the manner and under the conditions provided for by the legislation of the Kyrgyz Republic; moreover in accordance with Art. 256-1 of the Tax Code of the Kyrgyz Republic, deliveries of goods, works, services carried out by private partners and / or project company in the course of public-private partnership agreements implementation subject to approval by the Government of the Kyrgyz Republic, constitute deliveries exempted from VAT for the period established in public-private partnership agreement.
<b>5. Please identify the PPP procuring authorities in Kyrgyz Republic and provide their website(s) (if available):</b>	(i) Government of the Kyrgyz Republic (the "KR") ( <a href="http://www.gov.kg">www.gov.kg</a> ); (ii) Ministry of Economy of the KR ( <a href="http://www.mineconom.gov.kg">www.mineconom.gov.kg</a> ); (iii) Ministry of Finance of the KR ( <a href="http://www.minfin.kg">www.minfin.kg</a> ); (iv) other governmental authorities, including executive state bodies (such as ministries, state committees, local state administrations), local self-government bodies and municipal enterprises. Procuring authorities are listed in Articles 1 and 7 of the PPP Law.
<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>	Yes
<b>If yes, please indicate its name, and its website (if available):</b>	PPP Unit of the Investment Promotion Agency of the Kyrgyz Republic ( <a href="http://www.ppp.gov.kg">www.ppp.gov.kg</a> )
<b>6.1 If yes, what are the main responsibilities of the PPP Unit (check all that apply): PPP regulation and policy guidance.</b>	Yes
<b>6.2 PPP capacity building for other public authorities.</b>	Yes
<b>6.3 PPP promotion among the public and/or private sectors in national and international forums.</b>	Yes

<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>	Yes
<b>6.9 Undertaking the procurement of PPPs.</b>	No
<b>6.10 Oversight of PPP implementation.</b>	Yes
<b>6.11 Other</b>	No
<b>6.11 please specify:</b>	n/a
<b>Please provide the relevant legal/regulatory provisions:</b>	The responsibilities of the PPP unit (the authorized public agency) are listed under Article 9 of the PPP Law.
<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>	Pursuant to Article 10 of the PPP Law, the Ministry of Finance of the KR approves the PPP projects, tender documentation and PPP contracts that stipulate financing from the state budget.
<b>8.1. Does the Ministry of Finance or Central Budgetary Authority approve the PPP project before signing the PPP contract?</b>	Yes
<b>If yes, please provide the relevant legal/regulatory provisions (if any):</b>	Pursuant to Article 10 of the PPP Law, the Ministry of Finance of the KR approves the PPP projects, tender documentation and PPP contracts that stipulate financing from the state budget.
<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>	Pursuant to Article 32 of the Budget Code of the Kyrgyz Republic the amount of funds is determined by the Government for each public-private partnership project. Budgetary investments into the implementation of public-private partnership projects are made on the basis of the expertise assessment held by the government-authorized state agencies in charge of holding feasibility study and determining the expediency of project.
<b>Accounting liabilities (explicit and implicit, direct and contingent) arising from PPPs.</b>	Yes

<b>If yes, please provide the relevant legal/regulatory provisions (if any):</b>	Pursuant to Article 119 of the Budget Code of the Kyrgyz Republic, accounting is maintained in accordance with the single chart of accounts developed based on budget classification.
<b>Reporting liabilities (explicit and implicit, direct and contingent) arising from PPPs.</b>	Yes
<b>If yes, please provide the relevant legal/regulatory provisions (if any):</b>	Pursuant to clause 8 of the regulation "On the Ministry of Finance of the Kyrgyz Republic" dated February 20, 2012 No. 114 the Ministry of Finance should provide a report on an annual basis on the performance of the national budget, which should also reflect matters regarding the reporting on PPP project funding
<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>	Ministry of Economy
<b>and provide the relevant legal/regulatory provisions (if any):</b>	According to Article 16 of the PPP Law, an initiated PPP project must be approved by the authorized state body, which applied to public private partnership matters is the Ministry of Economy of the Kyrgyz Republic according to the Decree of the Government of the KR of September 14, 2012 No. 616.
<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>	No

<b>If yes, please provide the relevant legal/regulatory provisions (if any):</b>	n/a
<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>	No regulatory basis
<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>	The program for development of PPP is provided for 2016-2021. Pursuant to Article 16 (1) of the PPP Law the search and initiation of the PPP projects is carried out by the state partner, taking into account state and municipal PPP development programs, social and economic development programs, industry development programs, other programs and development plans for individual territorial units.
<b>The regulatory framework does not include any provisions but the procuring</b>	No

<b>authority evaluates the consistency of PPPs with other government investment priorities in practice.</b>	
<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>	Generally done in practice
<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>	Pursuant to Resolution No. 147 of March 17, 2014, evaluation of social issues that may arise as a result of the project, including the estimated costs for their decision, will be conducted.
<b>Is there a specific methodology for the assessment?</b>	No
<b>If yes, please elaborate</b>	n/a
<b>Is the assessment done in practice?</b>	No
<b>Details:</b>	n/a
<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>	Pursuant to Resolution No. 147 of March 17, 2014, the estimated need and the kinds of economic and / or financial support of the state, including preliminary cost estimate will be conducted.

<b>Is there a specific methodology for the assessment?</b>	No
<b>If yes, please elaborate</b>	n/a
<b>Is the assessment done in practice?</b>	No
<b>Details:</b>	n/a
<b>12.3. Risk identification, allocation and assessment (risk matrix)</b>	Yes
<b>Relevant legal/regulatory provision (if any)</b>	Pursuant to Resolution No. 147 of March 17, 2014 the preliminary risk assessment is conducted.
<b>Is there a specific methodology for the assessment?</b>	No
<b>If yes, please elaborate</b>	n/a
<b>Is the assessment done in practice?</b>	No
<b>Details:</b>	n/a
<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>	Pursuant to Article 16 (2) of the PPP Law, for the purposes of initiating the PPP project, the public partner shall evaluate the prospective project, including its rationale and feasibility under PPP, the minimum requirements for the project, the types and conditions for providing government financial and/or economic guarantees and the development of other documents required under respective regulations approved by the Government and the authorized public agency.
<b>Is there a specific methodology for the assessment?</b>	No
<b>If yes, please elaborate</b>	n/a
<b>Is the assessment done in practice?</b>	No
<b>Details:</b>	n/a
<b>12.5. Financial viability or bankability assessment</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>12.6. 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>	Pursuant to Resolution No. 147 dated March 17, 2014, the adverse environmental impact is assessed
<b>Is there a specific methodology for the assessment?</b>	No
<b>If yes, please elaborate</b>	n/a
<b>Is the assessment done in practice?</b>	No
<b>Details:</b>	n/a
<b>12.8. Consultation process with affected communities on potential impact of the PPP project</b>	No
<b>Relevant legal/regulatory provision (if any)</b>	n/a
<b>Is there a specific methodology for the assessment?</b>	n/a
<b>If yes, please elaborate</b>	n/a
<b>Is the assessment done in practice?</b>	n/a
<b>Details:</b>	n/a
<b>13. Does the procuring authority include the assessments (indicated in Question 12 above) in the request for proposals and/or tender documents (for example, as part of an Information Memorandum to the bidders)?</b>	No

<b>If yes, please provide the relevant legal/regulatory provisions (if any):</b>	n/a
<b>and specify which of the assessments are included in the request for proposals and/or tender documents:</b>	n/a
<b>13.1. Are the assessments published online?</b>	n/a
<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>	Yes
<b>If yes, please provide the relevant legal/regulatory provisions (if any):</b>	<p>Pursuant to Article 18 (3) of the PPP Law, from the date of the publication of the invitation, the tender commission shall make the tender rules and tender documents publicly accessible. Pursuant to art. 17 of the PPP Law, tender documentation includes the draft PPP contract.</p> <p>Furthermore, Article 22 of the PPP Law sets out mandatory provisions that must be a part of the PPP agreement. These include, but are not limited to, the following:</p> <ul style="list-style-type: none"> <li>- Subject and object of the PPP agreement;</li> <li>- Rights, obligations and liabilities of the parties;</li> <li>- The term of the PPP agreement;</li> <li>- The minimum scope, procedure of providing and quality standards of infrastructure services made and/or rendered in the process of the PPP project implementation, and the payment mechanisms for infrastructure services;</li> <li>- terms and conditions of financing the PPP project;</li> <li>- types and conditions of providing the government's financial and economic support, if any;</li> <li>- distribution of risks, among the parties to the PPP agreement, associated with implementation of the PPP project;</li> <li>- guarantees of performance of the agreement in respect of works and operation;</li> <li>- procedure for application of tariffs or charges related to the infrastructure services, as well as methods and formulas of calculation of such tariffs or charges;</li> <li>- procedure for possession and use of any infrastructure asset transferred by the public partner to the private partner in order to implement the PPP project;</li> <li>- methods of securing the obligations of the parties to the PPP agreement;</li> <li>- procedure for monitoring and evaluation of the PPP project;</li> <li>- requirements for insurance of the PPP project;</li> </ul>

	<ul style="list-style-type: none"> <li>- procedure for assignment of rights under the PPP project to financial institutions;</li> <li>- procedure for return to the public partner of the infrastructure asset and other rights conferred in connection with the performance of the PPP agreement at the expiration of the agreement;</li> </ul>
<b>If no, please elaborate</b>	n/a
<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>	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>	Pursuant to Article 13 (2)(2) of the PPP Law, the Government's economic support to the private partner and/or project company may be provided in the following way: assisting in obtaining licenses, permits, approvals.
<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>	Yes
<b>To be established in the contract</b>	No
<b>Relevant legal/regulatory provision (if any)</b>	Pursuant to Article 13 (2)(2) of the PPP Law, the Government's economic support to the private partner and/or project company may be provided in the following way: assisting in obtaining licenses, permits, approvals.
<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>	Pursuant to Article 13 (2)(2) of the PPP Law, the Government's economic support to the private partner and/or project company may be provided in the following way: assisting in obtaining licenses, permits, approvals.
<b>16.4. Obtaining the required land: 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>	Pursuant to Article 13 (2) of the PPP Law, the Government's economic support to the private partner and/or project company may be provided in the following ways: 1) in addition to rights to an infrastructure asset, providing rights to other movable or immovable property in accordance with the legislation of the Kyrgyz Republic; 2) assisting in obtaining licenses, permits, approvals; 3) providing easements in respect of publicly and/or municipally owned movable or immovable property.
<b>16.5. Obtaining the required right of way: Procuring authority (or other Government entity)</b>	No
<b>Private Partner</b>	No
<b>Private partner with facilitation role assigned to</b>	Yes

<b>the procuring authority (or other Government entity)</b>	
<b>To be established in the contract</b>	No
<b>Relevant legal/regulatory provision (if any)</b>	<p>Pursuant to Article 13 (2) of the PPP Law, Government economic support to the private partner and/or project company may be provided in the following ways:</p> <ol style="list-style-type: none"> <li>1) in addition to rights to an infrastructure asset, providing rights to other movable or immovable property in accordance with the legislation of the Kyrgyz Republic;</li> <li>2) assisting in obtaining licenses, permits, approvals;</li> <li>3) providing easements in respect of publicly and/or municipally owned movable or immovable property.</li> </ol>
<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>	Yes
<b>If yes, please provide the relevant legal/regulatory provisions (if any):</b>	<p>Pursuant to sub.cl. 3 cl. 1 of Article 17 (2) of the PPP Law, the tender commission shall have an odd number of members of at least 5 people. The tender commission shall include a representative of the authorized public agency, a specialist that has experience and knowledge in respect to the relevant infrastructure asset, a specialist in the field of economics or finance, a specialist in the field of law, and a representative of the local community directly impacted by the PPP project. The members of the tender commission may be subject to qualification requirements approved by the authorized public agency. The members of the tender commission must not have a conflict of interest in respect to the project concerned.</p>
<b>The bid evaluation committee members require sufficient qualification without specific details.</b>	No
<b>If yes, please provide the relevant legal/regulatory provisions (if any):</b>	n/a
<b>The bid evaluation committee members are not required to have any specific qualifications.</b>	No
<b>Please elaborate and provide examples:</b>	n/a
<b>19. Does the procuring authority issue a public</b>	Yes

<b>procurement notice of the PPP project?</b>	
<b>If yes, please specify the means of publication and provide the relevant legal/regulatory provisions (if any):</b>	Pursuant to cl. 3 Article 18 (3) of the PPP Law, at the preliminary selection stage the tender commission publishes invitation on preliminary selection participation in mass media and on the official website of the authorized state body. The text of the invitation should contain pre-selection requirements, enabling bidders to assess their technical and financial opportunities to participate in the tender for PPP project implementation. The text of the invitation is published in the state and official languages and, if necessary, in foreign languages, according to the decision of public partner. The tender commission provides open access to tender rules and tender documentation from the date of publication of the invitation.
<b>19.1. If yes, is the public procurement notice published online?</b>	Yes
<b>If yes, please specify the website:</b>	www.mineconom.gov.kg; www.ppp.gov.kg
<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 18 (3) of the PPP Law, the bids for participation in the preliminary selection are collected within 30 calendar days following the date of publication of the invitation to tender.
<b>and the time in calendar days:</b>	30
<b>22.1. In a case comparable to the case study assumptions, which are the procurement procedures available and/or set as default for PPP projects? Open tendering:</b>	No
<b>Available</b>	
<b>Default</b>	No
<b>Relevant legal/regulatory provision (if any)</b>	n/a
<b>22.2. Restricted tendering (with pre-qualification stage):</b>	No
<b>Available</b>	
<b>Default</b>	Yes
<b>Relevant legal/regulatory provision (if any)</b>	Pursuant to Article 18 of the PPP Law: 1. The tender process shall consist of three stages: pre-qualification, selection of the winning bidder, signing of ppp agreement.

	<p>2. The tender commission shall pre-qualify private partners having sufficient capability and qualification necessary to implement the PPP project.</p> <p>3. The tender commission shall publish an invitation to participate in the pre-qualification stage in the mass media and on the official website of the authorized public agency. The text of the invitation shall be in the state and official languages and where necessary in foreign languages. From the date of the publication of the invitation, the tender commission shall make the tender rules and tender documents publicly accessible. The bids for participation in the pre-qualification shall be submitted within 30 calendar days following the date of publication of the invitation to the tender.</p>
<b>22.3 Multi-stage tendering (with shortlisting of final candidate(s)): Available</b>	No
<b>Default</b>	No
<b>Relevant legal/regulatory provision (if any)</b>	n/a
<b>22.4. Competitive dialogue: Available</b>	No
<b>Default</b>	No
<b>Relevant legal/regulatory provision (if any)</b>	n/a
<b>22.5. Direct negotiation with more than one candidate: Available</b>	Yes
<b>Default</b>	No
<b>Relevant legal/regulatory provision (if any)</b>	<p>According to Article 18 (3) of the PPP Law:</p> <p>3. The winner of the tender commission on selection stage tender offers documentation to bidders, pre-selected. The tender commission has the right to conduct negotiations and meetings with bidders who have been pre-selected for discussion and determine the most appropriate way for the public partner PPP project. At the tender committee during these negotiations should ensure equal conditions for all participants in the tender, held pre-selection, with a view to preventing discrimination and providing advantages of one over the other bidders. The amended tender documents must be made available to all bidders pre-qualified, only after it approval of the tender commission. All changes in the tender documents subject to approval by a public authority on risk management. Bidders who have passed the preliminary selection must submit their tender offer in the terms established by the Tender Commission, with consideration to the complexity of the PPP project. The deadline for submitting bids may not be less than 30 calendar days from the receipt of an invitation to participate in the selection of the tender winner. The tender committee shall evaluate the bids of participants tender within the time specified in the tender documents, but not later than 60 calendar days from the date of receipt of the last sentence. Tender proposals are evaluated in two stages: - the first stage of the tender commission evaluates the compliance of tenders offers to bidders given the minimum requirements for project. If the bidder does not meet the specified requirements of the tender offer it may be rejected; - bids must be assessed in the second stage on conformity social and financial and economic criteria,</p>

	<p>installed in the tender documents. The tender commission publicly announces the winner of the tender to the main the provisions of the draft PPP agreement in the media within 5 working days after the decision of the tender commission decision on the choice winner of the tender. The losing bidders have the right to seek clarification about the reasons for rejection of their bids by submitting a written application. The public partner at the request of the private partner shall, within 3 working days to inform him of the reasons for refusal. All documents and information provided by the tender commission bidders are confidential. Members of the tender commission may not transfer the received documents (copies) or information to third parties, including other bidders, or the use of data documents (copies) or information for any purpose other than the evaluation of proposals, obtained in the course of the tender. The procedure for the preparation of tender documents is governed by this Law and other laws and regulations in the field of PPP.</p>
<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>	<p>Pursuant to Paragraph 8 of Regulation on the procedure of preparing tender rules and tender documentation on public-private partnership projects, approved by Decree of the Government of the Kyrgyz Republic dated 28 January 2013 No.39, tender rules must contain the following: Section 1: Introduction, Section 2: General terms, Sections 3: Submission of applications for participation in the tender and pre-selection of tenderers, Sections 4: Submission and evaluation of bids, Section 5: Choosing the tender winner, Section 6: Conclusion of a PPP contract, Section 7: Annexes</p>
<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>	<p>Submission of applications for participation in the tender and pre-selection of tenderers, shall include requirements for the bidders participating in the pre-selection (Para 8 of Regulation on preparing tender rules and tender</p>



	documentation on PPP projects, approved by Decree of the Government of the Kyrgyz Republic dated 28 January 2013 No.39).
<b>22.10. Based on your experience, is it always the case that the specified criteria are respected in practice?</b>	No
<b>If yes, please specify and provide the relevant legal/regulatory provisions (if any):</b>	n/a
<b>If no, please elaborate:</b>	There are unclear provisions of the laws related to PPP project.
<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>	Tender rules shall provide for procedure and terms of clarification of tender documents provisions (Para 8 (2) Procedure on preparing tender rules and tender documentation on public-private partnership projects)
<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 legal/regulatory provisions (if any):</b>	n/a
<b>24.1. If yes, notwithstanding confidential information pertaining to the bidders, does the procuring authority disclose the content and the</b>	n/a

<b>results of the pre-bid conference to all bidders?</b>	
<b>If yes, please provide the relevant legal/regulatory provisions (if any):</b>	n/a
<b>24.2. Based on your experience, is it always the case that this disclosure of information is done in practice?</b>	n/a
<b>If yes, please specify:</b>	n/a
<b>If no, please elaborate:</b>	n/a
<b>25. In a case comparable to the case study assumptions, does the procuring authority require the bidders to prepare and present a financial model with their proposals?</b>	No
<b>If yes, please provide the relevant legal/regulatory provisions (if any):</b>	n/a
<b>If no, please elaborate:</b>	There is no clear requirement for bidders to prepare and present a financial model with their proposal; however pursuant to Clause 21 of the PPP Tender Procedure, the bid rules may establish additional pre-qualification criteria.
<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 18 (3) of the PPP Law, evaluation of the proposals is carried out in two stages. The tender commission shall evaluate the private partners' proposals within the time limits specified in the tender documents, but not more than 60 calendar days following the end date specified under Article 5 (of the PPP Law). The proposals shall be evaluated in two stages. At the first stage, the tender commission shall assess whether the private partner meets the qualification requirements set forth in the tender documents. The proposals which do not meet the said requirements shall be rejected. The proposals selected at the first stage shall be evaluated at the second stage for compliance with social, financial and economic criteria set forth 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</b>	No

<b>with them? (Please select only one)?: The procuring authority follows a specific procedure before awarding a 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>	No
<b>Please provide the relevant legal/regulatory provisions (if any):</b>	n/a
<b>The procuring authority does not award a PPP contract if only one proposal is submitted.</b>	Yes
<b>Please provide the relevant legal/regulatory provisions (if any):</b>	Pursuant to art. 18 of the PPP Law the number of participants who passed pre-selection, should be at least two. Otherwise the tender must be deemed invalid.
<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 18 (3) of the PPP Law, “the tender commission announces the winner of the tender within 5 working days after the tender commission makes a decision on selection of a winner of the tender. Within 5 working days after the decision of the tender commission in writing the decision on the choice of the winner of the tender or the decision on recognition of the tender invalid tender commission publishes announcement of the results of the tender in the manner prescribed for the invitation to tender, as well as directs the bidders who submitted bids , copy of the decision on the results of the tender. The announcement of the results of the tender shall contain the name, first name or name of a legal entity - the bidder, selected the winner of the tender, or a decision to declare the tender failed to justify this decision (pp.41,42 Procedure for tendering for projects of public-private partnership approved by order of the Ministry of Economy of the Kyrgyz Republic on March 7, 2013 № 52). “
<b>28.1. If yes, is the public procurement award notice published online?</b>	Yes
<b>If yes, please specify the website:</b>	Authorized state body - Ministry of Economy of the Kyrgyz Republic, <a href="https://mineconom.gov.kg/">https://mineconom.gov.kg/</a>
<b>29. Does the procuring authority provide all the</b>	Yes

<b>bidders with the result of the PPP procurement process?</b>	
<b>If yes, please provide the relevant legal/regulatory provisions (if any):</b>	Pursuant to Clause 41 of the PPP Tender Procedure, within 5 business days from the date of a decision of the tender commission about award of the PPP contract the public partner shall announce the winner and send a copy of such decision to all the rest of the bidders.
<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>	No
<b>If yes, please provide the relevant legal/regulatory provisions (if any):</b>	n/a
<b>30. Is there a standstill (or pause) period after the contract award and before the signing of the contract in order to allow unsuccessful bidders to challenge the award decision?</b>	No
<b>If yes, please provide the relevant legal/regulatory provisions (if any):</b>	n/a
<b>and the time in calendar days:</b>	n/a
<b>30.1. Is the standstill period set out in the notice of intention to award?</b>	n/a
<b>If yes, please provide the relevant legal/regulatory provisions (if any):</b>	n/a
<b>31. Does the regulatory framework restrict negotiations with the selected bidder between the award and the signature of the PPP contract in order to prevent an unfair disadvantage to the other bidders?</b>	No
<b>If yes, please provide the relevant legal/regulatory provisions (if any):</b>	n/a
<b>31.1. Based on your experience, is it always the case that this restriction is respected in practice?</b>	n/a
<b>If yes, please specify:</b>	n/a
<b>If no, please elaborate:</b>	n/a

<b>32. Does the procuring authority publish the PPP contract?</b>	No
<b>If yes, please provide the relevant legal/regulatory provisions (if any):</b>	n/a
<b>32.1. If yes, which of the following options best describes this publication (choose only one)?:</b> <b>Publication of the full PPP contract including all its annexes and appendixes</b>	n/a
<b>Publication of the full PPP contract without including all its annexes and appendixes</b>	n/a
<b>Publication of a summary of the PPP contract without publishing the full PPP contract</b>	n/a
<b>Publication of a summary of the PPP contract along with the full PPP contract including all its annexes and appendixes</b>	n/a
<b>Publication of a summary of the PPP contract along with the full PPP contract without including all its annexes and appendixes</b>	n/a
<b>32.2. If yes, is it published online?</b>	n/a
<b>If yes, please specify the website:</b>	n/a
<b>32.3. If yes, does the procuring authority also publish any subsequent amendment made to the PPP contract?</b>	n/a
<b>If yes, please provide the relevant legal/regulatory provisions (if any):</b>	n/a
<b>PPP Contract Management</b>	
<b>41. Has the procuring or contract management authority established a 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>	Pursuant to Article 19 of the PPP Law: 1)The PPP project implementation includes monitoring and evaluating the PPP project implemented by the state partner. The authorized state body and the state agency for risk management also monitors and evaluates the implementation of the PPP project. 3) The procedure for monitoring and evaluating is regulated by this Law, regulations in the field of PPPs and the PPP agreement.
<b>41.1. If yes, which of the following tools does it include (check all that apply)?: Establishment of a PPP contract management team</b>	No
<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>	No
<b>If yes, please provide the relevant legal/regulatory provisions (if any):</b>	n/a
<b>42.1. If yes, is the PPP contract construction performance information made available to the public?</b>	n/a
<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>	Pursuant to Article 19 (1) of the PPP Law, monitoring and evaluating the PPP project shall be carried out by the public partner. The authorized public agency may also monitor and evaluate the PPP project.

<b>43.1. If yes, which of the following tools does it include (check all that apply)?: Performance is assessed against evaluation criteria set in the tender documents and the PPP contract</b>	No
<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>	Yes
<b>Relevant legal/regulatory provisions (if any)</b>	Pursuant to Article 19 (3) of the PPP Law: Annually, but no later than May 1 of the current year, a private partner or a project company is required to provide a state partner, an authorized state body and a government risk management body with a report on the implementation of the PPP project and a financial report for the previous year. The annual report on the implementation of the If a PPP project is provided by the project company, it must have been previously confirmed by the private partner. The annual financial report must have been previously confirmed by an independent auditor
<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>	Yes
<b>Relevant legal/regulatory provisions (if any)</b>	Pursuant to Article 33 of the PPP Law: 1) The authorized state body maintains a register of PPP projects 2. The purpose of maintaining the register is complete, timely and reliable accounting of all information on all PPP projects implemented in the Kyrgyz Republic 3) The information contained in the register should be accessible to all interested persons.
<b>43.2. Is PPP contract performance information made publicly available online?</b>	No



If yes, please specify the website:	n/a
44. Are foreign companies prohibited from repatriating the income resulting from the operation of a PPP project?	No
If yes, please provide the relevant legal/regulatory provisions (if any):	n/a
45. Does the regulatory framework (including standard contractual clauses) expressly regulate changes in the ownership structure (i.e. stakeholder composition) of the private partner and/or assignment of the PPP contract?	Yes
If yes, please provide the relevant legal/regulatory/standard contractual provisions (if any):	Pursuant to Article 29 of the PPP Law, a public partner may own not more than one third of shares in PPPCo and any change of stakeholder composition may take place upon preliminary written consent of the public partner and the Ministry of Economy of the KR, unless otherwise stipulated in the PPP contract.
45.1. If yes, which of the following circumstances are specifically regulated? (check all that apply): Any change in the private partner during an initial period (e.g. construction and first five years of operation).	No
If yes, please provide the relevant legal/regulatory/standard contractual provisions (if any):	n/a
Changes of ownership/contract assignment, at any time during the contract, must preserve the same technical qualifications as the original operator.	No
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.	No

<b>If yes, please provide the relevant legal/regulatory/standard contractual provisions (if any):</b>	n/a
<b>46. Does the regulatory framework (including standard contractual clauses) expressly regulate the modification or renegotiation of the PPP contract (once the contract is signed)?</b>	Yes
<b>If yes, please provide the relevant legal/regulatory/standard contractual provisions (if any):</b>	Pursuant to Article 22 of the PPP Law a PPP contract shall stipulate procedure and terms of modification or extension of the PPP. However, the said provision is quite general and does not regulate specifically the circumstances outlined. The Law specifically states that the contract should include a provision related to the” procedure and conditions for amending, extending and terminating the PPP agreement, including the grounds for early termination of the PPP agreement and the procedure for compensation for damage caused by the early termination of the PPP agreement”.
<b>46.1. If yes, is an approval from a government authority, other than the procuring authority, required?</b>	No
<b>If yes, please provide the relevant legal/regulatory/standard contractual provisions (if any):</b>	n/a
<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>	No
<b>If yes, please provide the relevant legal/regulatory/standard contractual provisions (if any):</b>	n/a
<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 22 of the PPP Law, the contract must contain provisions related to the actions of the parties in the event of force majeure.
<b>Material Adverse government action .</b>	No
<b>If yes, please provide the relevant legal/regulatory/standard contractual provisions (if any):</b>	n/a
<b>Change in the Law.</b>	Yes
<b>If yes, please provide the relevant legal/regulatory/standard</b>	Pursuant to Article 22 of the PPP Law, the signed contract should contain provisions related to the procedures for the compensation for damage caused by the adoption of the regulations worsening the PPP project implementation

<b>contractual provisions (if any):</b>	conditions for the private partner as compared to the conditions set forth in the PPP agreement.
<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>	No
<b>If yes, please provide the relevant legal/regulatory/standard contractual provisions (if any):</b>	n/a
<b>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?</b>	Yes
<b>If yes, please specify and provide the relevant legal/regulatory/standard contractual provisions (if any):</b>	<p>Pursuant to Article 34 of the PPP Law, all disputes arising out of or in connection with the procedure of selection of private partners shall be settled in accordance with KR Law “On basis of administrative activity and administrative procedures”.</p> <p>All disputes arising out of or in connection with the execution, performance and termination of the PPP agreement shall be settled by negotiation in accordance with provisions of the PPP agreement. The parties to the PPP agreement may determine the courts of the Kyrgyz Republic or arbitral tribunals of the Kyrgyz Republic or international commercial arbitration institutions as the venue for dispute resolution.</p> <p>All disputes arising out of or in connection with the provision by the private partner or the project company of services to beneficiaries in the course of the PPP project implementation shall be settled in the courts of the Kyrgyz Republic. When executing the PPP agreement, the public partner may demand that the private partner or the project company establish easy and efficient mechanisms to resolve such disputes as a method of pretrial dispute resolution.</p>
<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>	No
<b>Mediation</b>	No
<b>Please provide the relevant legal/ regulatory/standard contractual provisions (if any)</b>	<p>Pursuant to Article 34 of the PPP Law:</p> <ol style="list-style-type: none"> <li>1. All disputes arising out of or in connection with the procedure of selection of private partners shall be settled in the courts of the Kyrgyz Republic.</li> <li>2. All disputes arising out of, or in connection with, the conclusion, performance and termination of the PPP agreement shall be settled by negotiation in accordance with provisions of the PPP agreement. If the dispute cannot be settled by negotiations, the dispute shall be settled by the body determined by the parties in the PPP agreement. The parties to the PPP agreement may determine that the courts of the Kyrgyz Republic or arbitration tribunals of the Kyrgyz Republic or international commercial arbitration institutions will be the acceptable venue for dispute resolution.</li> <li>3. All disputes arising out of, or in connection with, the provision by the private partner or the project company of infrastructure services to consumers in the course of the PPP project implementation, shall be settled in the courts of the Kyrgyz Republic. When executing the PPP agreement, the public partner may demand that the private partner or the project company establish simple and efficient mechanisms to resolve such disputes as a method for pretrial dispute resolution.</li> </ol>
<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>	Art. 40-44 of the Law of the Kyrgyz Republic "On the arbitral courts of the Kyrgyz Republic dated July 30, 2002 No. 135
<b>International arbitration</b>	Yes
<b>If yes, please provide the relevant legal/ regulatory provisions/standard contractual provisions (if any):</b>	Convention on the Recognition and Enforcement of Foreign Arbitral Awards (New York, 1958) (the "New York Convention") ratified by the Kyrgyz Republic in 1995
<b>Investor-State arbitration</b>	No
<b>If yes, please provide the relevant legal/ regulatory provisions/standard contractual provisions (if any):</b>	n/a
<b>49. Does the regulatory framework (including standard contractual clauses) allow for the restructuring of a PPP private partner (SPV) in</b>	No

<b>financial difficulty prior to insolvency?</b>	
<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 25 of the PPP Law, the rights and obligations of the private partner and the project company may be assigned to the financial institutions providing finance for the PPP project implementation with the prior written consent of the public partner.
<b>50.1. If yes, which of the following options best describes the lender step-in right? (Please select only one): The regulatory framework expressly regulates the lender step-in rights.</b>	No
<b>If yes, please specify and provide the relevant legal/regulatory/standard contractual provisions (if any):</b>	n/a
<b>The regulatory framework prescribes that a direct agreement should be signed with the lenders.</b>	No
<b>If yes, please specify and provide the relevant legal/regulatory/standard contractual provisions (if any):</b>	n/a
<b>The regulatory framework prescribes that the lender step-in rights should be regulated in the contract.</b>	No
<b>If yes, please specify and provide the relevant legal/regulatory/standard</b>	n/a

<b>contractual provisions (if any):</b>	
<b>Other.</b>	Yes
<b>Please Specify:</b>	Pursuant to Article 25 of the PPP Law, the rights and obligations of the private partner and the project company may be assigned to the financial institutions providing finance for the PPP project implementation with the prior written consent of the public partner.
<b>51. Does the regulatory framework (including standard contractual clauses) expressly establish the grounds for termination of a PPP contract?</b>	Yes
<b>If yes, please specify and provide the relevant legal/regulatory/standard contractual provisions (if any):</b>	Pursuant to Article 27 of the PPP Law, a PPP contract shall be terminated (i) upon expiry of the PPP contract term; (ii) upon mutual written consent of all parties to the PPP contract; (iii) upon initiative of either party of the PPP contract; (iv) upon decision of a body or person authorized by the parties to the PPP contract to settle a dispute; (v) if the PPPCo or private partner terminates its activities, declared as bankrupt or insolvent Article 27 of the PPP Law
<b>51.1. If yes, does the regulatory framework (including standard contractual clauses) establish the consequences for the termination of the PPP contract?</b>	Yes
<b>If yes, please specify and provide the relevant legal/regulatory/standard contractual provisions (if any):</b>	<p>Pursuant to Article 28 of the PPP Law, in the event of termination of the PPP contract, the private partner and/or project company are obliged to do the following, unless otherwise provided for in the PPP contract:</p> <ul style="list-style-type: none"> <li>- to transfer the infrastructure object and other assets received from the public partner, which should be free from any encumbrances by third parties in accordance with the terms of the contract;</li> <li>- to train staff of the public partner to operate and maintain the infrastructure object</li> <li>- to ensure continuity of support services and resources, including the supply of spare parts, if required, within a reasonable time after the transfer of the infrastructure object and other assets to public partner</li> </ul> <p>Early termination of the PPP contract by fault of one of the parties of PPP contract entails obligation to compensate the other party losses incurred by the parties</p>
<b>Unsolicited Proposals</b>	
<b>34. Are unsolicited proposals in Kyrgyz Republic: (choose only one): Explicitly prohibited by the legal framework? (If prohibited, skip to section F)</b>	No
<b>Explicitly allowed by the legal framework?</b>	Yes

<b>Not regulated by the legal framework, but do happen in practice?</b>	No
<b>Not regulated by the legal framework, and do not happen in practice? (if not done in practice, skip to section F)</b>	No
<b>If the legal framework explicitly prohibits or allows unsolicited proposals, please provide the relevant legal/regulatory provisions</b>	Pursuant to Article 20 (1) of the PPP Law, private partners may apply to the public partner or the Government with a proposal to initiate a PPP project. The proposal must be accompanied by a preliminary feasibility study, a document confirming the private partner's expenses in preparing the preliminary feasibility study, the rationale for the application of PPP to the selected infrastructure, an environmental impact assessment and the main conditions of the PPP agreement. In addition to the said documents, the private partner may submit other documents relevant to the proposed PPP project. The public partner must accept or reject the proposal within 60 days. If the proposal is rejected, the public partner must notify the private partner a notice of the reasons for rejection and return to the private partner all originals and copies of the earlier submitted documents.
<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>	Pursuant to Article 20 of the PPP Law, the public partner must accept or reject the proposal within 30 calendar days. If the proposal is rejected, the public partner must notify the private partner a notice of the reasons for rejection and return to the private partner all originals and copies of the earlier submitted documents. The public partner may request for additional information only once. This request must be supported by the statement of reasons. The private partner must provide the requested information within 30 calendar days of the receipt of the request. If the public partner requests for additional information, the decision of whether to accept or reject the proposal shall be made within 30 calendar days of the receipt of additional information from the private partner. If no additional information is received from the private partner within the aforementioned term, the decision of whether to accept or reject the proposal shall be made within 30 calendar days following the expiration of the term for the provision of additional information.
<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</b>	No



<p><b>procuring authority ensures that unsolicited proposals are consistent with existing government priorities?</b>  <b>(Please select only one): The procuring authority follows a specific procedure to ensure the consistency of PPPs with other government investment priorities.</b></p>	
<p><b>If yes, please specify and provide the relevant legal/regulatory provisions (if any):</b></p>	n/a
<p><b>The regulatory framework requires unsolicited proposals to be among the existing government priorities without establishing specific procedures to achieve that goal.</b></p>	No
<p><b>If yes, please provide the relevant legal/regulatory provisions (if any):</b></p>	n/a
<p><b>The procuring authority does not evaluate unsolicited proposals against existing government priorities.</b></p>	Yes
<p><b>Please elaborate and provide examples:</b></p>	The regulatory framework does not contain any provisions that state that a USP must be evaluated against existing government priorities.
<p><b>37. Does the procuring authority initiate a competitive PPP procurement procedure when proceeding with the unsolicited proposal?</b></p>	Yes
<p><b>If yes, please provide the relevant legal/regulatory provisions (if any):</b></p>	Pursuant to Article 20 of the PPP Law, in the event that the public partner accepts the proposal initiated by the private partner, the public partner shall notify the private partner and the authorized public agency of this decision. The selection of (a winning) private partner for the PPP project initiated by a private partner shall be made through a tender in the manner provided by the PPP law and other regulations of the Kyrgyz Republic.
<p><b>38. Does the procuring authority grant a minimum period of time to additional prospective bidders (besides the proponent) to prepare their proposals?</b></p>	Yes
<p><b>If yes, please provide the relevant legal/regulatory provisions (if any):</b></p>	Pursuant to Article 18 of the PPP Law, the tender commission shall publish an invitation to participate in the pre-qualification stage in the mass media and on the official website of the authorized public agency. The text of the

	invitation shall be in the state and official languages and where necessary in foreign languages. From the date of the publication of the invitation, the tender commission shall make the tender rules and tender documents publicly accessible. The bids for participation in the prequalification shall be submitted within 30 calendar days following the date of publication of the invitation to the tender.
<b>and the time in calendar days:</b>	30
<b>39.1 Does the procuring authority use any of the following incentive mechanisms to reward/compensate the presentation of unsolicited proposals? (check all that apply): Access to the best and final offer (BAFO) process and/or automatic shortlisting.</b>	No
<b>39.2 Developer's fee (reimbursing the original proponent for the project development cost).</b>	No
<b>39.3 Bid Bonus.</b>	No
<b>39.4 Swiss challenge (If unsuccessful, the original proponent has the option to match the winning bid and win the contract).</b>	No
<b>39.5 Other.</b>	No
<b>Please specify:</b>	n/a
<b>Please provide the relevant legal/regulatory provisions (if any):</b>	n/a