

## PROCURING INFRASTRUCTURE PUBLIC-PRIVATE PARTNERSHIPS 2018 IN LAO PDR

SURVEY QUESTION	ANALYSIS
<b>PPP Regulatory Framework</b>	
<b>2. Does the regulatory framework in your country allow procuring PPPs?</b>	Yes
<b>If yes, please specify the relevant regulatory framework and the year of adoption:</b>	<p>While Lao PDR is currently reforming its PPP regulatory framework through a 7th draft PPP Law, which has not yet been established, PPPs are currently being procured based on the following instruments: 1) Law on Investment Promotion (2016 Revision) [hereinafter “Investments Law”], which sets its scope in Article 6 as, “This Law applies to investment of domestic and foreign natural persons and legal entities, investing and doing business in the Lao PDR and domestic investors for their overseas investments “ and incentivizes in Article 9(1)(7), “Investment, service provision and development of public infrastructure for urban traffic congestion reduction and residence facilities, infrastructure development for agricultural and industrial production, transportation services of goods, transit services and international linkage.” Additionally, Article 26(5) describes the forms of investments that shall include, “A public-private partnership (PPP)” but Article 31 provides, “Public-private partnership business is a joint-venture investment between a public authority and a private party under a joint-venture contract to implement a project of new construction, improvement of infrastructure or to provide a service to the public. Sectors, conditions and procedures for public-private partnerships are set out in a separate regulation.” Such regulation has not been issued yet; 2) Prime Minister Decree No.03/PM Government Procurement of Goods, Construction, Maintenance and Services (amended 2004) [hereinafter “Procurement Law”], which shall apply specially to the procurement process, Article 3 of which provides, “This Decree applies to the following targets: i) Government entities at the central, provincial and local levels, including overseas representative organizations of the Government of Lao PDR funded by the national budget. ii) State owned enterprises. iii) Joint ventures in which the State holds shares.”; 3) Ministry of Finance Decree No. 01639/MOF (1998) Implementing Rules and Regulations on Government Procurement of Goods, Construction, Maintenance and Services [hereinafter “Procurement Regulations”]; and 4) Decree 29/PO on the Promulgation of the Law on the Amendment of the Enterprise Law (2005). The aforementioned shall shape the PPP regulatory framework in Lao PDR for purposes of this analysis.</p>
<b>and provide a link to a government-supported website where the mentioned regulatory framework is available or provide an electronic copy of it:</b>	<p><a href="http://www.investlaos.gov.la/images/IP_Law_2016_PDF/Investment_Promotion_Law_amended_2016_Unofficial_translated-English.pdf">http://www.investlaos.gov.la/images/IP_Law_2016_PDF/Investment_Promotion_Law_amended_2016_Unofficial_translated-English.pdf</a>  <a href="https://www.mpwt.gov.la/attachments/article/1232/Decree%2003PM%209Jan2004%20English%20%28Latest%29.pdf">https://www.mpwt.gov.la/attachments/article/1232/Decree%2003PM%209Jan2004%20English%20%28Latest%29.pdf</a>  <a href="https://www.wto.org/english/thewto_e/acc_e/lao_e/WTACCLAO3A1_LEG_24.pdf">https://www.wto.org/english/thewto_e/acc_e/lao_e/WTACCLAO3A1_LEG_24.pdf</a>  <a href="http://www.investlaos.gov.la/images/sampled_data/pdf_sample/Enterprises_2005_Eng.pdf">http://www.investlaos.gov.la/images/sampled_data/pdf_sample/Enterprises_2005_Eng.pdf</a></p>

<b>2.1. Are you aware of any reforms (in the regulatory frameworks – laws, regulations, policies, etc.- or in generally followed practices) related to PPPs that: Took place in 2016, are ongoing and/or are planned to be adopted BEFORE June 1, 2017?</b>	<p>Yes</p>
<b>Please describe:</b>	<p>Law on Investment Promotion (revised 2016)</p>
<b>2.2 Are ongoing and/or are planned to be adopted AFTER June 1, 2017?</b>	<p>Yes</p>
<b>Please describe:</b>	<p>Decree on Public Private Partnerships in the Lao PDR has been in the process of being drafted (draft 7) and revised since June 2015, according to the relevant authorities at Ministry of Planning and Investment, we have been informed that it shall be promulgated in the end of 2017.</p>
<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>	<p>No</p>
<b>If yes, please provide the relevant legal/regulatory provisions:</b>	<p>n/a</p>
<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>	<p>No</p>

<p><b>If yes, please provide the relevant legal/regulatory provisions:</b></p>	<p>n/a</p>
<p><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></p>	<p>No</p>
<p><b>If yes, please provide the relevant legal/regulatory provisions:</b></p>	<p>n/a</p>
<p><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></p>	<p>No</p>
<p><b>If yes, please provide the relevant legal/regulatory provisions:</b></p>	<p>n/a</p>
<p><b>3.5 Besides national defense and other matters of national security, does the regulatory framework explicitly prohibit or restrict PPPs in any of the following sectors?: Other</b></p>	<p>No</p>
<p><b>If yes, specify and provide the relevant</b></p>	<p>n/a</p>

<b>legal/regulatory provisions:</b>	
<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>	No
<b>If yes, please specify and provide the relevant legal/regulatory provision (if any):</b>	n/a
<b>5. Please identify the PPP procuring authorities in Lao PDR and provide their website(s) (if available):</b>	Article 2(6) of the Procurement Law provides, “Procuring Entity or Project Owner means the Government entity and state enterprises using funds from the national budget. “ For purposes of the case study assumption, the Ministry of Public Works and Transport <a href="https://www.mpwt.gov.la/en/">https://www.mpwt.gov.la/en/</a> shall be the relevant procuring authority.
<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 has been established within the Investment Promotion Department (IPD) in the Ministry of Planning and Investment [hereinafter “PPP Unit”]
<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>	No
<b>6.3 PPP promotion among the public and/or private sectors in national and international forums.</b>	No

<b>6.4 Technical support in implementing PPP projects.</b>	No
<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>	No
<b>6.11 Other</b>	No
<b>6.11 please specify:</b>	n/a
<b>Please provide the relevant legal/regulatory provisions:</b>	No regulatory basis
<b>PPP Preparation</b>	
<b>8. Does the Ministry of Finance or Central Budgetary Authority approve the PPP project before launching the procurement process?</b>	Yes
<b>If yes, please provide the relevant legal/regulatory provisions (if any):</b>	No regulatory basis
<b>8.1. Does the Ministry of Finance or Central Budgetary Authority approve the PPP project</b>	Yes

<b>before signing the PPP contract?</b>	
<b>If yes, please provide the relevant legal/regulatory provisions (if any):</b>	No regulatory basis
<b>8.2. Does the Ministry of Finance (or government more broadly) have a specific system of: Budgeting for PPP projects.</b>	No
<b>If yes, please provide the relevant legal/regulatory provisions (if any):</b>	n/a
<b>Accounting liabilities (explicit and implicit, direct and contingent) arising from PPPs.</b>	No
<b>If yes, please provide the relevant legal/regulatory provisions (if any):</b>	n/a
<b>Reporting liabilities (explicit and implicit, direct and contingent) arising from PPPs.</b>	No
<b>If yes, please provide the relevant legal/regulatory provisions (if any):</b>	n/a
<b>8.3. If yes to question 8.2, which of the following alternatives best describes the regulation?: Accounting and reporting according to International Public Sector Accounting Standards (IPSAS).</b>	n/a

<b>Accounting and reporting according to other international standard (e.g. European System of Accounts).</b>	n/a
<b>Please specify:</b>	n/a
<b>Other.</b>	n/a
<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>	The Ministry of Planning and Investment
<b>and provide the relevant legal/regulatory provisions (if any):</b>	No regulatory basis
<b>9.1. Besides the procuring authority and the Ministry of Finance or Central Budgetary Authority, does any other authority(s) approve the PPP project before signing the PPP contract?</b>	Yes
<b>If yes, please provide the relevant legal/regulatory provisions (if any):</b>	No regulatory basis

<b>10. Does the procuring authority use transaction advisors during the PPP project cycle?</b>	<p>Yes</p>
<b>If yes, please provide the relevant legal/regulatory provisions (if any):</b>	<p>Article 13 of the Procurement Regulation provides, “The procuring entity may contract with firms of consultants or individual consultants for the purposes of provision of expert advice or assistance in institutional matters and specialized services in connection with the implementation of projects and detailed engineering and design. Consulting firms will be preferred where the work involves the application of multi-disciplinary expertise and requires the support of an organization with competent personnel. Individual consultants will be used where a particular assignment can best be carried out by an individual expert with the requisite qualifications and experience. The award of contracts to such consultants shall follow the procurement procedures of this Section where the value of the contract exceeds 20 million kip. “</p>
<b>11. In a case comparable to the case study assumptions, please select the option that best describes the way your government integrates the prioritization of PPP projects with other public investment project prioritization? (e.g. in the context of a 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</b>	<p>No</p>



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

<b>accordance with the provisions of the regulatory framework described above?</b>	
<b>If yes, please specify:</b>	n/a
<b>If no, please elaborate:</b>	Contributors provided that it is difficult to foresee or have a clear view on what prioritizations are in place throughout Lao, as there is no list issued by the government. Financing is also a problem for projects.
<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>	Article 44 of the Investments Law clarifies the components of an investment application that is to be considered and provides, "5. Feasibility study or business plan with the following main content: purpose of investment, estimated value of investment, project location, operation timelines, project effectiveness, labor need, need for a state land lease or concession; finances, technical-economic feasibility, projected benefit sharing, plan and procedures for operation, document certifying funding support, request for investment incentives; 6. Report of environmental, social and natural impact assessment."
<b>Is there a specific methodology for the assessment?</b>	No
<b>If yes, please elaborate</b>	n/a
<b>Is the assessment done in practice?</b>	Yes
<b>Details:</b>	Contributors provide that this is conducted in practice
<b>12.2. Affordability assessment, including the identification of the required long term public commitments (explicit and</b>	Yes

<b>implicit, direct and contingent liabilities)</b>	
<b>Relevant legal/regulatory provision (if any)</b>	Article 44 of the Investments Law clarifies the components of an investment application that is to be considered and provides, “5. Feasibility study or business plan with the following main content: purpose of investment, estimated value of investment, project location, operation timelines, project effectiveness, labor need, need for a state land lease or concession; finances, technical-economic feasibility, projected benefit sharing, plan and procedures for operation, document certifying funding support, request for investment incentives.”
<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>	Contributors provided that this assessment is not actually conducted in practice.
<b>12.3. Risk identification, allocation and assessment (risk matrix)</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>12.4. 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>	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>12.5. Financial viability or bankability assessment</b>	Yes
<b>Relevant legal/regulatory provision (if any)</b>	Article 44 of the Investments Law clarifies the components of an investment application that is to be considered and provides, "5. Feasibility study or business plan with the following main content: purpose of investment, estimated value of investment, project location, operation timelines, project effectiveness, labor need, need for a state land lease or concession; finances, technical-economic feasibility, projected benefit sharing, plan and procedures for operation, document certifying funding support, request for investment incentives;"
<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>	Contributors provided that this assessment is not actually conducted in practice.
<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>	<p>Article 44 of the Investments Law clarifies the components of an investment application that is to be considered and provides, “5. Feasibility study or business plan with the following main content: purpose of investment, estimated value of investment, project location, operation timelines, project effectiveness, labor need, need for a state land lease or concession; finances, technical-economic feasibility, projected benefit sharing, plan and procedures for operation, document certifying funding support, request for investment incentives; 6. Report of environmental, social and natural impact assessment.”</p> <p>Moreover, Article 5 of Decree No.112/PM on Environmental Impact Assessment (2010) provides, “Procedure on initial environmental examination or environmental impact assessment, as well as procedure on deliberation of a report on initial environmental examination or a report on environmental impact assessment, must be in compliance with the project cycle of the investment project, and be in accordance with the laws of the concerned agencies.”</p>
<b>Is there a specific methodology for the assessment?</b>	Yes
<b>If yes, please elaborate</b>	Article 5-32 of the Environmental Impact Assessment Decree provides guidance on the assessment procedure.
<b>Is the assessment done in practice?</b>	Yes
<b>Details:</b>	Contributors provided that this is conducted in practice
<b>12.8. Consultation process with affected communities on potential impact of the PPP project</b>	Yes
<b>Relevant legal/regulatory provision (if any)</b>	No regulatory basis
<b>Is there a specific methodology for the assessment?</b>	No
<b>If yes, please elaborate</b>	n/a
<b>Is the assessment done in practice?</b>	No
<b>Details:</b>	Contributors provided that this assessment is not actually clearly implemented in practice.
<b>13. Does the procuring authority include the assessments (indicated in Question 12 above) in the request for proposals and/or tender documents</b>	No

<b>(for example, as part of an Information Memorandum to the bidders)?</b>	
<b>If yes, please provide the relevant legal/regulatory provisions (if any):</b>	n/a
<b>and specify which of the assessments are included in the request for proposals and/or tender documents:</b>	n/a
<b>13.1. Are the assessments published online?</b>	No
<b>If yes, please provide the relevant legal/regulatory provisions (if any):</b>	n/a
<b>specify the website</b>	n/a
<b>please specify which of the assessments are published online:</b>	n/a
<b>14. Does the procuring authority include a draft PPP contract in the request for proposals?</b>	No
<b>If yes, please provide the relevant legal/regulatory provisions (if any):</b>	n/a
<b>If no, please elaborate</b>	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>	<p>No</p>
<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>	<p>n/a</p>
<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>	<p>No</p>
<b>Private Partner</b>	<p>No</p>
<b>Private partner with facilitation role assigned to the procuring authority (or other Government entity)</b>	<p>Yes</p>
<b>To be established in the contract</b>	<p>No</p>
<b>Relevant legal/regulatory provision (if any)</b>	<p>According to Article 84(6) of the Investments Law and in concurrence with establishing a one-stop-shop for investors, there shall be an office within the Ministry of Planning and Investment that shall, "Coordinate with other relevant sector authorities to issue enterprise registration certificates, tax registration certificates, business operating licenses and other permits according to laws and regulations upon receiving the IPSC's approval for relevant applications."</p>
<b>16.2. Obtaining the required environmental permits: Procuring</b>	<p>No</p>

<b>authority (or other Government entity)</b>	
<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>	According to Article 84(6) of the Investments Law and in concurrence with establishing a one-stop-shop for investors, there shall be an office within the Ministry of Planning and Investment that shall, "Coordinate with other relevant sector authorities to issue enterprise registration certificates, tax registration certificates, business operating licenses and other permits according to laws and regulations upon receiving the IPSC's approval for relevant applications."
<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>	According to Article 84(6) of the Investments Law and in concurrence with establishing a one-stop-shop for investors, there shall be an office within the Ministry of Planning and Investment that shall, "Coordinate with other relevant sector authorities to issue enterprise registration certificates, tax registration certificates, business operating licenses and other permits according to laws and regulations upon receiving the IPSC's approval for relevant applications."
<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>	According to Article 84(6) of the Investments Law and in concurrence with establishing a one-stop-shop for investors, there shall be an office within the Ministry of Planning and Investment that shall, “Coordinate with other relevant sector authorities to issue enterprise registration certificates, tax registration certificates, business operating licenses and other permits according to laws and regulations upon receiving the IPSC’s approval for relevant applications.” Additionally, Article 67 of the Investments Law gives investors the right to, “9. To receive benefits from land lease or concession in accordance with laws and regulations of Lao PDR; 10. A land leaseholder or concessionaire has the right to use the land according to the period of leasing contract or concession agreement, 11. Own their assets including buildings, facilities and other structures on the concession land and transfer such ownership to nationals or foreigners in accordance with laws and regulations.”
<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 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>	According to Article 84(6) of the Investments Law and in concurrence with establishing a one-stop-shop for investors, there shall be an office within the Ministry of Planning and Investment that shall, “Coordinate with other relevant sector authorities to issue enterprise registration certificates, tax registration certificates, business operating licenses and other permits according to laws and regulations upon receiving the IPSC’s approval for relevant applications.” Additionally, Article 67 of the Investments Law gives investors the right to, “9. To receive benefits from land lease or concession in accordance with laws and regulations of Lao PDR; 10. A land leaseholder or concessionaire has the rights to use the land according to the period of leasing contract or concession agreement, 11. Own their assets including buildings, facilities and other structures on the concession land and transfer such ownership to nationals or foreigners in accordance with laws and regulations.”
<b>PPP Procurement</b>	
<b>18. Which of the following options best describes the required qualifications of the</b>	Yes

<b>bid evaluation committee members? (Please select only one):</b> <b>The membership of the bid evaluation committee is specified and/or its members are required to meet detailed qualifications.</b>	
<b>If yes, please provide the relevant legal/regulatory provisions (if any):</b>	<p>Article 29 of the Procurement Law provides, “All procurement procedures require the appointment of a tender committee by the project executing agency at the central or local levels. The tender committee is comprised of:</p> <p>At the ministry or equal ranking agency’s level, from 1 to 3 representatives of the ministry and representatives of the procuring entity or project owner, 1 representative of the Ministry of Finance, 1 representative of the Committee for Planning and Cooperation, and 1 representative from each technical department 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 procurement notice of the PPP project?</b>	Yes
<b>If yes, please specify the means of publication and provide the relevant legal/regulatory provisions (if any):</b>	<p>Article 11(2) of the Procurement Law provides, “Notification is widely publicized through the media or official means.”</p> <p>Article 12 of the Procurement Regulation provides, “Invitations to bid covered by these IRRs shall be notified at least as follows:</p> <ul style="list-style-type: none"> <li>a) Domestic Public Bidding: in a mass circulation Lao language newspaper;</li> <li>b) International Public Bidding: in a mass circulation English language newspaper</li> </ul>

	<p>published in Lao PDR and, where possible, in an international English Language newspaper;</p> <p>c) Limited Bidding: invitations to bid should be sent at the same time by registered post to the suppliers or contractors selected by the procuring entity in accordance with Part IV; invitations to bid should be sent to at least 3 bidders and, in the case of international procurement to at least 3 bidders in at least 2 different countries; Direct Contracting and Price Comparison: the procuring entity may directly approach the suppliers or contractors from whom it intends to solicit quotations.”</p>
<b>19.1. If yes, is the public procurement notice published online?</b>	No
<b>If yes, please specify the website:</b>	n/a
<b>20. Are foreign companies prohibited from participating in the bidding process?</b>	No
<b>If yes, please provide the relevant legal/regulatory provisions (if any):</b>	n/a
<b>21. In a case comparable to the case study assumptions, does the procuring authority grant the potential bidders a minimum period of time to submit their bids?</b>	Yes
<b>If yes, please provide the relevant legal/regulatory provisions (if any):</b>	<p>Article 11(2) of the Procurement Law provides, “The time limits for the preparation and submission of bids are 45 days at least before the submission’s deadline.” Article 4(d) of the Procurement Regulation provides, “Bidders must be given adequate time to prepare and submit their bids. The minimum time limits, which must be the same for all bidders, are set out in Article 12. Additional information may be requested in writing and the responses of the procuring entity should be given expeditiously and sent to all bidders together with a copy of the request. The time limit should take account of the time necessary for any site visits required for the preparation of the bids.”</p> <p>Article 12 of the Procurement Regulation provides details such as time limits according to each procurement method and provides that the minimum number of days to submit bids for the “normal procedure” under “public bidding” is 45 days.</p>
<b>and the time in calendar days:</b>	45
<b>22.1. In a case comparable to the case study</b>	No

<b>assumptions, which are the procurement procedures available and/or set as default for PPP projects? Open tendering: Available</b>	
<b>Default</b>	Yes
<b>Relevant legal/regulatory provision (if any)</b>	<p>Article 10 of the Procurement Law provides, “Procurement methods may follow:</p> <ul style="list-style-type: none"> <li><i>f</i> Public bidding</li> <li><i>f</i> Limited bidding</li> <li><i>f</i> Direct contracting</li> <li><i>f</i> Price comparison. “ <p>Article 11 of this Law elaborates on the procedures for open tendering. When read in light of Article 4 of the Procurement Regulation, open tendering is considered the default procedure. Article 4 of the Regulation provides, “This is the basic method of public procurement and must be used unless there are circumstances which justify the use of the exceptional procedures described below. Under this procedure, all firms and individuals who are capable of providing the goods or works sought shall be given an equal opportunity of submitting bids following notification in accordance with Article 12.”</p> </li></ul>
<b>22.2. Restricted tendering (with pre-qualification stage): Available</b>	Yes
<b>Default</b>	No
<b>Relevant legal/regulatory provision (if any)</b>	<p>Article 16 of the Procurement Law provides, “In the case of large-scale, technically complex and high value projects, the suitability of bidders is evaluated prior to carrying out the bidding. The qualification’s evaluation process is carried out in form of public tender by stipulating standards and conditions that are notified to firms interested to submit documents for pre-qualification by the tender committee. Any firms that meet the standards and conditions stipulated in the pre-qualification documents are then invited to participate in price competition. “</p>
<b>22.3 Multi-stage tendering (with shortlisting of final candidate(s)): Available</b>	Yes
<b>Default</b>	No
<b>Relevant legal/regulatory provision (if any)</b>	<p>Article 17 of the Procurement Law provides, “For large complex plants and high value projects for which the project executing agency may be undesirable or impractical to prepare complete technical specifications in advance or detail design is of a high cost. In such a case, a two-stage bidding procedure may be used. Under which the first stage involves un-priced technical proposals and methodologies for the evaluation of the responsive bids. The second stage involves the competition of the priced proposals.”</p>

<b>22.4. Competitive dialogue: Available</b>	No
<b>Default</b>	No
<b>Relevant legal/regulatory provision (if any)</b>	n/a
<b>22.5. Direct negotiation with more than one candidate: Available</b>	No
<b>Default</b>	No
<b>Relevant legal/regulatory provision (if any)</b>	n/a
<b>22.6. Direct negotiation with only one candidate: Available</b>	No
<b>Default</b>	No
<b>Relevant legal/regulatory provision (if any)</b>	n/a
<b>22.7 Other. Specify:</b>	No
<b>Available</b>	No
<b>Default</b>	No
<b>Relevant legal/regulatory provision (if any)</b>	n/a
<b>22.8. Do the tender documents detail the procedure of the procurement process providing the same information to all the bidders?</b>	Yes
<b>If yes, please provide the relevant legal/regulatory provisions (if any):</b>	<p>Article 11 of the Procurement Law provides, "Tender documents must be complete and precise, contain information on goods, works and services, including technical specifications, place of delivery, time, bidding conditions and terms of contract, as well as the standards applied to the evaluation of bids for proper acknowledgment by bidders."</p> <p>Article 11(5) of the Procurement Law provides, "The examination and evaluation of bids is carried out according to the criteria and conditions stipulated in the bidding documents. The evaluation of bids must indicate the proposals of all bidders and the reasons for award of contract and is submitted to the project executing agency for approval in according with Article 36."</p> <p>Article 15 of the Procurement Regulations further provides, "Bidders must all be afforded fair and equal treatment and must be admitted to the public bidding procedure or selected for the limited bidding, domestic price comparison, international comparison or</p>

	<p>direct contracting procedures on the basis of objective selection criteria.”</p> <p>Article 12(3) of the Regulation also provides, “The notification shall include reference to:</p> <ul style="list-style-type: none"> <li><input type="checkbox"/> the identity of procuring entity;</li> <li><input type="checkbox"/> a summary of the works or goods sought;</li> <li><input type="checkbox"/> address for bidding documents, further information and submission of bids;</li> <li><input type="checkbox"/> cost of bidding documents;</li> <li><input type="checkbox"/> procedural requirements;</li> <li><input type="checkbox"/> final date for submission of bids.”</li> </ul>
<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>Article 11 of the Procurement Law provides, “Tender documents must be complete and precise, contain information on goods, works and services, including technical specifications, place of delivery, time, bidding conditions and terms of contract, as well as the standards applied to the evaluation of bids for proper acknowledgment by bidders.” Furthermore, Article 4(2)(1) of the Procurement Regulation provides, “Bidding documents must be prepared in such a way as to enable bidders to prepare complete and responsive bids. They must contain all the information necessary to enable a bidder to make an informed decision as to whether or not to participate in the procurement procedure. They must be written in terms which are clear and precise.”</p>
<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>	n/a
<b>23. Can interested parties/potential bidders submit questions to clarify the public procurement notice and/or the request for proposals?</b>	Yes

<b>If yes, please provide the relevant legal/regulatory provisions (if any):</b>	No regulatory basis
<b>23.1. If yes, notwithstanding confidential information pertaining to the bidders, does the procuring authority disclose those questions and clarifications to all potential bidders?</b>	No
<b>If yes, please provide the relevant legal/regulatory provisions (if any):</b>	n/a
<b>23.2. Based on your experience, is it always the case that this disclosure of information is done in practice?</b>	n/a
<b>If yes, please specify:</b>	n/a
<b>If no, please elaborate:</b>	n/a
<b>24. Besides questions and clarifications, can the procuring authority conduct pre-bidding conference?</b>	No
<b>If yes, please specify and provide the relevant 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>	Provisions in the Procurement Law and Regulation such as Article 15 of the latter are too broad and don't refer to a financial model for the project as much as to financial capabilities of the bidders themselves.
<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>	Article 11(5) of the Procurement Law provides, "The examination and evaluation of bids is carried out according to the criteria and conditions stipulated in the bidding documents. The evaluation of bids must indicate the proposals of all bidders and the reasons for award of contract and is submitted to the project executing agency for approval in according with the Article 36."



	Article 15 of the Procurement Regulations further provides, “Bidders must all be afforded fair and equal treatment and must be admitted to the public bidding procedure or selected for the limited bidding, domestic price comparison, international comparison or direct contracting procedures on the basis of objective selection criteria. For these reasons, bidders may be excluded from these procedures only where they fail to satisfy one or more of the selection criteria chosen by the procuring entity.”
<b>Evaluation criteria is not set in the tender documents</b>	n/a
<b>27. In the case where only one proposal is submitted (sole proposals), which of the following options best describes the way the procuring authority deals with them? (Please select only one)?: The procuring authority follows a specific procedure before awarding a PPP contract where only one proposal is submitted.</b>	No
<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>	No

<b>Please provide the relevant legal/regulatory provisions (if any):</b>	n/a
<b>The regulatory framework does not include any provisions.</b>	Yes
<b>28. Does the procuring authority publish the award notice?</b>	No
<b>If yes, please specify the means of publication and provide the relevant legal/regulatory provisions (if any):</b>	n/a
<b>28.1. If yes, is the public procurement award notice published online?</b>	No
<b>If yes, please specify the website:</b>	n/a
<b>29. Does the procuring authority provide all the bidders with the result of the PPP procurement process?</b>	Yes
<b>If yes, please provide the relevant legal/regulatory provisions (if any):</b>	Article 15(2) of the Procurement Regulation provides, "Reasons for exclusion must be given in writing to any bidder excluded from a procurement procedure." Article 4 of the Procurement Regulation provides, "(i) Award of contract: The contract shall be awarded to the bidder which submits the lowest evaluated bid and the successful bidder shall be notified forthwith. The unsuccessful bidders shall be notified within 7 days of the decision of the procuring entity and the successful bidder to proceed with the contract. The procurement committee shall prepare a record of the reasons for its decision."
<b>If no, please elaborate:</b>	n/a
<b>29.1. If yes, does the notification of the result of the PPP procurement process include the grounds for the selection of the winning bid?</b>	Yes
<b>If yes, please provide the relevant</b>	Article 15(2) of the Procurement Regulation provides, "Reasons for exclusion must be given in writing to any bidder excluded from a procurement procedure." Article 4 of the

<b>legal/regulatory provisions (if any):</b>	Procurement Regulation provides, “(i) Award of contract: The contract shall be awarded to the bidder which submits the lowest evaluated bid and the successful bidder shall be notified forthwith. The unsuccessful bidders shall be notified within 7 days of the decision of the procuring entity and the successful bidder to proceed with the contract. The procurement committee shall prepare a record of the reasons for its decision.”
<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</b>	n/a

<b>that this restriction is respected in practice?</b>	
<b>If yes, please specify:</b>	n/a
<b>If no, please elaborate:</b>	n/a
<b>32. Does the procuring authority publish the PPP contract?</b>	No
<b>If yes, please provide the relevant legal/regulatory provisions (if any):</b>	n/a
<b>32.1. If yes, which of the following options best describes this publication (choose only one)?: Publication of the 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</b>	n/a

<b>annexes and appendixes</b>	
<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>	No
<b>If yes, please provide the relevant legal/regulatory provisions (if any):</b>	n/a
<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>	n/a
<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>	n/a
<b>Relevant legal/regulatory provisions (if any):</b>	n/a
<b>Elaboration of a PPP implementation manual or an equivalent document</b>	n/a
<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>	n/a
<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>	n/a
<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</b>	n/a

<p>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.</p>	
<p>If yes, please specify and provide the relevant legal/regulatory provisions (if any):</p>	n/a
<p>The PPP contract management team members are required to meet sufficient qualification without specific details.</p>	n/a
<p>If yes, please provide the relevant legal/regulatory provisions (if any):</p>	n/a
<p>The PPP contract management team members are not required to meet any specific qualifications.</p>	n/a
<p>Please elaborate and provide examples:</p>	n/a
<p><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></p>	No
<p>If yes, please provide the relevant</p>	n/a

<b>legal/regulatory provisions (if any):</b>	
<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>	No
<b>If yes, please provide the relevant legal/regulatory provisions (if any):</b>	n/a
<b>43.1. If yes, which of the following tools does it include (check all that apply)? Performance is assessed against evaluation criteria set in the tender documents and the PPP contract</b>	n/a
<b>Relevant legal/regulatory provisions (if any)</b>	n/a



<b>The procuring or contract management authority can abate (reduce) payments for non-performance of operating obligations under the PPP contract</b>	n/a
<b>Relevant legal/regulatory provisions (if any)</b>	n/a
<b>The private partner must provide the procuring or contract management authority with periodic operational and financial data</b>	n/a
<b>Relevant legal/regulatory provisions (if any)</b>	n/a
<b>The procuring or contract management authority must periodically gather information on the performance of the PPP contract</b>	n/a
<b>Relevant legal/regulatory provisions (if any)</b>	n/a
<b>The PPP contract performance information must be available to the public</b>	n/a
<b>Relevant legal/regulatory provisions (if any)</b>	n/a
<b>43.2. Is PPP contract performance information made publicly available online?</b>	n/a
<b>If yes, please specify the website:</b>	n/a

<b>44. Are foreign companies prohibited from repatriating the income resulting from the operation of a PPP project?</b>	<p>No</p>
<b>If yes, please provide the relevant legal/regulatory provisions (if any):</b>	<p>n/a</p>
<b>45. Does the regulatory framework (including standard contractual clauses) expressly regulate changes in the ownership structure (i.e. stakeholder composition) of the private partner and/or assignment of the PPP contract?</b>	<p>No</p>
<b>If yes, please provide the relevant legal/regulatory/standard contractual provisions (if any):</b>	<p>n/a</p>
<b>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).</b>	<p>n/a</p>
<b>If yes, please provide the relevant legal/regulatory/standard contractual provisions (if any):</b>	<p>n/a</p>

<b>Changes of ownership/contract assignment, at any time during the contract, must preserve the same technical qualifications as the original operator.</b>	n/a
<b>If yes, please provide the relevant legal/regulatory/standard contractual provisions (if any):</b>	n/a
<b>In other cases, flexibility to change the ownership structure and/or assign the contract.</b>	n/a
<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>	Article 25 of the Procurement Regulation provides that contracts shall contain, “the conditions for the variation of the contract and early termination; these may include: - details of the circumstances under which adjustments may be made to terms and conditions of the contract, notably the contract price, and the mechanism for adjustment;”
<b>46.1. If yes, is an approval from a government authority, other than the procuring authority, required?</b>	No

<p><b>If yes, please provide the relevant legal/regulatory/standard contractual provisions (if any):</b></p>	<p>n/a</p>
<p><b>46.2. If yes to question 46, which of the following circumstances are specifically regulated? (check all that apply): A change in the scope and/or object of the contract.</b></p>	<p>No</p>
<p><b>If yes, please provide the relevant legal/regulatory/standard contractual provisions (if any):</b></p>	<p>n/a</p>
<p><b>A change in the risk allocation of the contract.</b></p>	<p>No</p>
<p><b>If yes, please provide the relevant legal/regulatory/standard contractual provisions (if any):</b></p>	<p>n/a</p>
<p><b>A change in the financial and/or economic balance of the contract.</b></p>	<p>No</p>
<p><b>If yes, please provide the relevant legal/regulatory/standard contractual provisions (if any):</b></p>	<p>n/a</p>
<p><b>A change in the duration of the contract.</b></p>	<p>No</p>
<p><b>If yes, please provide the relevant legal/regulatory/standard contractual provisions (if any):</b></p>	<p>n/a</p>

<b>A change in the agreed price or tariff.</b>	Yes
<b>If yes, please provide the relevant legal/regulatory/standard contractual provisions (if any):</b>	Article 25 of the Procurement Regulation provides that contracts shall contain, “the conditions for the variation of the contract and early termination; these may include: -details of the circumstances under which adjustments may be made to terms and conditions of the contract, notably the contract price, and the mechanism for adjustment;”
<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>	Article 25 of the Procurement Regulation provides that contracts shall contain, “the conditions for the variation of the contract and early termination; these may include: -details of the circumstances under which adjustments may be made to terms and conditions of the contract, notably the contract price, and the mechanism for adjustment; -a force majeure clause which provides that the failure on the part of the parties to fulfill their contractual obligations will not be considered to be a breach of contract if such a failure is due to unforeseeable events outside the control of the parties; such a clause should set out the consequences of such an event;”
<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>	No
<b>If yes, please provide the relevant legal/regulatory/standard contractual provisions (if any):</b>	n/a
<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>Article 93 of the Investments Law provides,          “Investment dispute resolution related to investments can be carried out through the following forms:</p> <ol style="list-style-type: none"> <li>1. Amicably negotiation;</li> <li>2. Administrative dispute resolution;</li> <li>3. Dispute resolution by the Office for Economic Dispute Resolution in the Lao PDR or international organization to which Lao PDR is a party;</li> <li>4. Filing of a claim or litigation to the domestic court or an international court to which Lao PDR is a party.”</li> </ol> <p>Moreover, Article 25(f) of the Procurement Regulation provides that the contract shall include, “the mechanisms for dispute resolution intended to regulate events following the breach of a contract by one of the parties; this will include:</p> <p><input type="checkbox"/> the language of construction and interpretation of the contract; where more than one language is used, reference must be made to the language version which takes</p>

	<p>precedence;</p> <p><input type="checkbox"/> the governing law and forum of dispute resolution; the governing law will be the law of the Lao PDR and the forum may be the courts of the Lao PDR, the Office of Arbitration of the Lao PDR or any other recognized mediation or arbitration authority designated by the parties by common agreement;</p> <p><input type="checkbox"/> a clause requiring the parties to attempt to reach an amicable settlement before turning to the courts or other tribunals.”</p> <p>And according to Decree No. 44/PO on the Promulgation of the Law on Resolution of Economic Disputes (Economic Disputes Law), Article 3, provides, “Economic disputes shall be resolved by amicable settlement between the parties to the dispute, mediation [or] by arbitration. Resolution of economic disputes shall be handled in compliance with this law, other laws and regulations of the Lao PDR and rules for the resolution of economic disputes selected by the parties to the dispute in accordance with agreements and treaties which the Lao PDR has signed or is a party to.” And Article 4 sets out the conditions for such dispute resolution by providing that, “The resolution of a dispute must be conducted according to the following conditions:</p> <ul style="list-style-type: none"> <li>• The [dispute] shall be an economic dispute;</li> <li>• The [submission of the dispute for resolution] shall be agreed upon by the parties;</li> <li>• The economic dispute shall not be a dispute on which the people’s court is in the process of adjudicating or has already issued a final judgment;<sup>2</sup></li> <li>• The resolution of the economic dispute shall be consistent with the actual situation, [and] shall not violate rules relating to the resolution of economic disputes, [or] laws and regulations pertaining to stability, peace and social order.”</li> </ul>
<p><b>48.1. If yes, please specify which of the following options are available (check all that apply):</b> Local administrative review body</p>	<p>No</p>
<p><b>If yes, please specify:</b></p>	<p>n/a</p>
<p><b>Local courts</b></p>	<p>Yes</p>
<p><b>Domestic arbitration</b></p>	<p>Yes</p>
<p><b>International arbitration</b></p>	<p>Yes</p>
<p><b>Investor-State Dispute Settlement (ISDS)</b></p>	<p>No</p>
<p><b>Mediation</b></p>	<p>Yes</p>
<p><b>Please provide the relevant legal/regulatory/standard contractual provisions (if any)</b></p>	<p>Article 93 of the Investments Law provides, “Investment dispute resolution related to investment can be carried out through the following forms:</p> <ol style="list-style-type: none"> <li>1. Amicably negotiation;</li> <li>2. Administrative dispute resolution;</li> <li>3. Dispute resolution by the Office for Economic Dispute Resolution in the Lao PDR or</li> </ol>

	<p>international organization to which Lao PDR is a party;  4. Filing of a claim or litigation to the domestic court or an international court to which Lao PDR is a party.”  Moreover, Article 25(f) of the Procurement Regulation provides that the contract shall include, “the mechanisms for dispute resolution intended to regulate events following the breach of a contract by one of the parties; this will include:</p> <ul style="list-style-type: none"> <li><input type="checkbox"/> the language of construction and interpretation of the contract; where more than one language is used, reference must be made to the language version which takes precedence;</li> <li><input type="checkbox"/> the governing law and forum of dispute resolution; the governing law will be the law of the Lao PDR and the forum may be the courts of the Lao PDR, the Office of Arbitration of the Lao PDR or any other recognized mediation or arbitration authority designated by the parties by common agreement;</li> <li><input type="checkbox"/> a clause requiring the parties to attempt to reach an amicable settlement before turning to the courts or other tribunals.”</li> </ul> <p>And according to the Economic Disputes Law, Article 3, provides, “Economic disputes shall be resolved by amicable settlement between the parties to the dispute, mediation [or] by arbitration. Resolution of economic disputes shall be handled in compliance with this law, other laws and regulations of the Lao PDR and rules for the resolution of economic disputes selected by the parties to the dispute in accordance with agreements and treaties which the Lao PDR has signed or is a party to.” And Article 4 sets out the conditions for such dispute resolution by providing that, “The resolution of a dispute must be conducted according to the following conditions:</p> <ul style="list-style-type: none"> <li>• The [dispute] shall be an economic dispute;</li> <li>• The [submission of the dispute for resolution] shall be agreed upon by the parties;</li> <li>• The economic dispute shall not be a dispute on which the people’s court is in the process of adjudicating or has already issued a final judgment;<sup>2</sup></li> <li>• The resolution of the economic dispute shall be consistent with the actual situation, [and] shall not violate rules relating to the resolution of economic disputes, [or] laws and regulations pertaining to stability, peace and social order.”</li> </ul>
<b>48.2. If applicable, are arbitration awards enforceable by the local courts?: Domestic Arbitration</b>	<p>Yes</p>
<b>If yes, please provide the relevant legal/regulatory provisions/standard contractual provisions (if any):</b>	<p>Article 38 of the Economic Disputes Law provides, “The parties have the obligation to implement the results of economic dispute resolution within fifteen days from the date the decision was issued or from the date the parties became aware of the arbitral award in the event that the parties were not present at the arbitration.” Article 40 further provides certain procedures for such, “Upon receipt of the parties’ request, the people’s court must issue a final judgment not later than thirty days from the date of receipt of the request. The court will only verify whether the dispute resolution procedure was in compliance with existing regulations on economic dispute resolution and verify compliance with laws and regulations pertaining to stability, peace and social order. If the verification confirms compliance, the people’s court will confirm [the decision], which will then become enforceable. The parties do not have the right to appeal unless the confirmation of the people’s court was a confirmation of a wrong settlement or the</p>



	<p>confirmation by the people’s court is inconsistent with the settlement agreement between the parties or the arbitral award.</p> <p>In the event that the people’s court finds that the result of economic dispute resolution has violated the laws and regulations stipulated in the above paragraph, the court will not confirm the resolution. The parties have the right to request the OEDR or UEDR to re-examine the dispute or to file a claim in the people’s court for adjudication.”</p>
<b>International arbitration</b>	Yes
<b>If yes, please provide the relevant legal/regulatory provisions/standard contractual provisions (if any):</b>	<p>Article 41 of the Economic Disputes Law provides that for Enforcement of Arbitral Awards of Foreign or International Economic Dispute Resolution Organizations Upon receipt of an arbitral award of a foreign or international economic dispute resolution organization, the OEDR must examine [such award]. If it is found that the arbitral award is within the scope of the rights and duties of the Lao PDR as a party to international treaties relating to economic dispute resolution and such award is consistent with the laws of the Lao PDR, the OEDR shall call on the parties to guide implementation.</p> <p>In the event that [one of] the parties does not implement [the award], the OEDR must inform the other party. The party which is in a disadvantaged situation has the right to request the people’s court of the Lao PDR to issue a final judgment to ensure that the arbitral award is enforced.</p> <p>If it is found that the arbitral award of the foreign or international economic dispute resolution organization conflicts with the laws of the Lao PDR, the OEDR shall reject and return the arbitral award together with the reasons [for rejection] to such organization.”</p> <p>Moreover, Lao is a signatory to the New York Convention on the Recognition and Enforcement of Foreign Arbitral Awards (1958) since June 17, 1998.</p>
<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 financial difficulty prior to insolvency?</b>	No
<b>If yes, please specify and provide the relevant legal/regulatory/st</b>	n/a

<b>andard contractual provisions (if any):</b>	
<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>	No
<b>If yes, please provide the relevant legal/regulatory/st andard contractual provisions (if any):</b>	n/a
<b>50.1. If yes, which of the following options best describes the lender step-in right? (Please select only one): The regulatory framework expressly regulates the lender step-in rights.</b>	n/a
<b>If yes, please specify and provide the relevant legal/regulatory/st andard contractual provisions (if any):</b>	n/a
<b>The regulatory framework prescribes that a direct agreement should be signed with the lenders.</b>	n/a
<b>If yes, please specify and provide the relevant</b>	n/a

<b>legal/regulatory/standard contractual provisions (if any):</b>	
<b>The regulatory framework prescribes that the lender step-in rights should be regulated in the contract.</b>	n/a
<b>If yes, please specify and provide the relevant legal/regulatory/standard contractual provisions (if any):</b>	n/a
<b>Other.</b>	n/a
<b>Please Specify:</b>	n/a
<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>	<p>Article 87 of the Investments Law broadly provides, "The investment will be terminated in the following cases:</p> <ol style="list-style-type: none"> <li>1. Based on request of the investor or any of contracting parties in case the other party has breached the commitment as set out in a contract or laws and regulations;</li> <li>2. Failure of corrective action as required under Article 86 second paragraph of this Law;</li> <li>3. Non-payment of tax, duty and other financial obligations as required by relevant laws and regulations;</li> <li>4. Final court's decision terminating the investment;</li> <li>5. Bankruptcy as per the law; Termination of an investment shall not release its investor from his/her obligations and liabilities owed to individuals, entities and State."</li> </ol>
<b>51.1. If yes, does the regulatory framework (including standard contractual clauses) establish the consequences for the termination of the PPP contract?</b>	No
<b>If yes, please specify and provide the relevant legal/regulatory/standard contractual provisions (if any):</b>	n/a

Standard contractual provisions (if any):	
<b>Unsolicited Proposals</b>	
<b>34. Are unsolicited proposals in Lao PDR: (choose only one): Explicitly prohibited by the legal framework? (If prohibited, skip to section F)</b>	No
<b>Explicitly allowed by the legal framework?</b>	No
<b>Not regulated by the legal framework, but do happen in practice?</b>	No
<b>Not regulated by the legal framework, and do not happen in practice? (if not done in practice, skip to section F)</b>	Yes
<b>If the legal framework explicitly prohibits or allows unsolicited proposals, please provide the relevant legal/regulatory provisions</b>	n/a
<b>35. Does the procuring authority conduct an assessment to evaluate unsolicited proposals? (if not, skip to question 37)</b>	n/a
<b>If yes, please specify and provide the relevant legal/regulatory provisions (if any)</b>	n/a
<b>35.1. If yes, is there any vetting procedure and/or pre-feasibility</b>	n/a

<b>analysis before fully assessing the unsolicited proposal?</b>	
<b>If yes, please provide the relevant legal/regulatory provisions (if any):</b>	n/a
<b>36. Which of the following options best describe how the procuring authority ensures that unsolicited proposals are consistent with existing government priorities? (Please select only one): The procuring authority follows a specific procedure to ensure the consistency of PPPs with other government investment priorities.</b>	n/a
<b>If yes, please specify and provide the relevant legal/regulatory provisions (if any):</b>	n/a
<b>The regulatory framework requires unsolicited proposals to be among the existing government priorities without establishing specific procedures to achieve that goal.</b>	n/a
<b>If yes, please provide the relevant legal/regulatory provisions (if any):</b>	n/a
<b>The procuring authority does not</b>	n/a

evaluate unsolicited proposals against existing government priorities.	
Please elaborate and provide examples:	n/a
37. Does the procuring authority initiate a competitive PPP procurement procedure when proceeding with the unsolicited proposal?	n/a
If yes, please provide the relevant legal/regulatory provisions (if any):	n/a
38. Does the procuring authority grant a minimum period of time to additional prospective bidders (besides the proponent) to prepare their proposals?	n/a
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	n/a

<b>(BAFO) process and/or automatic shortlisting.</b>	
<b>39.2 Developer's fee (reimbursing the original proponent for the project development cost).</b>	n/a
<b>39.3 Bid Bonus.</b>	n/a
<b>39.4 Swiss challenge (If unsuccessful, the original proponent has the option to match the winning bid and win the contract).</b>	n/a
<b>39.5 Other.</b>	n/a
<b>Please specify:</b>	n/a
<b>Please provide the relevant legal/regulatory provisions (if any):</b>	n/a