

## PROCURING INFRASTRUCTURE PUBLIC-PRIVATE PARTNERSHIPS 2018 IN LEBANON

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>No specific law or regulation has been issued to date that regulates PPPs in Lebanon. Contributors provide that a number of draft PPP laws have been submitted by the Council of Ministers to the Parliament for review and adoption on October 2010 (the “CoM Draft Law”), followed by another similar draft PPP law submitted by members of the Parliament (the “MP Draft Law”) both of which are still being reviewed by the Parliament committees and have not been adopted to date. Meanwhile, the Higher Council for Privatization (which is an interministerial council, the “HCP”) has prepared another draft PPP law (the “HCP Draft Law”) which is also currently being reviewed by the Parliament. Notwithstanding the absence of a specific law governing PPPs, the following regulations would mainly apply:</p> <ol style="list-style-type: none"> <li>1) The Public Accounting Law, issued by Decree No. 14969 of 1963;</li> <li>2) The Tenders Regulation issued by Decree No. 2866/1959;</li> <li>3) Decree No. 360/2001 on Investment issued on August 16, 2001 [hereinafter “Investment Law”], which provides in Article 2 that it shall apply to all investments by investors willing to benefit from the provisions of the present law. They shall cover industry, agriculture, agro-processing, tourism, Information Technology, communication, information, and other sectors specified by a decree issued by the Council of Ministers based on a proposal of the President of The Council of Ministers.</li> <li>4) Law 288/2014 amending Article 7 of Law 462/2002 by allowing temporary licensing by the Council of Ministers for the earlier of 2 years or the establishment of the Electricity Regulatory Authority;</li> <li>5) Law 54/2015 extending the term of Law 288/2014 for two years;</li> <li>6) Law number 5 dated 5/7/1967 related to projects of touristic benefit, such as hotels, restaurants, indoors sport centers, islands, and touristic ports.</li> </ol> <p>Additionally, there are different regulatory frameworks which govern PPPs based on the relevant sector. Some contributors have identified that in accordance with the current regulatory framework, several projects have been implemented on the basis of a PPP structure, such as the BOT contract entered between the Lebanese Government and two mobile operators for the provision of GSM services in 1994, the waste recycling project in Saida by the private investor IBC, the Liban Post contract for postal services, and the vehicle’s inspection center and the Jeita grotto touristic project. The previously mentioned regulations shall be considered the current regulatory framework for PPPs for purposes of this report.</p>
<b>and provide a link to a government-supported website where the mentioned regulatory framework is available</b>	<p><a href="https://investinlebanon.gov.lb/Content/uploads/SideBlock/130308125455184~IDAL-INVESTMENT%20LAW%20360.pdf">https://investinlebanon.gov.lb/Content/uploads/SideBlock/130308125455184~IDAL-INVESTMENT%20LAW%20360.pdf</a></p> <p><a href="http://www.cib.gov.lb/lot/safakat.htm">http://www.cib.gov.lb/lot/safakat.htm</a></p> <p><a href="http://www.cib.gov.lb/lot/14969.htm">http://www.cib.gov.lb/lot/14969.htm</a></p>

or provide an electronic copy of it:	
<b>2.1. Are you aware of any reforms (in the regulatory frameworks – laws, regulations, policies, etc.- or in generally followed practices) related to PPPs that: Took place in 2016, are ongoing and/or are planned to be adopted BEFORE June 1, 2017?</b>	No
<b>Please describe:</b>	n/a
<b>2.2 Are ongoing and/or are planned to be adopted AFTER June 1, 2017?</b>	Yes
<b>Please describe:</b>	Some contributors point out that the PPP draft law is expected to be adopted during the second half of 2017, yet others provide that some delays may be likely since parliamentary elections are planned for May 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</b>	No

<b>regulatory framework explicitly prohibit or restrict PPPs in any of the following sectors?: Energy generation and distribution.</b>	
<b>If yes, please provide the relevant legal/regulatory provisions:</b>	n/a
<b>3.4 Besides national defense and other matters of national security, does the regulatory framework explicitly prohibit or restrict PPPs in any of the following sectors?: Telecom</b>	No
<b>If yes, please provide the relevant legal/regulatory provisions:</b>	n/a
<b>3.5 Besides national defense and other matters of national security, does the regulatory framework explicitly prohibit or restrict PPPs in any of the following sectors?: Other</b>	No
<b>If yes, specify and provide the relevant legal/regulatory provisions:</b>	n/a
<b>4. Does the regulatory framework provide for a specific tax regime for PPP transactions (i.e. tax incentives, special tax depreciation treatment, etc.)?</b>	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 Lebanon</b>	Any government entity authorized in accordance with the laws of Lebanon including, ministries, public institutions, municipalities, and federation of municipalities may procure PPP projects. The Central Tenders Committee/Board mentioned in the Tenders Regulation, facilitates the procurement process for the procuring authority

<b>and provide their website(s) (if available):</b>	in only a certain threshold of projects; <a href="http://www.cib.gov.lb/arabic/ppma/index.html">http://www.cib.gov.lb/arabic/ppma/index.html</a>
<b>6. In addition to the PPP procuring authorities listed above, is there a specialized government entity that facilitates the PPP program (PPP Unit)?</b>	No
<b>If yes, please indicate its name, and its website (if available):</b>	n/a
<b>6.1 If yes, what are the main responsibilities of the PPP Unit (check all that apply): PPP regulation and policy guidance.</b>	n/a
<b>6.2 PPP capacity building for other public authorities.</b>	n/a
<b>6.3 PPP promotion among the public and/or private sectors in national and international forums.</b>	n/a
<b>6.4 Technical support in implementing PPP projects.</b>	n/a
<b>6.5 Identification and selection of PPP projects from the pipeline.</b>	n/a
<b>6.6 Revision of fiscal risks born by the Government.</b>	n/a
<b>6.7 Consultation with affected communities on potential impact of PPP projects.</b>	n/a
<b>6.8 Approval of PPP projects.</b>	n/a
<b>6.9 Undertaking the procurement of PPPs.</b>	n/a
<b>6.10 Oversight of PPP implementation.</b>	n/a
<b>6.11 Other</b>	n/a
<b>6.11 please specify:</b>	n/a
<b>Please provide the relevant</b>	n/a

<b>legal/regulatory provisions:</b>	
<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>	No
<b>If yes, please provide the relevant legal/regulatory provisions (if any):</b>	n/a
<b>8.1. Does the Ministry of Finance or Central Budgetary Authority 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>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</b>	No

<b>following alternatives best describes the regulation?: Accounting and reporting according to International Public Sector Accounting Standards (IPSAS).</b>	
<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>	Council of Ministers
<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>	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</b>	Yes

during the PPP project cycle?	
If yes, please provide the relevant legal/regulatory provisions (if any):	No regulatory basis
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.	No
If yes, please specify and provide the relevant legal/regulatory provisions (if any):	n/a
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.	No
If yes, please provide the relevant	n/a

<b>legal/regulatory provisions (if any):</b>	
<b>The regulatory framework does not include any provisions but the procuring authority evaluates the consistency of PPPs with other government investment priorities in practice.</b>	No
<b>If yes, please elaborate:</b>	n/a
<b>The procuring authority does not evaluate PPPs against existing government priorities.</b>	Yes
<b>Please elaborate and provide examples:</b>	Contributors provide that there is no single umbrella where all projects are prioritized. Each ministry prepares its strategy, which includes the projects needed, and submits it to the COM and seeks to get the approval on an ad hoc basis and independently from other projects.
<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>	n/a
<b>If yes, please specify:</b>	n/a
<b>If no, please elaborate:</b>	Contributors provided that such prioritization is often a request from international donors or lenders.
<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>	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>12.2. Affordability assessment, including the identification of the required long term public commitments (explicit and implicit, direct and contingent liabilities)</b>	No
<b>Relevant legal/regulatory provision (if any)</b>	n/a
<b>Is there a specific methodology for the assessment?</b>	n/a
<b>If yes, please elaborate</b>	n/a
<b>Is the assessment done in practice?</b>	n/a
<b>Details:</b>	n/a
<b>12.3. Risk identification, allocation and assessment (risk matrix)</b>	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>	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>	<p>According to Law 444 of 29/7/2002 on Protecting the Environment (<a href="http://www.moe.gov.lb/The-Ministry/Laws-Regulations/Laws/%D9%82%D8%A7%D9%86%D9%88%D9%86-%D8%B1%D9%82%D9%85-444-%D8%AD%D9%85%D8%A7%D9%8A%D8%A9-%D8%A7%D9%84%D8%A8%D9%8A%D9%8A%D8%A9.aspx">http://www.moe.gov.lb/The-Ministry/Laws-Regulations/Laws/%D9%82%D8%A7%D9%86%D9%88%D9%86-%D8%B1%D9%82%D9%85-444-%D8%AD%D9%85%D8%A7%D9%8A%D8%A9-%D8%A7%D9%84%D8%A8%D9%8A%D9%8A%D8%A9.aspx</a>) Article 2(c) defines environmental impact assessments by conducting such assessments to detect environmental impacts and explore the necessary measures to prevent negative environmental impacts while enhancing positive impacts before approving any project. Article 21 of this Law particularly requires all private and public entities to conduct such assessments for projects that may threaten the environment. Moreover, Decrees 8213 dated 24/5/2012 on Strategic Environmental Assessment</p>

	<p>(SEA) (<a href="http://www.moe.gov.lb/getattachment/0fb4a7e8-825e-42e4-b0b3-03192825858e/%D9%85%D8%B1%D8%B3%D9%88%D9%85-%D8%B1%D9%82%D9%85-8213-%D8%A7%D9%84%D8%AA%D9%82%D9%8A%D9%8A%D9%85-%D8%A7%D9%84%D8%A8%D9%8A%D9%8A%D9%8A-%D8%A7%D9%84%D8%A7%D8%B3%D8%AA%D8%B1%D8%A7%D8%AA%D9%8A%D8%AC%D9%8A-%D9%84%D9%85%D8%B4%D8%A7%D8%B1%D9%8A%D8%B9.aspx">http://www.moe.gov.lb/getattachment/0fb4a7e8-825e-42e4-b0b3-03192825858e/%D9%85%D8%B1%D8%B3%D9%88%D9%85-%D8%B1%D9%82%D9%85-8213-%D8%A7%D9%84%D8%AA%D9%82%D9%8A%D9%8A%D9%85-%D8%A7%D9%84%D8%A8%D9%8A%D9%8A%D9%8A-%D8%A7%D9%84%D8%A7%D8%B3%D8%AA%D8%B1%D8%A7%D8%AA%D9%8A%D8%AC%D9%8A-%D9%84%D9%85%D8%B4%D8%A7%D8%B1%D9%8A%D8%B9.aspx</a>) and 8633 dated 7/8/2012 on Environmental Impact Assessment Procedures (<a href="http://www.moe.gov.lb/getattachment/c43cd085-80f1-450a-9f87-90b25ea41ae5/%D9%85%D8%B1%D8%B3%D9%88%D9%85-%D8%B1%D9%82%D9%85-8633-%D8%A7%D8%B5%D9%88%D9%84-%D8%AA%D9%82%D9%8A%D9%8A%D9%85-%D8%A7%D9%84%D8%A7%D8%AB%D8%B1-%D8%A7%D9%84%D8%A8%D9%8A%D9%8A%D9%8A.aspx">http://www.moe.gov.lb/getattachment/c43cd085-80f1-450a-9f87-90b25ea41ae5/%D9%85%D8%B1%D8%B3%D9%88%D9%85-%D8%B1%D9%82%D9%85-8633-%D8%A7%D8%B5%D9%88%D9%84-%D8%AA%D9%82%D9%8A%D9%8A%D9%85-%D8%A7%D9%84%D8%A7%D8%AB%D8%B1-%D8%A7%D9%84%D8%A8%D9%8A%D9%8A%D9%8A.aspx</a>) provide details on the circumstances and procedures necessary to conduct such assessments.</p>
<b>Is there a specific methodology for the assessment?</b>	<p>Yes</p>
<b>If yes, please elaborate</b>	<p>Decrees 8213 dated 24/5/2012 on Strategic Environmental Assessment (SEA) (<a href="http://www.moe.gov.lb/getattachment/0fb4a7e8-825e-42e4-b0b3-03192825858e/%D9%85%D8%B1%D8%B3%D9%88%D9%85-%D8%B1%D9%82%D9%85-8213-%D8%A7%D9%84%D8%AA%D9%82%D9%8A%D9%8A%D9%85-%D8%A7%D9%84%D8%A8%D9%8A%D9%8A%D9%8A-%D8%A7%D9%84%D8%A7%D8%B3%D8%AA%D8%B1%D8%A7%D8%AA%D9%8A%D8%AC%D9%8A-%D9%84%D9%85%D8%B4%D8%A7%D8%B1%D9%8A%D8%B9.aspx">http://www.moe.gov.lb/getattachment/0fb4a7e8-825e-42e4-b0b3-03192825858e/%D9%85%D8%B1%D8%B3%D9%88%D9%85-%D8%B1%D9%82%D9%85-8213-%D8%A7%D9%84%D8%AA%D9%82%D9%8A%D9%8A%D9%85-%D8%A7%D9%84%D8%A8%D9%8A%D9%8A%D9%8A-%D8%A7%D9%84%D8%A7%D8%B3%D8%AA%D8%B1%D8%A7%D8%AA%D9%8A%D8%AC%D9%8A-%D9%84%D9%85%D8%B4%D8%A7%D8%B1%D9%8A%D8%B9.aspx</a>) and 8633 dated 7/8/2012 on Environmental Impact Assessment Procedures (<a href="http://www.moe.gov.lb/getattachment/c43cd085-80f1-450a-9f87-90b25ea41ae5/%D9%85%D8%B1%D8%B3%D9%88%D9%85-%D8%B1%D9%82%D9%85-8633-%D8%A7%D8%B5%D9%88%D9%84-%D8%AA%D9%82%D9%8A%D9%8A%D9%85-%D8%A7%D9%84%D8%A7%D8%AB%D8%B1-%D8%A7%D9%84%D8%A8%D9%8A%D9%8A%D9%8A.aspx">http://www.moe.gov.lb/getattachment/c43cd085-80f1-450a-9f87-90b25ea41ae5/%D9%85%D8%B1%D8%B3%D9%88%D9%85-%D8%B1%D9%82%D9%85-8633-%D8%A7%D8%B5%D9%88%D9%84-%D8%AA%D9%82%D9%8A%D9%8A%D9%85-%D8%A7%D9%84%D8%A7%D8%AB%D8%B1-%D8%A7%D9%84%D8%A8%D9%8A%D9%8A%D9%8A.aspx</a>) provide details on the circumstances and procedures necessary to conduct such assessments. This includes procedures for requesting such assessments, categorizing projects, conducting preliminary environmental assessments, identifying the scope of the environmental impact, preparing final reports on results, publication of such results, and review and complaints pertaining to such assessments. See Articles 1-17 of the Environmental Impact Assessment Procedures Decree.</p>
<b>Is the assessment done in practice?</b>	<p>Yes</p>
<b>Details:</b>	<p>Contributors provide that this assessment is conducted in practice.</p>
<b>12.8. Consultation process with affected communities on potential impact of the PPP project</b>	<p>No</p>

<b>Relevant legal/regulatory provision (if any)</b>	n/a
<b>Is there a specific methodology for the assessment?</b>	n/a
<b>If yes, please elaborate</b>	n/a
<b>Is the assessment done in practice?</b>	n/a
<b>Details:</b>	n/a
<b>13. Does the procuring authority include the assessments (indicated in Question 12 above) in the request for proposals and/or tender documents (for example, as part of an Information Memorandum to the bidders)?</b>	No
<b>If yes, please provide the relevant legal/regulatory provisions (if any):</b>	n/a
<b>and specify which of the assessments are included in the request for proposals and/or tender documents:</b>	n/a
<b>13.1. Are the assessments published online?</b>	No
<b>If yes, please provide the relevant legal/regulatory provisions (if any):</b>	n/a
<b>specify the website</b>	n/a
<b>please specify which of the assessments are published online:</b>	n/a
<b>14. Does the procuring authority include a draft PPP contract in the request for proposals?</b>	No
<b>If yes, please provide the relevant legal/regulatory provisions (if any):</b>	n/a

<b>If no, please elaborate</b>	No provisions exist in the regulatory framework, nor have contributors confirmed that this is done in practice.
<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>	No
<b>To be established in the contract</b>	Yes
<b>Relevant legal/regulatory provision (if any)</b>	No regulatory basis
<b>16.2. Obtaining the required environmental</b>	No

<b>permits: Procuring 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>	No
<b>To be established in the contract</b>	Yes
<b>Relevant legal/regulatory provision (if any)</b>	No regulatory basis
<b>16.3. Obtaining the required operational permits: Procuring authority (or other Government entity)</b>	No
<b>Private Partner</b>	No
<b>Private partner with facilitation role assigned to the procuring authority (or other Government entity)</b>	No
<b>To be established in the contract</b>	Yes
<b>Relevant legal/regulatory provision (if any)</b>	No regulatory basis
<b>16.4. Obtaining the required land: Procuring authority (or other Government entity)</b>	No
<b>Private Partner</b>	No
<b>Private partner with facilitation role assigned to the procuring authority (or other Government entity)</b>	No
<b>To be established in the contract</b>	Yes
<b>Relevant legal/regulatory provision (if any)</b>	Article 134 Public Accounting Law provides, “No work tenders may be concluded on a preliminary basis until all legal procedures are conducted that allow the public entity (“edara” “قراداد”) to control the work sites. Such procedures may proceed before such procedures are conducted given that the bid is not ratified and the winning bidder is informed until the work sites are under such control.”

<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>	No
<b>To be established in the contract</b>	Yes
<b>Relevant legal/regulatory provision (if any)</b>	Article 134 Public Accounting Law provides, "No work tenders may be concluded on a preliminary basis until all legal procedures are conducted that allow the public entity ("edara" "ترادى") to control the work sites. Such procedures may proceed before such procedures are conducted given that the bid is not ratified and the winning bidder is informed until the work sites are under such control."
<b>PPP Procurement</b>	
<b>18. Which of the following options best describes the required qualifications of the bid evaluation committee members? (Please select only one): The membership of the bid evaluation committee is specified and/or its members are required to meet detailed qualifications.</b>	No
<b>If yes, please provide the relevant legal/regulatory provisions (if any):</b>	n/a
<b>The bid evaluation committee members require sufficient qualification without specific details.</b>	No
<b>If yes, please provide the relevant legal/regulatory provisions (if any):</b>	n/a
<b>The bid evaluation committee members are not required to have any specific qualifications.</b>	Yes

<b>Please elaborate and provide examples:</b>	According to Article 130 of the Public Accounting Law, tenders shall be conducted by committees established specifically for each objective. No further elaboration has been provided.
<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>	According to Article 128 of the Public Accounting Law, the public tender shall be announced in the Official Gazette and three local newspapers at least 15 days before the deadline for submitting bids.
<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>	According to Article 128 of the Public Accounting Law, the public tender shall be announced in the Official Gazette and three local newspapers at least 15 days before the deadline for submitting bids.
<b>and the time in calendar days:</b>	15
<b>22.1. In a case comparable to the case study assumptions, which are the procurement procedures available and/or set as default for PPP projects? Open tendering: Available</b>	No
<b>Default</b>	Yes



<b>Relevant legal/regulatory provision (if any)</b>	According to Article 126 of the Public Accounting Law, “Goods, Works, and Services bids shall be conducting under a public tendering means. Recourse to restricted tendering, general solicitation, negotiation, or by statements or invoices, in select cases provided for in this Law.” Contributors provide that “public tendering in this context” refers to the open tendering procedure. Article 126 of this Law further provides the necessary components of such public tendering procedure.
<b>22.2. Restricted tendering (with pre-qualification stage): Available</b>	Yes
<b>Default</b>	No
<b>Relevant legal/regulatory provision (if any)</b>	Article 143 of the Public Accounting Law provides that resort to “restricted tendering” is permitted in cases where the goods, works, or services bids may not be open for competition to all. In this case, competition may be restricted amongst a select number of bidders whom posses certain financial, technical, and professional qualifications.” The Article also provides that such qualifications and safeguards for conducting restricted tendering shall be provided in each project bid documentation. Article 144 of the same Law provides that such restricted tendering shall abide by the general rules for public tendering (open tendering).
<b>22.3 Multi-stage tendering (with shortlisting of final candidate(s)): Available</b>	Yes
<b>Default</b>	No
<b>Relevant legal/regulatory provision (if any)</b>	No regulatory basis
<b>22.4. Competitive dialogue: Available</b>	No
<b>Default</b>	No
<b>Relevant legal/regulatory provision (if any)</b>	n/a
<b>22.5. Direct negotiation with more than one candidate: Available</b>	Yes
<b>Default</b>	No
<b>Relevant legal/regulatory provision (if any)</b>	Articles 147-148 of the Public Accounting Law provides rules that apply to the negotiating procedure, but it does not specify whether this is restricted to one or more candidates. Such rules specify the criteria for conducting the negotiating procedure in circumstances that involve: time efficiency, special technical and professional expertise needed, amongst other circumstances.
<b>22.6. Direct negotiation with only one candidate: Available</b>	Yes
<b>Default</b>	No

<b>Relevant legal/regulatory provision (if any)</b>	Articles 147-148 of the Public Accounting Law provides rules that apply to the negotiating procedure, but it does not specify whether this is restricted to one or more candidates. Such rules specify the criteria for conducting the negotiating procedure in circumstances that involve: time efficiency, special technical and professional expertise needed, amongst other circumstances.
<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>	No
<b>If yes, please provide the relevant legal/regulatory provisions (if any):</b>	n/a
<b>If no, please elaborate:</b>	Article 126 of the Public Accounting Law lists the required criteria in the tender documents, which shall include the types of supplies, works, or services and their description, the qualifications of bidders, differentiation elements, the precise implementation requirements, date of delivery, security amount, and price range. The Article makes no reference to a requirement for clarifying the procurement process stages.
<b>22.9. Do the tender documents specify the prequalification/shortlisting criteria (when applicable) in order to make them available to all the bidders?</b>	Yes
<b>If yes, please provide the relevant legal/regulatory provisions (if any):</b>	Article 143 of the Public Accounting Law providing for restricted tendering also provides that qualifications and safeguards for conducting restricted tendering shall be provided in each project bid documentation. Article 144 of the same Law provides that restricted tendering as such shall abide by the general rules for public tendering (open tendering).
<b>22.10. Based on your experience, is it always the case that the specified criteria are respected in practice?</b>	Yes
<b>If yes, please specify and provide the relevant legal/regulatory provisions (if any):</b>	Contributors provided that such criteria have always been respected in practice

<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>	Yes
<b>If yes, please provide the relevant legal/regulatory provisions (if any):</b>	No regulatory basis
<b>23.2. Based on your experience, is it always the case that this disclosure of information is done in practice?</b>	No
<b>If yes, please specify:</b>	n/a
<b>If no, please elaborate:</b>	No data has been provided to support such conclusion
<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</b>	n/a

<b>and the 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>	No provisions in the regulatory framework require proposals to be accompanied by financial models. Nor have contributors confirmed whether this is done in practice.
<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 37 paragraph 1 of the Tenders Regulation provides that "The (bid) committee may not accept a participant in bankruptcy or an offer which does not meet the conditions required under applicable laws, regulations and the tender documents relating to the transaction."
<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</b>	Yes

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.	
Please specify and provide the relevant legal/regulatory provisions (if any):	According to Article 38 of the Tenders Regulation, where only one proposal is submitted to the Central Tender Committee, it shall not be accepted unless the proposed price is below the estimated price (ييري دقتلار عسلا) by 10%.
The procuring authority considers sole proposals valid as long as they meet the conditions outlined in the tender documents.	No
Please provide the relevant legal/regulatory provisions (if any):	n/a
The procuring authority does not award a PPP contract if only one proposal is submitted.	No
Please provide the relevant legal/regulatory provisions (if any):	n/a
The regulatory framework does not include any provisions.	No
28. Does the procuring authority publish the award notice?	No
If yes, please specify the means of publication and provide the relevant legal/regulatory provisions (if any):	n/a
28.1. If yes, is the public procurement award notice published online?	n/a
If yes, please specify the website:	n/a
29. Does the procuring authority provide all the bidders with the	No

<b>result of the PPP procurement process?</b>	
<b>If yes, please provide the relevant legal/regulatory provisions (if any):</b>	n/a
<b>If no, please elaborate:</b>	According to Article 133(3) of the Public Accounting Law, the procuring authority would only be required to notify the successful bidder about the ratification (قيدصتلا) of the contract in order for the contract to be final.
<b>29.1. If yes, does the notification of the result of the PPP procurement process include the grounds for the selection of the winning bid?</b>	n/a
<b>If yes, please provide the relevant legal/regulatory provisions (if any):</b>	n/a
<b>30. Is there a standstill (or pause) period after the contract award and before the signing of the contract in order to allow unsuccessful bidders to challenge the award decision?</b>	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)?: 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>	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</b>	n/a



training and continued training throughout the course of the project)	
Relevant legal/regulatory provisions (if any):	n/a
Establishment of a risk mitigation mechanism which considers the evolving nature of risks throughout the project lifecycle (guidelines, specific processes, insurance regime, etc.)	n/a
Relevant legal/regulatory provisions (if any):	n/a
41.2. Which of the following options best describes the required qualifications of the PPP contract management team members? (Please select only one): The membership of the PPP contract management team is specified and/or its members are required to meet detailed qualifications.	n/a
If yes, please specify and provide the relevant legal/regulatory provisions (if any):	n/a
The PPP contract management team members are required to meet sufficient qualification without specific details.	n/a
If yes, please provide the relevant legal/regulatory provisions (if any):	n/a
The PPP contract management team members are not required to meet any specific qualifications.	n/a

<b>Please elaborate and provide examples:</b>	n/a
<b>42. Does the procuring or contract management authority establish a system for tracking progress and completion of construction works under a PPP contract?</b>	Yes
<b>If yes, please provide the relevant legal/regulatory provisions (if any):</b>	No regulatory basis
<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>	No
<b>If yes, please specify the website:</b>	n/a
<b>44. Are foreign companies prohibited from repatriating the income resulting from</b>	No

the operation of a PPP project?	
If yes, please provide the relevant legal/regulatory provisions (if any):	n/a
45. Does the regulatory framework (including standard contractual clauses) expressly regulate changes in the ownership structure (i.e. stakeholder composition) of the private partner and/or assignment of the PPP contract?	No
If yes, please provide the relevant legal/regulatory/standard contractual provisions (if any):	n/a
45.1. If yes, which of the following circumstances are specifically regulated? (check all that apply): Any change in the private partner during an initial period (e.g. construction and first five years of operation).	n/a
If yes, please provide the relevant legal/regulatory/standard contractual provisions (if any):	n/a
Changes of ownership/contract assignment, at any time during the contract, must preserve the same technical qualifications as the original operator.	n/a
If yes, please provide the relevant legal/regulatory/standard contractual provisions (if any):	n/a
In other cases, flexibility to change the	n/a

<b>ownership structure and/or assign the contract.</b>	
<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>	No
<b>If yes, please provide the relevant legal/regulatory/standard contractual provisions (if any):</b>	n/a
<b>46.1. If yes, is an approval from a government authority, other than the procuring authority, required?</b>	n/a
<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>	n/a
<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>	n/a
<b>If yes, please provide the relevant legal/regulatory/standa</b>	n/a

<b>rd contractual provisions (if any):</b>	
<b>A change in the financial and/or economic balance of the contract.</b>	n/a
<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>	n/a
<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>	n/a
<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>	Precedents of the state judicial consultation council
<b>Material Adverse government action .</b>	Yes

<b>If yes, please provide the relevant legal/regulatory/standard contractual provisions (if any):</b>	Precedents of the state judicial consultation council
<b>Change in the Law.</b>	Yes
<b>If yes, please provide the relevant legal/regulatory/standard contractual provisions (if any):</b>	Precedents of the state judicial consultation council
<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>Complaint mechanisms in Lebanon are the general and default rule within the CPP that give civil local courts competency to oversee disputes within the state, the administrative courts of Lebanon under the umbrella of the "State Consultative Council" (مجلس استشاري دولي) retains competence to oversee cases where the government is party, such as disputes arising from public works contracts according to Articles 16-62 of the State Consultative Council System, Decree No. 10434 issued on 14/6/1.</p> <p>Moreover, arbitration proceedings in Lebanon are governed by the Lebanese Code of Civil Procedure (CCP), which was enacted by Decree Law 90/83, with amendments resulting from Law no. 440 dated 29 July 2002. The CCP devotes an entire chapter (Chapter 2) to arbitration with a distinction being made between domestic arbitration (Articles 762 to 808 CCP) and international arbitration (Articles 809 to 821 CCP). Article 762 of the CCP provides, "Article 762 modified in accordance with Act No. 440 dated 29 July 2002, contractors may include in the commercial or civil contract concluded between them an article providing that all irreconcilable disputes</p>

	<p>arising out of the validity, interpretation or execution of this contract shall be resolved by arbitration. The State and persons of public law, irrespective of the nature of the contract subject to dispute, may resort to arbitration. As of the date of the enforcement of this amendment law, the arbitration clause or the arbitration agreement shall not be effective in administrative contracts unless it is approved by a decree issued by the Council of Ministers upon the proposal of the competent minister for the State or the guardianship authority.”</p> <p>In case of an international arbitration subject to Lebanese law, Article 809 of the CPP permits the state or public entities to resort to international arbitration. Article 812 CCP provides that, in addition to taking into consideration provisions of Articles 810 and 811 (relating to international arbitration), the provisions of Articles 762 to 792 (relating to domestic arbitration) also apply unless agreed otherwise by the parties. The provisions of the Lebanese arbitration law are based on the old French arbitration law (Decrees No. 80-354 of 14 May 1980 and No. 81-500 of 12 May 1981). The provisions of the Lebanese arbitration law are not based on the UNCITRAL Model Law.</p> <p>Lebanon also acceded to the New York Convention on 9 November 1998. Lebanon has made a reciprocity reservation under the New York Convention, pursuant to which the Government of Lebanon has declared that it will apply the Convention, on the basis of reciprocity, to the recognition and enforcement of awards made only in the territory of another contracting state. The Republic of Lebanon also ratified the Washington Convention (ICSID Convention) on 26 March 2003 which entered into force on 25 April 2003 (see also Law no. 403 dated 5 June 2002) and ratified the Arab Convention on Commercial Arbitration on 23 September 1988, which in addition to international commercial arbitration, permits investor-state dispute settlements.</p>
<b>48.1. If yes, please specify which of the following options are available (check all that apply): Local administrative review body</b>	<p>No</p>
<b>If yes, please specify:</b>	<p>n/a</p>
<b>Local courts</b>	<p>Yes</p>
<b>Domestic arbitration</b>	<p>Yes</p>
<b>International arbitration</b>	<p>Yes</p>
<b>Investor-State Dispute Settlement (ISDS)</b>	<p>Yes</p>
<b>Mediation</b>	<p>Yes</p>
<b>Please provide the relevant legal/regulatory/standard contractual provisions (if any)</b>	<p>Complaint mechanisms in Lebanon are the general and default rule within the CPP that give civil local courts competency to oversee disputes within the state, the administrative courts of Lebanon under the umbrella of the “State Consultative Council” (مجلس استشاري دولي) retains competence to oversee cases where the government is party, such as disputes arising from public works contracts according to Articles 16-62 of the State Consultative Council System, Decree No. 10434 issued on 14/6/1.</p> <p>Moreover, arbitration proceedings in Lebanon are governed by the Lebanese Code of Civil Procedure (CCP), which was enacted by Decree Law 90/83, with amendments</p>



	<p>resulting from Law no. 440 dated 29 July 2002. The CCP devotes an entire chapter (Chapter 2) to arbitration with a distinction being made between domestic arbitration (Articles 762 to 808 CCP) and international arbitration (Articles 809 to 821 CCP). Article 762 of the CCP provides, “Article 762 modified in accordance with Act No. 440 dated 29 July 2002, contractors may include in the commercial or civil contract concluded between them an article providing that all irreconcilable disputes arising out of the validity, interpretation or execution of this contract shall be resolved by arbitration. The State and persons of public law, irrespective of the nature of the contract subject to dispute, may resort to arbitration. As of the date of the enforcement of this amendment law, the arbitration clause or the arbitration agreement shall not be effective in administrative contracts unless it is approved by a decree issued by the Council of Ministers upon the proposal of the competent minister for the State or the guardianship authority.”</p> <p>In case of an international arbitration subject to Lebanese law, Article 809 of the CPP permits the state or public entities to resort to international arbitration. Article 812 CCP provides that, in addition to taking into consideration provisions of Articles 810 and 811 (relating to international arbitration), the provisions of Articles 762 to 792 (relating to domestic arbitration) also apply unless agreed otherwise by the parties. The provisions of the Lebanese arbitration law are based on the old French arbitration law (Decrees No. 80-354 of 14 May 1980 and No. 81-500 of 12 May 1981). The provisions of the Lebanese arbitration law are not based on the UNCITRAL Model Law.</p> <p>Lebanon also acceded to the New York Convention on 9 November 1998. Lebanon has made a reciprocity reservation under the New York Convention, pursuant to which the Government of Lebanon has declared that it will apply the Convention, on the basis of reciprocity, to the recognition and enforcement of awards made only in the territory of another contracting state. The Republic of Lebanon also ratified the Washington Convention (ICSID Convention) on 26 March 2003 which entered into force on 25 April 2003 (see also Law no. 403 dated 5 June 2002) and ratified the Arab Convention on Commercial Arbitration on 23 September 1988, which in addition to international commercial arbitration, permits investor-state dispute settlements.</p>
<b>48.2. If applicable, are arbitration awards enforceable by the local courts?: Domestic Arbitration</b>	Yes
<b>If yes, please provide the relevant legal/regulatory provisions/standard contractual provisions (if any):</b>	Article 795 of the CCP provides for the enforcement of arbitration awards and criteria for doing so by resorting to the local court to obtain enforcement orders.
<b>International arbitration</b>	Yes
<b>If yes, please provide the relevant legal/regulatory provisions/standard contractual provisions (if any):</b>	Article 814 of the CCP provides for the recognition of international arbitration awards as long as they do not violate “the public policy” of the state. Moreover, Lebanon acceded to the New York Convention on 9 November 1998. Lebanon has made a reciprocity reservation under the New York Convention, pursuant to which the Government of Lebanon has declared that it will apply the Convention, on the

	basis of reciprocity, to the recognition and enforcement of awards made only in the territory of another contracting state.
<b>Investor-State arbitration</b>	Yes
<b>If yes, please provide the relevant legal/regulatory provisions/standard contractual provisions (if any):</b>	Lebanon also acceded to the New York Convention on 9 November 1998. Lebanon has made a reciprocity reservation under the New York Convention, pursuant to which the Government of Lebanon has declared that it will apply the Convention, on the basis of reciprocity, to the recognition and enforcement of awards made only in the territory of another contracting state. The Republic of Lebanon also ratified the Washington Convention (ICSID Convention) on 26 March 2003 which entered into force on 25 April 2003 (see also Law no. 403 dated 5 June 2002) and ratified the Arab Convention on Commercial Arbitration on 23 September 1988, which in addition to international commercial arbitration, permits investor-state dispute settlements, which provide for the recognition and enforcement of foreign awards including investor-state dispute settlements awards.
<b>49. Does the regulatory framework (including standard contractual clauses) allow for the restructuring of a PPP private partner (SPV) in financial difficulty prior to insolvency?</b>	No
<b>If yes, please specify and provide the relevant legal/regulatory/standard contractual provisions (if any):</b>	n/a
<b>50. Does the regulatory framework (including standard contractual clauses) allow for the lenders to take control of the PPP project (lender step-in rights) if either the private partner defaults or if the PPP contract is under threat of termination for failure to meet service obligations?</b>	No
<b>If yes, please provide the relevant legal/regulatory/standard contractual provisions (if any):</b>	n/a
<b>50.1. If yes, which of the following options best describes the</b>	n/a

<b>lender step-in right?</b> <b>(Please select only one):</b> The regulatory framework expressly regulates the lender step-in rights.	
<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>	n/a
<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>	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>The regulatory framework addresses circumstances for the termination of the contract precisely between the public entity (idara) and bankrupt contractor in Article 136 of the Public Accounting Law. The contract, in such circumstance, would automatically (حكماً) be terminated. Article 140 of the same Law addresses circumstances related to the default of or breaches committed by the contractor of their contractual obligations in the performance stage. Articles 136 &amp; 140 of the Public Accounting Law.</p>

<b>51.1. If yes, does the regulatory framework (including standard contractual clauses) establish the consequences for the termination of the PPP contract?</b>	<p>Yes</p>
<b>If yes, please specify and provide the relevant legal/regulatory/standard contractual provisions (if any):</b>	<p>According to Article 136 of the Public Accounting Law, the contract shall automatically be terminated when the contractor announces their bankruptcy. While according to Article 140, where the contractor defaults in their contractual obligations, they shall be given a warning by the public entity (idara) at first to implement their obligations. If the contractor persists in breaching their contractual obligations, the provisions of Article 135 shall apply. This latter Article addresses the penalties imposed on the defaulting contractor, which include the confiscation of the security they submitted and terminating the contract while calling for new tenders.</p>
<b>Unsolicited Proposals</b>	
<b>34. Are unsolicited proposals in Lebanon: (choose only one): Explicitly prohibited by the legal framework? (If prohibited, skip to section F)</b>	<p>No</p>
<b>Explicitly allowed by the legal framework?</b>	<p>No</p>
<b>Not regulated by the legal framework, but do happen in practice?</b>	<p>No</p>
<b>Not regulated by the legal framework, and do not happen in practice? (if not done in practice, skip to section F)</b>	<p>Yes</p>
<b>If the legal framework explicitly prohibits or allows unsolicited proposals, please provide the relevant legal/regulatory provisions</b>	<p>n/a</p>
<b>35. Does the procuring authority conduct an assessment to evaluate unsolicited proposals? (if not, skip to question 37)</b>	<p>n/a</p>
<b>If yes, please specify and provide the</b>	<p>n/a</p>

<b>relevant legal/regulatory provisions (if any)</b>	
<b>35.1. If yes, is there any vetting procedure and/or pre-feasibility analysis before fully assessing the unsolicited proposal?</b>	n/a
<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 evaluate unsolicited proposals against existing government priorities.</b>	n/a

<b>Please elaborate and provide examples:</b>	n/a
<b>37. Does the procuring authority initiate a competitive PPP procurement procedure when proceeding with the unsolicited proposal?</b>	n/a
<b>If yes, please provide the relevant legal/regulatory provisions (if any):</b>	n/a
<b>38. Does the procuring authority grant a minimum period of time to additional prospective bidders (besides the proponent) to prepare their proposals?</b>	n/a
<b>If yes, please provide the relevant legal/regulatory provisions (if any):</b>	n/a
<b>and the time in calendar days:</b>	n/a
<b>39.1 Does the procuring authority use any of the following incentive mechanisms to reward/compensate the presentation of unsolicited proposals? (check all that apply): Access to the best and final offer (BAFO) process and/or automatic shortlisting.</b>	n/a
<b>39.2 Developer's fee (reimbursing the original proponent for the project development cost).</b>	n/a
<b>39.3 Bid Bonus.</b>	n/a
<b>39.4 Swiss challenge (If unsuccessful, the original proponent has the option to match the winning bid and win the contract).</b>	n/a
<b>39.5 Other.</b>	n/a

<b>Please specify:</b>	n/a
<b>Please provide the relevant legal/regulatory provisions (if any):</b>	n/a