

PROCURING INFRASTRUCTURE PUBLIC-PRIVATE PARTNERSHIPS 2018 IN MACEDONIA

SURVEY QUESTION	ANALYSIS
PPP Regulatory Framework	
2. Does the regulatory framework in your country allow procuring PPPs?	Yes
If yes, please specify the relevant regulatory framework and the year of adoption:	<p>The legal framework for public-private partnerships in Macedonia consists of (i) the Law on Public Procurement (Official Gazette 136/2007 published on 12.11.2007) as well as its amendments and supplements published in the Official Gazette as follows: 130/08; 97/10; 53/11; 185/11; 15/13; 148/13; 28/14; 43/14; 130/14; 180/14; 78/15; 192/15; 27/16 and 120/16 and the Decision of the Constitutional Court of Rm 160/13 with all sub-laws and regulative under this law, hereinafter “LPP”; (ii) the Law on Concessions and Public Private Partnership adopted in 2012 and published in the “Official Gazette of the Republic of Macedonia” no. 6/2012, 144/2014, 33/2015, 104/2015 and 215/2015, hereinafter “The PPP Law”; (iii) the Law on Administrative Procedure (Official Gazette of Republic of Macedonia No124/2015; (iv) the Law on Obligations (Official Gazette of R. Macedonia N.18/2001, 78/2001, 4/2002, 59/2002, 5/2003, 84/2008, 81/2009, 161/2009, 123/2013), hereinafter “Obligations Law”; (v) Regulation on the Content of the Feasibility Study for Justification of Concession of Goods of General Interest or a PPP (hereinafter “Feasibility Study Regulation”) adopted on March 3, 2012 ((Official Gazette of Republic of Macedonia No 6/12), (vi) Ordinance on the Content of the Agreement for Establishment of Public Private Partnership and the Agreement for Concession of Goods of Common Interest (hereinafter “PPP Content”).</p> <p>The LPP works as “lex generalis” in relation with the PPP Law. The PPP Law regulates some specific details regarding concessions and PPPs, but most of the procedures fall under the Law on Public Procurement. In addition, there are several bylaws (rulebooks) which apply to the PPPs on a case-by-case basis. The Energy Law (Official Gazette of R. Macedonia N.16/2011, 136/2011, 75/2013, 79/2013, 164/2013, 41/2014, 55/2014, 92/2014,151/2014, 33/2015, 192/2015, 215/2015, 6/2016, 53/2016, 189/2016 applies to PPPs in the energy sector.</p>
and provide a link to a government-supported website where the mentioned regulatory framework is available or provide an electronic copy of it:	http://archive.economy.gov.mk/EN/pppe.html
2.1. Are you aware of any reforms (in the regulatory frameworks – laws, regulations, policies, etc.- or in generally followed	Yes

practices) related to PPPs that: Took place in 2016, are ongoing and/or are planned to be adopted BEFORE June 1, 2017?	
Please describe:	On January 12, 2016, the Government of Macedonia adopted a Tariff on the Fees for Submitted Request for Obtaining Consent and Given Expert Opinion by which it regulated the fees for issuing a consent for using the criteria for determining the capability of the bidders and for the expert opinion on the justification of those criteria.
2.2 Are ongoing and/or are planned to be adopted AFTER June 1, 2017?	Yes
Please describe:	The Ministry of Finance in 2016 announced request for international advisory services related to improvement of the PPP Law and the general PPP legal framework in Macedonia. As far as we are aware, the mandate was not awarded so this might be activated in the future.
3.1 Besides national defense and other matters of national security, does the regulatory framework explicitly prohibit or restrict PPPs in any of the following sectors?: Transportation.	No
If yes, please provide the relevant legal/regulatory provisions:	n/a
3.2 Besides national defense and other matters of national security, does the regulatory framework explicitly prohibit or restrict PPPs in any of the following sectors?: Water and Irrigation	No
If yes, please provide the relevant legal/regulatory provisions:	n/a
3.3 Besides national defense and other matters of national security, does the regulatory framework explicitly prohibit or restrict PPPs in any of the following sectors?: Energy generation and distribution.	No
If yes, please provide the relevant legal/regulatory provisions:	n/a
3.4 Besides national defense and other matters of national security, does the regulatory framework explicitly prohibit	No

or restrict PPPs in any of the following sectors?: Telecom	
If yes, please provide the relevant legal/regulatory provisions:	n/a
3.5 Besides national defense and other matters of national security, does the regulatory framework explicitly prohibit or restrict PPPs in any of the following sectors?: Other	No
If yes, specify and provide the relevant legal/regulatory provisions:	n/a
4. Does the regulatory framework provide for a specific tax regime for PPP transactions (i.e. tax incentives, special tax depreciation treatment, etc.)?	No
If yes, please specify and provide the relevant legal/regulatory provision (if any):	n/a
5. Please identify the PPP procuring authorities in Macedonia and provide their website(s) (if available):	Pursuant to the Article 2.5 of the PPP Law, "Public partner" is a legal entity that awards a contract for establishment of a public private partnership, that is: the Republic of Macedonia, the municipality, the City of Skopje and the municipalities in the city of Skopje, the public enterprises, the public institutions, the trade companies established by the Republic of Macedonia, the municipality, the City of Skopje and the municipalities in the city of Skopje, and the companies where the state or the bodies of the municipality, of the City of Skopje and of the municipalities in the city of Skopje have an ownership-based direct or indirect influence, that is, where they own the major part of the capital of the company, have the majority votes of the shareholders/partners and appoint more than half of the members of the governing or supervisory board, that is, the governing bodies of the company, and other legal entities that, in accordance with the law, exercise public powers in the part of the exercise of the public powers.
6. In addition to the PPP procuring authorities listed above, is there a specialized government entity that facilitates the PPP program (PPP Unit)?	Yes
If yes, please indicate its name, and its website (if available):	Pursuant to Article 13 of the PPP Law, the Government of the Republic of Macedonia (RM) has established a Public Private Partnership Council. (hereinafter "Council") The Council shall promote PPPs , propose projects for PPP, as well as raise initiatives with draft amendments to PPP regulations. The PPP Council shall consist of 15 representatives from the Ministry of Economy, the Ministry of Finance, the Ministry of Transport and Communications, the Ministry of Health, the Ministry of Education and Science, the Ministry of

	<p>Agriculture, Forestry and Water Resources Management, the Ministry of Environment and Spatial Planning, the Ministry of Culture, the General Secretariat of the Government of the Republic of Macedonia - Office of the Deputy Prime Minister of the Government in Charge of Economic Affairs and Coordination with the Economic Departments, the Public Procurement Bureau, the Association of the Unites of Local Self-Government of the Republic of Macedonia, the business community, as well as independent experts particularly in the field of economics and law, taking into consideration the equitable representation of all national and ethnic groups in the Republic of Macedonia.</p> <p>Article 14 of the PPP Law also assigns some the functions that a PPP Unit usually performs to the Ministry for Economy (http://www.economy.gov.mk):</p> <ol style="list-style-type: none"> 1. develop and implement measures and activities aimed at achievement and maintenance of completely transparent and efficient system for public private partnership; 2. keep and maintain the Register of Awarded Contracts for Establishment of a Public Private Partnership; 3. prepare draft amendments to the regulations in the field of public private partnership and give instructions for implementation of this Law; 4. organize and deliver education and training in the field of public private partnership for all the participants in the process, 5. monitor, analyze and provide professional assistance and opinion with regard to conducting the procedures, 6. monitor, analyze and study the current European and world tendencies, know-how and experiences in the field of public private partnership, and 7. carry out other activities and tasks related to the PPP. <p>At last, pursuant to Article 20 of the PPP Law, there is also a Commission for Conducting the PPP Procedure (“PPP Commission”): The PPP Commission is an ad hoc body formed by the procuring authority in order to carry out the following activities: preparing the tender documentation, including the draft PPP contract; determining the criteria for awarding the contract; organizing the receipt of the applications for participation and the bids; establishing the capacity of the candidates and appointing candidates with a right to participate further in the procedure; establishing the capacity of the bidders; giving explanations and additional information and documents; reviewing and evaluating the bids and ranking the bidders by proposing the first ranked to be selected; preparing a report about the evaluation of the bids; submitting a proposal for annulment of the procedure; and carrying out other activities required for conducting the procedure.</p>
6.1 If yes, what are the main responsibilities of the PPP Unit (check all that apply): PPP regulation and policy guidance.	Yes
6.2 PPP capacity building for other public authorities.	Yes
6.3 PPP promotion among the public and/or private sectors	Yes

in national and international forums.	
6.4 Technical support in implementing PPP projects.	Yes
6.5 Identification and selection of PPP projects from the pipeline.	Yes
6.6 Revision of fiscal risks born by the Government.	No
6.7 Consultation with affected communities on potential impact of PPP projects.	No
6.8 Approval of PPP projects.	No
6.9 Undertaking the procurement of PPPs.	No
6.10 Oversight of PPP implementation.	No
6.11 Other	No
6.11 please specify:	n/a
Please provide the relevant legal/regulatory provisions:	Article 13 of the PPP Law: (...) the Government of the Republic of Macedonia (RM) has established a Public Private Partnership Council. (hereinafter "Council") The Council shall promote PPPs , propose projects for PPP, as well as raise initiatives with draft amendments to PPP regulations.
PPP Preparation	
8. Does the Ministry of Finance or Central Budgetary Authority approve the PPP project before launching the procurement process?	Yes
If yes, please provide the relevant legal/regulatory provisions (if any):	Pursuant to Article 50 of the PPP Law, "if on the basis of the feasibility study for justification of the awarding of the contract for establishing a PPP, it is established that funds from the Budget of the Republic of Macedonia are necessary for the implementation of the contract for establishing a PPP, it is necessary to obtain a consent from the Ministry of Finance before the adoption of the decision on commencement of the procedure"
8.1. Does the Ministry of Finance or Central Budgetary Authority approve the PPP project before signing the PPP contract?	No
If yes, please provide the relevant legal/regulatory provisions (if any):	n/a
8.2. Does the Ministry of Finance (or government more broadly) have a specific system of: Budgeting for PPP projects.	No

If yes, please provide the relevant legal/regulatory provisions (if any):	n/a
Accounting liabilities (explicit and implicit, direct and contingent) arising from PPPs.	No
If yes, please provide the relevant legal/regulatory provisions (if any):	n/a
Reporting liabilities (explicit and implicit, direct and contingent) arising from PPPs.	No
If yes, please provide the relevant legal/regulatory provisions (if any):	n/a
8.3. If yes to question 8.2, which of the following alternatives best describes the regulation?: Accounting and reporting according to International Public Sector Accounting Standards (IPSAS).	No
Accounting and reporting according to other international standard (e.g. European System of Accounts).	No
Please specify:	n/a
Other.	Yes
Please specify:	The accounting standards for the budget and budget beneficiaries being applied in the PPPs in the Republic of Macedonia shall be the International Public Sector Accounting Standards published in the "Official Gazette of the Republic of Macedonia" by the Minister of Finance, unless they do not reconcile with this Law or other regulations.
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.)?	No
If yes, please specify the relevant authority	n/a
and provide the relevant legal/regulatory provisions (if any):	n/a
9.1. Besides the procuring authority and the Ministry of	No

Finance or Central Budgetary Authority, does any other authority(s) approve the PPP project before signing the PPP contract?	
If yes, please provide the relevant legal/regulatory provisions (if any):	n/a
10. Does the procuring authority use transaction advisors during the PPP project cycle?	Yes
If yes, please provide the relevant legal/regulatory provisions (if any):	Article 20 of the PPP Law, external experts may participate in the work of the Commission (aka committee evaluating the PPP bids), without a right to vote
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 legal/regulatory provisions (if any):	n/a

The regulatory framework does not include any provisions but the procuring authority evaluates the consistency of PPPs with other government investment priorities in practice.	No
If yes, please elaborate:	n/a
The procuring authority does not evaluate PPPs against existing government priorities.	Yes
Please elaborate and provide examples:	According to our contributors, the government of Macedonia and other procuring authorities do not have a multi-year plans for implementing PPP projects. The decisions for establishing PPPs are usually adopted without taking into consideration the other public investment projects.
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?	n/a
If yes, please specify:	n/a
If no, please elaborate:	n/a
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)	Yes
Relevant legal/regulatory provision (if any)	Article 16 of the PPP Law states: The preparatory activities shall especially include: - preparation of a feasibility study on the justification to award concession for goods of general interest or contract for establishment of a public private partnership. Article 4.12 of the "Regulation on the Content of the Feasibility Study for Justification of Concession of Goods of General Interest or a PPP" (hereinafter "Feasibility Study Regulation") provides that the general part of the feasibility study shall inter alia contain analysis of political, social and other issues.
Is there a specific methodology for the assessment?	Yes
If yes, please elaborate	Article 6 of the Feasibility Study Regulation provides a short methodology for socio-economic analysis of a PPP project: (a) Financial-economic analysis inter alia shall consist of analysis of the costs for each year of the duration of concession/public private partnership necessary for investment, operation,

	<p>termination of the concession/public private partnership and re-cultivation of the object of concession/public private partnership and other costs related to utilization of the object of concession/public private partnership or by performing the public service, i.e. use of the good of public interest (b) analysis of the estimated incomes for each year of duration of the concession/public private partnership, as a result of the utilization of the object of concession/public private partnership or by performing the public service, i.e. use of the good of public interest.</p> <p>The Decree on a Feasibility Study for Justification of the Concession for Goods of General interest or for Public Private Partnerships provides further details.</p>
Is the assessment done in practice?	Yes
Details:	Depending on the nature of the subject PPP project some of the elements/analysis may not be included in the feasibility study. However, most of the feasibility studies contain analysis of different economic and social matters of the PPP project.
12.2. Affordability assessment, including the identification of the required long term public commitments (explicit and implicit, direct and contingent liabilities)	Yes
Relevant legal/regulatory provision (if any)	Article 6.9 of the Feasibility Study Regulation: For projects that require support from the public sector in any form or means, analysis of the availability and sustainability, especially regarding the availability of basic projects should be part of feasibility study.
Is there a specific methodology for the assessment?	No
If yes, please elaborate	n/a
Is the assessment done in practice?	Yes
Details:	All the contributors who responded provided that the affordability assessment is done in practice when identifying and preparing a PPP project
12.3. Risk identification, allocation and assessment (risk matrix)	Yes
Relevant legal/regulatory provision (if any)	Article 6.12 of the Feasibility Study Regulation: Risk identification, risk management, allocation, valuation and mitigation of risk (risk Matrix) should be part of feasibility study.
Is there a specific methodology for the assessment?	No
If yes, please elaborate	n/a
Is the assessment done in practice?	Yes

Details:	All the contributors who responded state that the risk identification, allocation and assessment are done in practice when identifying and preparing a PPP project in Macedonia
12.4. Comparative assessment to evaluate whether a PPP is the best option when compared to other procurement alternatives (i.e. value for money analysis, public sector comparator)	Yes
Relevant legal/regulatory provision (if any)	Article 6 of the Feasibility Study Regulation: (8) Estimation of the value for money and (10) comparative analysis for the viability of the project realization of the project by the means of public private partnership and performance of the service by the public partner, regarding the usual manner of performing the public service by the public partner should be part of feasibility study.
Is there a specific methodology for the assessment?	No
If yes, please elaborate	n/a
Is the assessment done in practice?	Yes
Details:	All the contributors who responded stated that the comparative assessment is done in practice when identifying and preparing a PPP project to evaluate whether a PPP is the best option when compared to other procurement methods
12.5. Financial viability or bankability assessment	Yes
Relevant legal/regulatory provision (if any)	Article 6 of the Feasibility Study Regulation: (3) Transaction analysis: on the basis of projected money flows and possibility for financing capital investments; (4) Analysis and conclusions for the efficiency of concession/public private partnership from the aspect of grantor/public partner, made on the basis of internal return rate, net present value, point of equalization and proposal for amount of concession fee shall be part of PPP project feasibility study.
Is there a specific methodology for the assessment?	No
If yes, please elaborate	n/a
Is the assessment done in practice?	Yes
Details:	According to our contributors, a financial viability or bankability assessment is done in practice when identifying and preparing a PPP project in practice
12.6. Market sounding and/or assessment (showing evidence of investors' interest in the market for the project)	Yes

Relevant legal/regulatory provision (if any)	Article 6.7 of the Feasibility Study Regulation: Analysis of the domestic market, and when needed, also on the market in the countries of the immediate surrounding, with accent on the risk for return of investment shall be part of the PPP project feasibility study.
Is there a specific methodology for the assessment?	No
If yes, please elaborate	n/a
Is the assessment done in practice?	Yes
Details:	Our contributors provided that a market sounding assessment is done in practice when identifying and preparing a PPP project to show evidence of investors' interest in the project
12.7. Environmental impact assessment	Yes
Relevant legal/regulatory provision (if any)	Article 16 of the PPP Law provides that PPP proposal preparatory activities shall in particular include, inter alia, assessment of the environmental impact of the concession for goods of general interest or of the public private partnership (...) The environmental impact assessment study needs to be in compliance with the requirements of the Rulebook on the Content of the Requirements that has to be met by the Environmental Impact Assessment Study (e.g. description of the natural, cultural and historical heritage; description of the measures for prevention, reduction or elimination of the impact on the environment; etc.)
Is there a specific methodology for the assessment?	Yes
If yes, please elaborate	The methodology for environmental assessment of PPP projects is outlined in the "Assessment Study of Project Influence on Environment" proposed by the Ministry of Environment and Physical planning and available at http://www.moepp.gov.mk/?lang=en (in Macedonian only).
Is the assessment done in practice?	Yes
Details:	The preparation of the environmental impact assessment is part of the preparatory activities for awarding a PPP contract.
12.8. Consultation process with affected communities on potential impact of the PPP project	Yes
Relevant legal/regulatory provision (if any)	Public consultations are a part of the environmental compliance. Article 91 of the Law on Environment provides: 1) The body of the state administration responsible for the affairs of the environment shall be obliged to provide for holding a public hearing (...) in relation to the study on the environmental impact assessment of the project, and to ensure the availability of information that is necessary for the public to participate in the public hearing, (...) as well as to inform associations of citizens established for protection and improvement of the environment from the area where the project is being implemented.

Is there a specific methodology for the assessment?	Yes
If yes, please elaborate	The Ministry of Environment and Spatial Planning has to hold a public discussion in a statutory deadline and make publicly available all necessary information for participation in the public discussion.
Is the assessment done in practice?	Yes
Details:	The Ministry of Environment and Spatial Planning prepares minutes for the public discussion which has to be (i) published on Ministry's website and (ii) provided to relevant parties (i.e. the investor, the relevant authorities and municipalities.)
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)?	Yes
If yes, please provide the relevant legal/regulatory provisions (if any):	No regulatory basis
and specify which of the assessments are included in the request for proposals and/or tender documents:	Assessments are included on a case-by-case basis, mostly as brief explanations and usually are financial viability or bankability assessment, market sounding and/or assessment or explanation of the justification to award the public works concession and the public services concession and definition of the aims.
13.1. Are the assessments published online?	No
If yes, please provide the relevant legal/regulatory provisions (if any):	n/a
specify the website	n/a
please specify which of the assessments are published online:	n/a
14. Does the procuring authority include a draft PPP contract in the request for proposals?	Yes
If yes, please provide the relevant legal/regulatory provisions (if any):	Article 21 of the PPP Law provides that the Commission shall (...) prepare the tender documentation, including the draft contract
If no, please elaborate	n/a
14.1. Are the tender documents published online?	Yes

If yes, please provide the relevant legal/regulatory provisions (if any):	Pursuant to Article 37 of the LPP, the contracting authority shall make the tender documentation available to any interested economic operator by using electronic means for the purpose of providing direct and full access via the electronic system for public procurements (ESPP) simultaneously with the publication of the contract notice. But as an exception in paragraph (2) of this Article, it is stated that the contracting authority shall make the tender documentation available in hard copy or by using magnetic medium only in the case of publication of a notice for awarding a public private partnership contract
and please specify the website:	www.bjn.gov.mk; https://www.enabavki.gov.mk/PublicAccess/home.aspx#/notices
15. In a case comparable to the case study assumptions, have standardized PPP model contracts and/or transaction documents been developed?	Yes
If yes, please specify and provide a government-supported website where the mentioned standards are available or provide an electronic copy of them:	Samples can be downloaded from the Ministry of Economy's website: http://archive.economy.gov.mk/javno_privatno_partnerstvo.html .
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)	No
Private Partner	No
Private partner with facilitation role assigned to the procuring authority (or other Government entity)	No
To be established in the contract	Yes
Relevant legal/regulatory provision (if any)	Pursuant to Article 3.7 in the PPP Content, PPP agreement need to contain provisions as to obtaining of licenses necessary for revitalization of the project.
16.2. Obtaining the required environmental permits: Procuring authority (or other Government entity)	No
Private Partner	No
Private partner with facilitation role assigned to the procuring authority (or other Government entity)	No

To be established in the contract	Yes
Relevant legal/regulatory provision (if any)	PPP agreements need to contain provisions as to obtaining of licenses necessary for revitalization of the project (Article 3.7 in the “Ordinance on the Content of the Agreement for Establishment of Public Private Partnership and the Agreement for Concession of Goods of Common Interest” hereinafter “PPP Content”)
16.3. Obtaining the required operational permits: Procuring authority (or other Government entity)	No
Private Partner	No
Private partner with facilitation role assigned to the procuring authority (or other Government entity)	No
To be established in the contract	Yes
Relevant legal/regulatory provision (if any)	PPP agreements need to contain provisions as to obtaining of licenses necessary for revitalization of the project (Article 3.7 in the “Ordinance on the Content of the Agreement for Establishment of Public Private Partnership and the Agreement for Concession of Goods of Common Interest” hereinafter “PPP Content”)
16.4. Obtaining the required land: Procuring authority (or other Government entity)	No
Private Partner	No
Private partner with facilitation role assigned to the procuring authority (or other Government entity)	No
To be established in the contract	Yes
Relevant legal/regulatory provision (if any)	No regulatory basis
16.5. Obtaining the required right of way: Procuring authority (or other Government entity)	No
Private Partner	No
Private partner with facilitation role assigned to the procuring authority (or other Government entity)	No
To be established in the contract	Yes
Relevant legal/regulatory provision (if any)	PPP agreements need to contain provisions as to obtaining of licenses necessary for revitalization of the project (Article 3.7 in the “Ordinance on the Content of the Agreement for Establishment of Public Private Partnership and

	the Agreement for Concession of Goods of Common Interest” hereinafter “PPP Content”)
PPP Procurement	
18. Which of the following options best describes the required qualifications of the bid evaluation committee members? (Please select only one): The membership of the bid evaluation committee is specified and/or its members are required to meet detailed qualifications.	Yes
If yes, please provide the relevant legal/regulatory provisions (if any):	Article 20 of the PPP Law: the Commission (...) shall consist of a president and at least four members and their deputies from the field of economy, law and technical sciences and other relevant areas, depending on the subject of the contract. External experts may participate in the work of the Commission, without a right to vote. Members of the Commission cannot be persons who: are married, related in the second degree or related by adoption or guardianship to the bidder or the candidate, to his/her legal proxy, and in cases where the bidder or the candidate is a legal entity, to the members of its management, supervisory or other bodies; in the last three years, have been employed or have been members of the management or supervisory bodies of the bidder or the candidate; are in another legal relationship with the bidder or the candidate; and are convicted of a financial crime, fraud or corruption.
The bid evaluation committee members require sufficient qualification without specific details.	No
If yes, please provide the relevant legal/regulatory provisions (if any):	n/a
The bid evaluation committee members are not required to have any specific qualifications.	No
Please elaborate and provide examples:	n/a
19. Does the procuring authority issue a public procurement notice of the PPP project?	Yes
If yes, please specify the means of publication and provide the relevant legal/regulatory provisions (if any):	Pursuant to Article 37 of the LPP, the contracting authority shall make the tender documentation available to any interested economic operator by using electronic means for the purpose of providing direct and full access via the ESPP simultaneously with the publication of the contract notice. The tender documentation forms shall be attached in a format which may be directly used by the economic operators.

19.1. If yes, is the public procurement notice published online?	Yes
If yes, please specify the website:	1. https://www.e-nabavki.gov.mk/PublicAccess/Home.aspx#/home
20. Are foreign companies prohibited from participating in the bidding process?	No
If yes, please provide the relevant legal/regulatory provisions (if any):	n/a
21. In a case comparable to the case study assumptions, does the procuring authority grant the potential bidders a minimum period of time to submit their bids?	Yes
If yes, please provide the relevant legal/regulatory provisions (if any):	According to Paragraph 1, 2 and 4 of Article 65 of the LPP: The deadline for submission of the bids must not be shorter than 45 days as of the day of publication on ESPP, if the estimated value of the public procurement contract, excluding VAT, exceeds: - EUR 130,000 in MKD counter value for goods and service and EUR 4,000,000 in MKD counter value for works regarding the contracting authorities referred to in Article 4 Paragraph (1) Items a), b) and c) of this Law, or - EUR 200,000 in MKD counter value for goods and services and EUR 4,000,000 in MKD counter value for works regarding the contracting authorities referred to in Article 4 Paragraph (1) Item d) and e) of this Law. (2) As an exception to paragraph (1) of this Article, the contracting authority may shorten the deadline for submission of the bids up to 36 days at the most, provided that a prior indicative notice has been published. (4) As an exception to Paragraphs (1) and (2) of this Article, if the contracting authority publishes the entire tender documentation by using electronic means, with direct access of all economic operators without restrictions, the deadlines arising from Paragraphs (1) and (2) of this Article may be shortened by five days. The tender documentation shall be published at the same time when the public calls for awarding a public procurement contract are sent.
and the time in calendar days:	45
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	Yes
Default	No
Relevant legal/regulatory provision (if any)	Article 15 of the PPP Law: The public partner shall carry out the procedures for awarding contracts for establishing a PPP as an open procedure, restricted procedure, negotiated procedure with prior publication of an announcement, or competitive dialogue, in accordance with the requirements and in the

	manner anticipated by the Law on Public Procurement (i.e. Articles 64 - 67). Article 64 of the LPP: (1) The open procedure shall be carried out in one phase. (2) As an exception to paragraph (1) of this Article, the contracting authority may conduct an electronic auction as an additional phase, and it shall publish this in the notice for awarding a public procurement contract and in the tender documentation.
22.2. Restricted tendering (with pre-qualification stage): Available	Yes
Default	No
Relevant legal/regulatory provision (if any)	Article 15 of the PPP Law: The public partner shall carry out the procedures for awarding contracts for establishing a PPP as an open procedure, restricted procedure, negotiated procedure with prior publication of an announcement, or competitive dialogue, in accordance with the requirements and in the manner anticipated by the Law on Public Procurement (i.e. Articles 64 - 67). Article 68 of the LPP: 1) The restricted procedure shall be conducted in two phases: first phase (pre-qualification phase), where the contracting authority selects candidates on the basis of the criteria for establishing capabilities and second phase, where the contracting authority evaluates the tenders submitted by the selected candidates, on the basis of the criteria for awarding the contract.
22.3 Multi-stage tendering (with shortlisting of final candidate(s)): Available	No
Default	No
Relevant legal/regulatory provision (if any)	n/a
22.4. Competitive dialogue: Available	Yes
Default	No
Relevant legal/regulatory provision (if any)	Article 77 of the LPP: The contracting authority conduct a competitive dialogue procedure for awarding a public procurement contract if the respective public procurement contract is particularly complex and the implementation of an open or restricted procedure is not to make the award of a public procurement contract possible.
22.5. Direct negotiation with more than one candidate: Available	No
Default	No
Relevant legal/regulatory provision (if any)	n/a
22.6. Direct negotiation with only one candidate: Available	No
Default	No
Relevant legal/regulatory provision (if any)	n/a
22.7 Other. Specify:	Electronic Auction
Available	Yes

Default	No
Relevant legal/regulatory provision (if any)	Pursuant to Article 15 of the PPP law on Electronic auction, the public partner shall use an electronic auction as a final phase of an open procedure and restricted procedure where acceptable and appropriate offers are received, as well as of a negotiated procedure with prior publication of an announcement in the cases where no acceptable offer or appropriate offer in an open procedure, restricted procedure or competitive dialogue is received, and where the previous procedure has been annulled without significant change in the initial requirements in the tender documentation, prior to the award of the contract for establishment of a public private partnership. The public partner shall state the use of an electronic auction in the announcement for award of a contract for establishment of a public private partnership and in the tender documentation.
22.8. Do the tender documents detail the procedure of the procurement process providing the same information to all the bidders?	Yes
If yes, please provide the relevant legal/regulatory provisions (if any):	Article 32 of the LPP: The contracting authority shall be obliged to state in the tender documentation the requests, conditions, criteria, and other necessary information, so as to ensure that the economic operator has complete, just and precise information regarding the manner of conducting the contract award procedure.
If no, please elaborate:	n/a
22.9. Do the tender documents specify the prequalification/shortlisting criteria (when applicable) in order to make them available to all the bidders?	Yes
If yes, please provide the relevant legal/regulatory provisions (if any):	Article 71 of the LPP: The contracting authority, in the contract notice, shall also state the criteria for determining the qualification and other applicable rules, the minimum number of candidates it intends to select, and, if required, the maximum number of candidates (which cannot be less than 5) Article 2.7 of the PPP Content: Depending on the type of the procedure and the subject matter and scope of the public procurement contract or the framework agreement, the tender documentation contains in particular:... - criteria and minimal requirements for establishing the capability of the economic operators
22.10. Based on your experience, is it always the case that the specified criteria are respected in practice?	Yes
If yes, please specify and provide the relevant legal/regulatory provisions (if any):	According to the majority of contributors, tender documents specify the prequalification/short listing criteria (when applicable) in order to make them available to all the bidders.

If no, please elaborate:	n/a
23. Can interested parties/potential bidders submit questions to clarify the public procurement notice and/or the request for proposals?	Yes
If yes, please provide the relevant legal/regulatory provisions (if any):	Article 39 of the 4 LPP: The contracting authority is obliged to respond to all additional questions asked by the economic operators in connection with the tender documentation, provided that such questions are submitted at least six days before the deadline for submission of the bids or application for participation, i.e. three days in the case of a procedure with request for receiving bids
23.1. If yes, notwithstanding confidential information pertaining to the bidders, does the procuring authority disclose those questions and clarifications to all potential bidders?	Yes
If yes, please provide the relevant legal/regulatory provisions (if any):	Article 39 of the LPP: The contracting authority shall, within the shortest possible period, respond to the questions in writing and shall send the response to all economic operators that have taken the tender documentation free of charge, without stating the name of the economic operator that has asked for clarification or, if the tender documentation is published by using electronic means for the purpose of direct and full access, it shall publish the response in the same manner as it has published the tender documentation
23.2. Based on your experience, is it always the case that this disclosure of information is done in practice?	Yes
If yes, please specify:	Contributors confirmed that in procedures for awarding contracts for public procurement, the procuring authority in all of the cases has disclosed the additionally provided information based on the questions/requests for clarifications submitted by the bidders.
If no, please elaborate:	n/a
24. Besides questions and clarifications, can the procuring authority conduct pre-bidding conference?	Yes
If yes, please specify and provide the relevant legal/regulatory provisions (if any):	The so-called "technical dialogue", used for obtaining comments and suggestions regarding the draft tender documentation, is the only form of a pre-bidding conference that can be used by the procuring authority. More specifically, according to Article 43 of the LPP: (2) In the case of an open and restricted procedure for awarding a public procurement contract for goods and services with an estimated value exceeding EUR 130.000 in MKD counter-value, after the adoption of the decision on public procurement and before the publication of the call for public procurement, the contracting authority is obliged to carry out a

	<p>technical dialogue with the economic operators, in particular: to make the tender documentation it intends to use in the procedure publicly available via the ESPP at least five business days upon the day of its publication, to enable every interested economic operator to give its own proposals and comments to the published tender documentation in the period referred to in line 1 of this Paragraph, by using electronic means or by organizing a joint meeting in a previously arranged time and date, and after the end of the period referred to in line 1 of this paragraph, to review the received proposals and comments and, if they are acceptable, to implement them in the tender documentation.</p> <p>(5) The contracting authority may also conduct a technical dialogue in the procedures for awarding public procurement contracts with an estimated value lower than the amount referred to in paragraph (2) of this Article</p>
<p>24.1. If yes, notwithstanding confidential information pertaining to the bidders, does the procuring authority disclose the content and the results of the pre-bid conference to all bidders?</p>	Yes
<p>If yes, please provide the relevant legal/regulatory provisions (if any):</p>	Article 43 of the LPP: The contract authority shall submit the minutes from the conducted technical dialogue to all economic operators who have submitted proposals and comments on the published tender documentation.
<p>24.2. Based on your experience, is it always the case that this disclosure of information is done in practice?</p>	No
<p>If yes, please specify:</p>	n/a
<p>If no, please elaborate:</p>	According to our contributors, disclosure of information on the content and the results of the pre-bid conference to all bidders are not always done in practice.
<p>25. In a case comparable to the case study assumptions, does the procuring authority require the bidders to prepare and present a financial model with their proposals?</p>	Yes
<p>If yes, please provide the relevant legal/regulatory provisions (if any):</p>	Article 3.6 of the PPP Content provides the following: "Attached to the contract are the following schedules: ... 6. Schedule 15: Financial model. Apart from this item, there is no explicit provision which regulates that the bid has to contain a financial model. However, in cases comparable to the case study assumptions, there is a practice of requiring a financial model to be submitted within the bid.
<p>If no, please elaborate:</p>	n/a
<p>26. Does the procuring authority evaluate the proposals strictly and solely in accordance with the</p>	Yes

evaluation criteria stated in the tender documents?	
If yes, please provide the relevant legal/regulatory provisions (if any):	Article 140 of the LPP: The evaluation of the tenders shall be conducted only by applying the criteria stated in the tender documentation and published in the contract notice.
Evaluation criteria is not set in the tender documents	No
27. In the case where only one proposal is submitted (sole proposals), which of the following options best describes the way the procuring authority deals with them? (Please select only one)?: The procuring authority follows a specific procedure before awarding a PPP contract where only one proposal is submitted.	Yes
Please specify and provide the relevant legal/regulatory provisions (if any):	Article 15-d of the PPP Law outlines the procedure. It provides that, in the case where only one offer has been submitted which is acceptable or only one acceptable offer has remained, the public partner shall mandatorily invite the single tenderer to submit a final price via the electronic system.
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?	Yes
If yes, please specify the means of publication and provide the relevant legal/regulatory provisions (if any):	Article 53 of the LPP states: The contracting authority shall publish a contract notice when: it conducts an open procedure, a restricted procedure, a competitive dialogue or a negotiated procedure with a prior publication of a notice, or it conducts a design contest.

28.1. If yes, is the public procurement award notice published online?	Yes
If yes, please specify the website:	https://www.e-nabavki.gov.mk/PublicAccess/Home.aspx#/home
29. Does the procuring authority provide all the bidders with the result of the PPP procurement process?	Yes
If yes, please provide the relevant legal/regulatory provisions (if any):	Article 51 of the LPP: The contracting authority shall provide transparency when awarding public procurement contracts, organizing open design contests and concluding framework agreements by publishing a prior indicative notification, contract notice, contract award notice and/or notification on cancellation of the contract award procedure in accordance with this Law.
If no, please elaborate:	n/a
29.1. If yes, does the notification of the result of the PPP procurement process include the grounds for the selection of the winning bid?	Yes
If yes, please provide the relevant legal/regulatory provisions (if any):	Article 142 paragraph 2 of the LPP: Depending on the conducted procedure, the report shall in particular contain: - the name and address of the contracting authority, subject-matter and estimated value of the public procurement contract or the framework agreement; - the names of the selected candidates or tenderers and explanation in connection with their selection; etc.
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?	Yes
If yes, please provide the relevant legal/regulatory provisions (if any):	Article 208 of the LPP: (1) The contracting authority must not sign the public procurement contract and proceed with its implementation within a period of 12 days, i.e. five days in case of a simplified competitive procedure, as of the day of receipt of the decision for deciding on s individual right in the procedure for awarding the public procurement contract, except: - in the cases referred to in Articles 99 and Article 198 of this Law, - in case where only one bidder has participated in the procedure and whose bid is selected as most favorable, or - in case of individual public procurement contracts based on a framework agreement.
and the time in calendar days:	12
30.1. Is the standstill period set out in the notice of intention to award?	Yes

If yes, please provide the relevant legal/regulatory provisions (if any):	No regulatory basis
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?	Yes
If yes, please provide the relevant legal/regulatory provisions (if any):	No regulatory basis
31.1. Based on your experience, is it always the case that this restriction is respected in practice?	Yes
If yes, please specify:	Contributors confirm that the procuring authority restricts negotiations with selected bidder in respect to the content of the contract.
If no, please elaborate:	n/a
32. Does the procuring authority publish the PPP contract?	No
If yes, please provide the relevant legal/regulatory provisions (if any):	n/a
32.1. If yes, which of the following options best describes this publication (choose only one)?: Publication of the full PPP contract including all its annexes and appendixes	n/a
Publication of the full PPP contract without including all its annexes and appendixes	n/a
Publication of a summary of the PPP contract without publishing the full PPP contract	n/a
Publication of a summary of the PPP contract along with the full PPP contract including all its annexes and appendixes	n/a
Publication of a summary of the PPP contract along with the full PPP contract without including all its annexes and appendixes	n/a

32.2. If yes, is it published online?	n/a
If yes, please specify the website:	n/a
32.3. If yes, does the procuring authority also publish any subsequent amendment made to the PPP contract?	n/a
If yes, please provide the relevant legal/regulatory provisions (if any):	n/a
PPP Contract Management	
41. Has the procuring or contract management authority established a system to manage the implementation of the PPP contract (e.g. attributing responsibilities or establishing specific management tools)?	Yes
If yes, please provide the relevant legal/regulatory provisions (if any):	Article 53 of the Law on concessions and PPP: "The concession grantor and the public partner shall continuously and regularly supervise the implementation of the concession for goods of general interest and of the contract for establishment of a PPP and the implementation of the awarded contract, as well as the compliance with the obligations by the concessionaire or the private partner, in accordance with law and the respective contract."
41.1. If yes, which of the following tools does it include (check all that apply)? Establishment of a PPP contract management team	No
Relevant legal/regulatory provisions (if any):	n/a
Participation of the members of the PPP contract management team in the PPP procurement process and/or vice versa	No
Relevant legal/regulatory provisions (if any):	n/a
Elaboration of a PPP implementation manual or an equivalent document	No
Relevant legal/regulatory provisions (if any):	n/a
Establishment of personnel training programs (i.e. initial training and continued	No

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.)	No
Relevant legal/regulatory provisions (if any):	n/a
41.2. Which of the following options best describes the required qualifications of the PPP contract management team members? (Please select only one): The membership of the PPP contract management team is specified and/or its members 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
Please elaborate and provide examples:	n/a
42. Does the procuring or contract management authority establish a system for tracking progress and completion of construction works under a PPP contract?	Yes
If yes, please provide the relevant legal/regulatory provisions (if any):	Article 53 of the PPP Law: The grantor and the public partner shall continuously and regularly supervise the manner of execution of the concession for goods of general interest and of the contract for establishment of a public private partnership and the execution of the awarded contract, as

	well as the compliance with the obligations by the concessionaire or the private partner, in accordance with law and the respective contract. Also, according to Article 3, PPP Content: the contract requires provisions on Construction management after construction; Maintenance of the construction after construction
42.1. If yes, is the PPP contract construction performance information made available to the public?	No
If yes, please provide the relevant legal/regulatory provisions (if any):	n/a
42.2. If yes, is the PPP contract construction performance information made publicly available online?	n/a
If yes, please specify the website:	n/a
43. Does the procuring or contract management authority establish a monitoring and evaluation system of the PPP contract implementation after construction?	Yes
If yes, please provide the relevant legal/regulatory provisions (if any):	Article 33 of the PPP Law: "The concession grantor and the public partner shall continuously and regularly supervise the implementation of the concession for goods of general interest and of the contract for establishment of a public private partnership and the implementation of the awarded contract, as well as the compliance with the obligations by the concessionaire or the private partner, in accordance with law and the respective contract."
43.1. If yes, which of the following tools does it include (check all that apply)?: Performance is assessed against evaluation criteria set in the tender documents and the PPP contract	No
Relevant legal/regulatory provisions (if any)	n/a
The procuring or contract management authority can abate (reduce) payments for non-performance of operating obligations under the PPP contract	No
Relevant legal/regulatory provisions (if any)	n/a

The private partner must provide the procuring or contract management authority with periodic operational and financial data	No
Relevant legal/regulatory provisions (if any)	n/a
The procuring or contract management authority must periodically gather information on the performance of the PPP contract	No
Relevant legal/regulatory provisions (if any)	n/a
The PPP contract performance information must be available to the public	No
Relevant legal/regulatory provisions (if any)	n/a
43.2. Is PPP contract performance information made publicly available online?	No
If yes, please specify the website:	n/a
44. Are foreign companies prohibited from repatriating the income resulting from the operation of a PPP project?	No
If yes, please provide the relevant legal/regulatory provisions (if any):	n/a
45. Does the regulatory framework (including standard contractual clauses) expressly regulate changes in the ownership structure (i.e. stakeholder composition) of the private partner and/or assignment of the PPP contract?	Yes
If yes, please provide the relevant legal/regulatory/standard contractual provisions (if any):	Article 42 of the PPP Law: the contract for establishment of a public private partnership may be transferred, by written consent from the public partner, under conditions defined by the contract and without exceeding the duration of the contract, unless otherwise anticipated by a special law.
45.1. If yes, which of the following circumstances are specifically regulated? (check all that apply): Any change in	No

the private partner during an initial period (e.g. construction and first five years of operation).	
If yes, please provide the relevant legal/regulatory/standard contractual provisions (if any):	n/a
Changes of ownership/contract assignment, at any time during the contract, must preserve the same technical qualifications as the original operator.	No
If yes, please provide the relevant legal/regulatory/standard contractual provisions (if any):	n/a
In other cases, flexibility to change the ownership structure and/or assign the contract.	Yes
If yes, please provide the relevant legal/regulatory/standard contractual provisions (if any):	<p>Article 42 Paragraph 2 of the PPP Law provides that the contract shall have provisions on transfer of the rights and obligations under the contract from the concessionaire or the private partner for the benefit of the lessors, as means for securing their claims against the concessionaire or the private partner, provided that it does not jeopardize the continuous operation and/or provision of the service, the quality performance of the activity, as well as the price.</p> <p>Paragraph 3 further provides that in case of transfer of the contract for concession for goods of general interest or the contract for establishing a PPP, the concession grantor or the public partner shall conclude a contract for transfer with the entity to which the contract for concession for goods of general interest or the contract for establishing a PPP is transferred to under conditions and in a manner determined in the existing contract for concession for goods of general interest or the contract for establishing a PPP.</p>
46. Does the regulatory framework (including standard contractual clauses) expressly regulate the modification or renegotiation of the PPP contract (once the contract is signed)?	Yes
If yes, please provide the relevant legal/regulatory/standard contractual provisions (if any):	Article 41 of the PPP Law: The contracts regulated by this Law may be amended by including an annex to the contract, provided that this option is explicitly stipulated in the tender documentation

46.1. If yes, is an approval from a government authority, other than the procuring authority, required?	No
If yes, please provide the relevant legal/regulatory/standard contractual provisions (if any):	n/a
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.	No
If yes, please provide the relevant legal/regulatory/standard contractual provisions (if any):	n/a
A change in the risk allocation of the contract.	No
If yes, please provide the relevant legal/regulatory/standard contractual provisions (if any):	n/a
A change in the financial and/or economic balance of the contract.	No
If yes, please provide the relevant legal/regulatory/standard contractual provisions (if any):	n/a
A change in the duration of the contract.	No
If yes, please provide the relevant legal/regulatory/standard contractual provisions (if any):	n/a
A change in the agreed price or tariff.	No
If yes, please provide the relevant legal/regulatory/standard contractual provisions (if any):	n/a
46.3. Can the procuring authority unilaterally modify a PPP contract?	No

If yes, please provide the relevant legal/regulatory/standard contractual provisions (if any):	n/a
47. Does the regulatory framework (including standard contractual clauses) expressly regulate the following circumstances that may occur during the life of the PPP contract? (check all that apply): Force Majeure	Yes
If yes, please provide the relevant legal/regulatory/standard contractual provisions (if any):	Article 130 of the LPP: The risks associated with the submission of the tender, including the force majeure, shall be borne by the tenderer. Article 41 of the PPP Law: the annex contract may be concluded upon the initiative of the grantor or of the public partner, especially in decay of the facility under concession or the facility of the public private partnership, or in case of objective impossibility to use it, in case of force majeure.
Material Adverse government action .	No
If yes, please provide the relevant legal/regulatory/standard contractual provisions (if any):	n/a
Change in the Law.	Yes
If yes, please provide the relevant legal/regulatory/standard contractual provisions (if any):	Article 41 the PPP Law : “Annex to the agreement can be concluded upon initiative of the concession grantor or the public partner, particularly in the following cases: ...a change to the applicable regulation,....”
Refinancing.	No
If yes, please provide the relevant legal/regulatory/standard contractual provisions (if any):	n/a
Subcontracting and replacement of the subcontractors.	Yes
If yes, please provide the relevant legal/regulatory/standard contractual provisions (if any):	Article 45 of the LPP: In the course of implementation of the public procurement contract the contractor may alter the manufacturers for the particular section of the public procurement contract ceded to subcontractors, only upon previous approval from the contracting authority.
48. Does the regulatory framework (including standard contractual clauses) allow for administrative and/or contractual complaint	Yes

review mechanisms to address disputes arising from the implementation of PPP contracts?	
If yes, please specify and provide the relevant legal/regulatory/standard contractual provisions (if any):	According to Article 2 of the PPP Content, the agreement, which regulates provision of public service, must contain a provision on resolution of the disputes which arise from the agreement. This provision also applies both to PPP projects for works and public services. In addition, certain PPP contracts stipulate that an appointed Independent Engineer reviews complaints on disputes related to technical aspects of a PPP.
48.1. If yes, please specify which of the following options are available (check all that apply): Local administrative review body	No
If yes, please specify:	n/a
Local courts	Yes
Domestic arbitration	Yes
International arbitration	Yes
Investor-State Dispute Settlement (ISDS)	Yes
Mediation	Yes
Please provide the relevant legal/ regulatory/standard contractual provisions (if any)	In particular, according to Article 2 of the PPP Content and : “The agreement, which regulates provision of public service, particularly contains the following provisions:...24. Resolution of the disputes which arise from the agreement...”. This provision also applies to PPP projects for works, not only for provision of public services. In addition, certain PPP contracts in practice had regulated an Independent Engineer as a complaint review mechanism. The role of the Independent Engineer is regulated by the
48.2. If applicable, are arbitration awards enforceable by the local courts?: Domestic Arbitration	Yes
If yes, please provide the relevant legal/ regulatory provisions/standard contractual provisions (if any):	Article 456 of the Law on Civil Procedure (LCP) regulates enforcement of domestic arbitral awards (Chapter 30 of LCP regulates arbitration in general)
International arbitration	Yes
If yes, please provide the relevant legal/ regulatory provisions/standard contractual provisions (if any):	Ratified New York Convention on 10 Mar 1994.
Investor-State arbitration	Yes
If yes, please provide the relevant legal/ regulatory provisions/standard	Macedonia is a member of the ICSID Convention.

contractual provisions (if any):	
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?	No
If yes, please specify and provide the relevant legal/regulatory/standard contractual provisions (if any):	n/a
50. Does the regulatory framework (including standard contractual clauses) allow for the lenders to take control of the PPP project (lender step-in rights) if either the private partner defaults or if the PPP contract is under threat of termination for failure to meet service obligations?	Yes
If yes, please provide the relevant legal/regulatory/standard contractual provisions (if any):	Article 42 of the PPP Law: The contract for concession for goods of general interest or the contract for establishing a PPP may stipulate a transfer of the rights and obligations under the contract from the concessionaire or the private partner for the benefit of the lenders, as means for securing their claims towards the concessionaire or the private partner, provided that it does not jeopardize the continuous operation and/or provision of the service, the quality performance of the activity, as well as its price
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.	No
If yes, please specify and provide the relevant legal/regulatory/standard contractual provisions (if any):	n/a
The regulatory framework prescribes that a direct agreement should be signed with the lenders.	No
If yes, please specify and provide the relevant legal/regulatory/standard	n/a

contractual provisions (if any):	
The regulatory framework prescribes that the lender step-in rights should be regulated in the contract.	Yes
If yes, please specify and provide the relevant legal/regulatory/standard contractual provisions (if any):	Article 42 of the PPP Law: The contract for concession for goods of general interest or the contract for establishing a PPP may stipulate a transfer of the rights and obligations under the contract from the concessionaire or the private partner for the benefit of the lenders, as means for securing their claims towards the concessionaire or the private partner, provided that it does not jeopardize the continuous operation and/or provision of the service, the quality performance of the activity, as well as its price
Other.	No
Please Specify:	n/a
51. Does the regulatory framework (including standard contractual clauses) expressly establish the grounds for termination of a PPP contract?	Yes
If yes, please specify and provide the relevant legal/regulatory/standard contractual provisions (if any):	Article 43 of the LPP: The concession or the public private partnership shall cease to be valid upon: <ul style="list-style-type: none"> - expiry of the duration of the contract for concession for goods of general interest or the contract for establishment of a public private partnership, - unilateral cancellation of the contract for concession for goods of general interest or the contract for establishment of a public private partnership by the grantor or the public partner, - unilateral cancellation of the contract for concession for goods of general interest or the contract for establishment of a public private partnership by the concessionaire or the private partner, - agreed cancellation of the contract, - bankruptcy or liquidation of the concessionaire or the private partner, unless the contract for concession for goods of general interest or the contract for establishment of a public private partnership anticipates otherwise and - other cases anticipated by law and the contract for concession for goods of general interest, or the contract for establishment of a public private partnership.
51.1. If yes, does the regulatory framework (including standard contractual clauses) establish the consequences for the termination of the PPP contract?	No
If yes, please specify and provide the relevant legal/regulatory/standard contractual provisions (if any):	n/a

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

legal/regulatory provisions (if any):	
The regulatory framework requires unsolicited proposals to be among the existing government priorities without establishing specific procedures to achieve that goal.	n/a
If yes, please provide the relevant legal/regulatory provisions (if any):	n/a
The procuring authority does not evaluate unsolicited proposals against existing government priorities.	n/a
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 (BAFO) process and/or automatic shortlisting.	n/a
39.2 Developer's fee (reimbursing the original proponent for the project development cost).	n/a
39.3 Bid Bonus.	n/a

39.4 Swiss challenge (if unsuccessful, the original proponent has the option to match the winning bid and win the contract).	n/a
39.5 Other.	n/a
Please specify:	n/a
Please provide the relevant legal/regulatory provisions (if any):	n/a