

PROCURING INFRASTRUCTURE PUBLIC-PRIVATE PARTNERSHIPS 2018 IN MEXICO

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>Public-Private Partnerships in Mexico are specifically regulated by The Public-Private Partnerships Law (Ley de Asociaciones Público Privadas), published in the Federal Official Gazette on January 16, 2012 and last amended in April 21, 2016 (“PPP Law”); the Regulation to the Public-Private Partnership Law (Reglamento a la Ley de Asociaciones Público Privadas), published in the Federal Official Gazette on 2012 and last amended on February 20, 2017 (“PPP Regulation”); Guidelines that establish provisions to determine convenience of carrying out a project on a public-private partnership scheme More in general, PPPs might also be impacted by regulations contained in: (a) Mexican Constitution (Constitucion Política de los Estados Unidos Mexicanos); (b) Public Sector Acquisitions, Leasing and Services Law (Ley de Adquisiciones, Arrendamientos y Servicios del Sector Público); (c) Code of Commerce (Código de Comercio); (d) Federal Civil Code (Codigo Civil Federal); (e) Federal Law for Administrative Procedure (Ley Federal de Procedimiento Administrativo); and (f) Federal Code for Civil Procedure (Codigo Federal de Procedimientos Civiles). Additionally, subnational public bodies using their own local funds could procure a PPP as established in their subnational regulatory framework.</p>
and provide a link to a government-supported website where the mentioned regulatory framework is available or provide an electronic copy of it:	<p>http://www.diputados.gob.mx/LeyesBiblio/index.htm i. PPP Law (in Spanish): http://www.diputados.gob.mx/LeyesBiblio/pdf/LAPP_210416.pdf ii. PPP Regulations (in Spanish): http://www.diputados.gob.mx/LeyesBiblio/regley/Reg_LAPP_200217.pdf iii. PPP Guidelines (in Spanish): http://www.dof.gob.mx/nota_detalle.php?codigo=5328552&fecha=31/12/2013</p>
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?	Yes
Please describe:	<p>On April 21, 2016 a reform to the PPP Law was published in the Federal Official Gazette, and on February 20, 2017 a reform to the PPP Regulation was published in the Federal Official Gazette regarding the amendment to the PPP Law previously mentioned. According to these reforms, projects that contemplate their execution through federal funds must have a feasibility report, authorization by the Interministerial Commission for Public Expenditure, and must be registered in terms</p>

	<p>of the Federal Law for Budgeting and Accountability of the Public Treasury. Furthermore, these reforms established that the Ministry of Finance has the obligation to coordinate and publish a transparent database with all information on Public-Private Associations in its Budget Transparency Portal and to report on them in quarterly reports to the Chamber of Deputies. In addition, according to these reforms, governmental agencies or federal entities may publish an announcement in the Federal Official Gazette stating their willingness to receive proposals for PPP projects from private parties, same that will need to comply with a number of minimum technical, economic, social and legal standards.</p>
2.2 Are ongoing and/or are planned to be adopted AFTER June 1, 2017?	No
Please describe:	n/a
3.1 Besides national defense and other matters of national security, does the regulatory framework explicitly prohibit or restrict PPPs in any of the following sectors?: Transportation.	No
If yes, please provide the relevant legal/regulatory provisions:	n/a
3.2 Besides national defense and other matters of national security, does the regulatory framework explicitly prohibit or restrict PPPs in any of the following sectors?: Water and Irrigation	No
If yes, please provide the relevant legal/regulatory provisions:	n/a
3.3 Besides national defense and other matters of national security, does the regulatory framework explicitly prohibit or restrict PPPs in any of the following sectors?: Energy generation and distribution.	No

If yes, please provide the relevant legal/regulatory provisions:	n/a
3.4 Besides national defense and other matters of national security, does the regulatory framework explicitly prohibit or restrict PPPs in any of the following sectors?: Telecom	No
If yes, please provide the relevant legal/regulatory provisions:	n/a
3.5 Besides national defense and other matters of national security, does the regulatory framework explicitly prohibit or restrict PPPs in any of the following sectors?: Other	Yes
If yes, specify and provide the relevant legal/regulatory provisions:	Article 5 of the PPP Regulations - State productive enterprises may not execute PPP contracts with developers for activities related to the exploration and exploitation of hydrocarbons.
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 Mexico and provide their website(s) (if available):	Under the PPP Law, any ministry or agency can act as a procuring authority. Article 4 of the PPPs Law provides that the following entities may procure a PPP: authority of the federal public administration (section I); federal public trust not considered a state owned enterprise (section II); federal autonomous body (section III); and subnational public body using federal funds (section iv). Additionally, subnational public bodies using their own local funds could procure a PPP as established in their subnational regulatory framework. All project budgets need to be approved by Congress prior to procuring if the projects use budgetary funds, based on the opinion of the Ministry of Finance and Public Credit (Secretaría de Hacienda y Crédito

	<p>Público; www.gob.mx/hacienda). The Ministry of Public Service is the entity in charge of ensuring compliance with the law, to monitor transparency during the procurement process and it also helps in case any controversy arises (http://www.gob.mx/sfp). Based upon the Case study assumptions, the Ministry of Communications and Transportation will be the procuring authority (Secretaría de Comunicaciones y Transportes: www.gob.mx/sc).</p>
<p>6. In addition to the PPP procuring authorities listed above, is there a specialized government entity that facilitates the PPP program (PPP Unit)?</p>	<p>Yes</p>
<p>If yes, please indicate its name, and its website (if available):</p>	<p>Investment Unit (Unidad de Inversiones. Recently, the Federal Government launched the Impulse PPP Projects Strategy. The Strategy has four objectives; to: a) Have a robust and timely portfolio of PPP projects of high social and economic impact B) Promote and disseminate the Federal Government PPP projects to the investing public, trade unions and society; C) Ensure that the processes of tendering, awarding and contracting PPP projects are carried out in an open, competitive, fair, efficient and transparent manner and under the principles of Transparency and Accountability; And d) Supervise the development of PPP projects in their different stages to ensure that the expected objectives, targets and benefits are achieved. The link is: http://www.gob.mx/shcp/acciones-y-programas/proyectos-app</p>
<p>6.1 If yes, what are the main responsibilities of the PPP Unit (check all that apply): PPP regulation and policy guidance.</p>	<p>Yes</p>
<p>6.2 PPP capacity building for other public authorities.</p>	<p>Yes</p>
<p>6.3 PPP promotion among the public and/or private sectors in national and international forums.</p>	<p>Yes</p>
<p>6.4 Technical support in implementing PPP projects.</p>	<p>Yes</p>
<p>6.5 Identification and selection of PPP projects from the pipeline.</p>	<p>No</p>
<p>6.6 Revision of fiscal risks born by the Government.</p>	<p>No</p>
<p>6.7 Consultation with affected communities</p>	<p>No</p>

on potential impact of PPP projects.	
6.8 Approval of PPP projects.	Yes
6.9 Undertaking the procurement of PPPs.	No
6.10 Oversight of PPP implementation.	Yes
6.11 Other	No
6.11 please specify:	n/a
Please provide the relevant legal/regulatory provisions:	Articles 8, 23 and 24 of the PPP Law and internal regulations of the Finance Ministry.
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):	PPP Law Articles 21, 24 and Articles 31 to 34 from PPP Law Regulation and the PPP Guidelines Section III. These articles establish that only when the projects are not self-sustainable is it necessary the approval of the Investment (Unidad de Inversiones). In the case when the projects are self-sustainable the responsible unit can request a binding opinion from the Investment Unit (Unidad de Inversiones). As provided in paragraph four of Article 24 of the PPPs Law, it is the Inter-Ministerial Commission of Public Spending, Financing and Divestiture, that is responsible for analyzing and approving the PPPs projects. Article 35 of the PPP Law Regulation states the obligation to register every PPP project on the Ministry Project Portfolio in order to be considered for authorization. Article 34, section III of the Federal Budget and Financial Responsibility Law (LFPRH or Ley Federal de Presupuesto y Responsabilidad Hacendaria), Articles 45, 46, 47, 48, 49, 50 and 52 of The Regulation of The Federal Budget and Financial Responsibility Law; and the Guide for the Registration in the Portfolio of Investment Programs and Projects (Lineamientos para el Registro en la cartera de Programas y Proyectos de Inversión), published at DOF 18/03/2008.
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	Yes

government more broadly) have a specific system of: Budgeting for PPP projects.	
If yes, please provide the relevant legal/regulatory provisions (if any):	Article 24 of the PPP Law establishes that required expenditures will be committed following the provisions of the Federal Budgeting and Fiscal Responsibility Law (LFPRH) and specifies how these future commitments ought to be defined and calculated. Article 34 of the Federal Budgeting and Fiscal Responsibility Law (LFPRH) establishes the procedure for budgeting investment projects in general. More in particular, according to the Article 32 of the PPP Regulations, the estimation of the maximum annual amount of programmable expenditure for Public Private Partnership shall be drawn up in accordance with the provisions of article 24, third paragraph of the PPP Law and may not exceed the determination of the product resulting from multiplying by one percent the programmable expenditure approved by the Chamber of Deputies for the Government Federal and the entities of direct budgetary control, in the Budget of Expenditures of the Federation of the previous exercise immediately. Article 33 of the PPP Regulations further regulates the inclusion of PPP in the federal budget.
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.	Yes
If yes, please provide the relevant legal/regulatory provisions (if any):	Article 14 of the PPP Law (last paragraph) states that “the Ministry of Finance and Public Credit shall report in the Quarterly Reports on the Economic Situation, Public Finances and Public Debt, in terms of the applicable legal provisions, the description of each one of the authorized PPP projects, amounts disbursed or to be disbursed in accordance with projections and corresponding estimates, progress in the execution and schedule, as well as, if applicable, the annual amount of payments committed during the term of the contract.
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.	No

European System of Accounts).	
Please specify:	n/a
Other.	Yes
Please specify:	Mexican budgeting and accounting rules
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.)?	Yes
If yes, please specify the relevant authority	(I) The Scientific and Technological Consultative Forum for technology related projects - PPP Law article 3 and 13 section III; (II) The Ministry of Environment and Natural Resources should issue a favorable environmental impact opinion, PPP Law article 14 section V, and 25, section I; (III) The Ministry of Social Development should issue an opinion regarding human settlement provisions, PPP Law article 15, section II; (IV) Interministerial Commission for Public Expenditure and Financing, PPP Law Article 21 and 24; (V) Congress in the federal budget, PPP Regulations article 16;
and provide the relevant legal/regulatory provisions (if any):	Articles mentioned above
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?	No
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	Article 38 of the PPP Law and Article 57 of the PPP Regulation establish the possibility that the procuring authority may be advised by an Agent through the procurement process. In particular, according to the Article 57 of the PPP

legal/regulatory provisions (if any):	Regulations the agent’s participation in a procurement procedure shall consist on the advice, preparation of projects and proposals, logistical, technical or any other support, in order to assist the procuring authority to carry out the procurement process.
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.	Yes
If yes, please specify and provide the relevant legal/regulatory provisions (if any):	According to article 15(IV) of the PPP Law the procuring authority must ensure: “Under the system of democratic planning of national development, consistency with the National Development Plan and sectoral, institutional, regional or special program concerned. Article 24 of the PPP Law restates this requirement: “project will be analyzed and approved by the Interministerial Commission on Public Expenditure, Finance and Privatization, for the purposes of Article 34 of the Federal Budget and Fiscal Responsibility, to determine the priority and their inclusion in a specific chapter of the draft budget of expenditures and their execution order, considering, the national democratic development planning framework and system, congruence with the National Development Plan and sectoral, institutional, regional program”. Moreover, the procuring authorities should include in their multiannual budget spending draft, any expenditure related to any public-private partnerships project. This type of expenditure will take precedence over other expenditure forecasts, and are subject to annual budget availability. Likewise, future budgetary commitments related to public-private partnership projects, or projects that are about to start, or those projects that have already started, must be in accordance with the federal public sector financial possibilities.

<p>The regulatory framework prescribes the need for PPPs to be consistent with all other investment priorities without establishing a specific procedure to achieve that goal.</p>	<p>No</p>
<p>If yes, please provide the relevant legal/regulatory provisions (if any):</p>	<p>n/a</p>
<p>The regulatory framework does not include any provisions but the procuring authority evaluates the consistency of PPPs with other government investment priorities in practice.</p>	<p>No</p>
<p>If yes, please elaborate:</p>	<p>n/a</p>
<p>The procuring authority does not evaluate PPPs against existing government priorities.</p>	<p>No</p>
<p>Please elaborate and provide examples:</p>	<p>n/a</p>
<p>11.1. Based on your experience, is it always the case that this prioritization is done in practice in accordance with the provisions of the regulatory framework described above?</p>	<p>Yes</p>
<p>If yes, please specify:</p>	<p>According to the majority of our contributors, as part of the analysis of the legal feasibility, PPP projects always have to remain in compliance with the National Development Plan and sectoral, institutional, regional or special program concerned. Still, some contributors also point out that political pressures introduce subjectivities on the prioritization process.</p>
<p>If no, please elaborate:</p>	<p>n/a</p>
<p>12.1 Which of the following assessments are conducted when identifying and preparing a PPP in order to inform the decision to proceed</p>	<p>Yes</p>

with it? (check all that apply): Socio-economic analysis (cost-benefit analysis of the socio-economic impact of the PPP project)	
Relevant legal/regulatory provision (if any)	Article 14 of the PPP Law: "To determine the viability of a proposed PPP, the procuring authority should have analysis on the following aspects: (...) (iv) Social profitability of the project; (...) (viii) The economic and financial viability of the project. Article 26 of the PPP Regulations further regulates this issue.
Is there a specific methodology for the assessment?	Yes
If yes, please elaborate	Cost benefit Analysis Guidelines: Set out the types of socio-economic assessments that apply to the investment programs and projects that the ministries consider to undertake: http://www.gob.mx/shcp/documentos/lineamientos-para-la-elaboracion-y-presentacion-de-los-analisis-costo-y-beneficio-de-los-programas-y-proyectos-de-inversion
Is the assessment done in practice?	Yes
Details:	The contributors who answered the question did so positively. The analysis of the socio-economic impact of the PPP project has as a general principle the cost benefit criteria, the procedure for which is detailed in Article 34 of the Federal Law Budget Liability.
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 14 of the PPP Law: "To determine the viability of a proposed PPP, the procuring authority should have an analysis on the following aspects: (...) (vii) the estimates of investment and contributions in cash and in kind, both federal and individuals and, where appropriate, state and municipal". Article 26 of the PPP Regulations further regulates this issue.
Is there a specific methodology for the assessment?	Yes
If yes, please elaborate	Included as part of the Guidelines to determine the convenience of developing a project through the PPP alternative: Lineamientos que establecen las disposiciones para determinar la conveniencia de llevar a cabo un proyecto mediante un esquema de asociación público-privada, published in DOF 31/12/2013 (hereinafter referred as the "PPP Guidelines".
Is the assessment done in practice?	Yes
Details:	The contributors who answered this question confirmed that this assessment happens in practice. The entities of the federal public administration that decide to submit projects under the PPP scheme should observe the PPP Guidelines, which are

	intended to establish the provisions to determine the convenience of carrying out a project through such scheme.
12.3. Risk identification, allocation and assessment (risk matrix)	Yes
Relevant legal/regulatory provision (if any)	Section VI of the PPP Guidelines establishes that entities should identify, describe, evaluate and allocate the project risks as well as identify the mechanisms that will be used to mitigate any possible risk that may arise.
Is there a specific methodology for the assessment?	Yes
If yes, please elaborate	Section VI of the PPP Guidelines establishes that entities should identify, describe, evaluate and allocate the project risks as well as identify the mechanisms that will be used to mitigate any possible risk that may arise. This is further regulated by the Section III of the PPP Manual (http://www.gob.mx/shcp/documentos/manual-con-las-disposiciones-para-determinar-la-rentabilidad-social-y-la-conveniencia-de-llevar-a-cabo-un-proyecto-app)
Is the assessment done in practice?	Yes
Details:	The contributors who answered this question confirmed that this assessment happens in practice. In their words, the risk analysis is oriented to identify, describe and measure the probability of occurrence and its own impacts. Generally, the risk analysis is composed of the following stages: (i) identification; (ii) description; (iii) valuation and (iv) the allocation of the risk between the public and private sector.
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 14 of the PPP Law: "To determine the viability of a proposed PPP, the procuring authority should have analysis on the following aspects: (...) (xi) The convenience of carrying out the project through a scheme of public-private partnership, in which an analysis over other options is included. This specific aspect is further regulated in article 29 of the PPP Regulations
Is there a specific methodology for the assessment?	Yes
If yes, please elaborate	PPP Guidelines and Section IV of the PPP Manual
Is the assessment done in practice?	Yes
Details:	The contributors who answered this question confirmed that this assessment happens in practice. In their view, the manual establishes a methodology in which it develops a form of evaluation of convenient alternatives to develop public projects

	by traditional route or by PPP. This involved evaluating the project, calculating the financial feasibility of the PPP and calculating value for money. In other words, it must be ensured that the PPP Projects is more efficient and cheaper than other procurements alternatives. .
12.5. Financial viability or bankability assessment	Yes
Relevant legal/regulatory provision (if any)	Article 14 of the PPP Law: “To determine the viability of a proposed PPP, the procuring authority should have analysis on the following aspects: (...) (viii) The economic and financial viability of the project. Article 28 of the PPP Regulations further regulates this aspect indicating that the assessment will determine whether the project is financially viable”.
Is there a specific methodology for the assessment?	Yes
If yes, please elaborate	PPP Guidelines Numeral 6 fraction II a) and PPP Manual (Annex 2 Financial Model)
Is the assessment done in practice?	Yes
Details:	The contributors who answered this question confirmed that this assessment happens in practice. In their view, the projects must fulfill with all the established requirements in order to be considered as feasible.
12.6. Market sounding and/or assessment (showing evidence of investors’ interest in the market for the project)	No
Relevant legal/regulatory provision (if any)	n/a
Is there a specific methodology for the assessment?	n/a
If yes, please elaborate	n/a
Is the assessment done in practice?	n/a
Details:	n/a
12.7. Environmental impact assessment	Yes
Relevant legal/regulatory provision (if any)	Article 14 of the PPP Law: “To determine the feasibility of a proposed PPP, the procuring authority should have analysis on the following aspects: (...) (v) The environmental impact, preservation and conservation of the ecological balance; as well as the project feasibility in this terms.
Is there a specific methodology for the assessment?	Yes
If yes, please elaborate	Article 25 of the PPP Regulations develops the process to conduct the environmental assessments. According to this and concordant provisions, the environmental impact feasibility should be issued as an opinion of the Ministry of Environment and Natural Resources and, by the state and municipal environmental authorities when

	applicable and based on the provisions of the General Law of Ecological Balance and Environmental Protection.
Is the assessment done in practice?	Yes
Details:	The contributors who answered this question confirmed that this assessment happens in practice. In their view, the environmental impact should cover all the required aspects referred in Article 15 section I.
12.8. Consultation process with affected communities on potential impact of the PPP project	Yes
Relevant legal/regulatory provision (if any)	Article 14 of the PPP Law: "To determine the feasibility of a proposed PPP, the procuring authority should have analysis on the following aspects: (...) (v) The impact of natural areas or protected areas, human settlements and urban development of the project, as well as its viability.
Is there a specific methodology for the assessment?	Yes
If yes, please elaborate	This specific aspect is further regulated in Article 25 section II of the PPP Regulations. The consultation process related with affected communities on the potential impact of PPP project should be realized by the Ministry of Agrarian, Territorial and Urban Development in order to analyze the related impact to human settlements and urban development should be issued by the Ministry of, in respect of which the opinion of the Secretariat of Agrarian, Territorial and Urban Development and, as the case may be, of the state and municipal authorities, on the aspects referred to in article 15, Fraction II of the PPP Law.
Is the assessment done in practice?	Yes
Details:	The contributors who answered this question confirm that the assessment happens in practice. In their view, the consultation process with affected communities on potential impact of the PPP project should cover all the required aspects referred in Article 25 section II of the PPP Regulations.
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)?	No
If yes, please provide the relevant legal/regulatory provisions (if any):	n/a
and specify which of the assessments are	n/a

included in the request for proposals and/or tender documents:	
13.1. Are the assessments published online?	Yes
If yes, please provide the relevant legal/regulatory provisions (if any):	Article 14 of the PPP Law requires that information resulting from the required assessments to be publish online. Article 11 of the PPP Law further regulates the contents to be included in the Compranet online portal regarding PPPs.
specify the website	www.compranet.funcionpublica.gob.mx
please specify which of the assessments are published online:	All the assessments referred in question 12
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):	According to Article 45.V of the PPP Law the tender documents will include: "The draft contract, with the rights and obligations of the parties as well as the distribution of the project risks".
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):	No regulatory basis
and please specify the website:	www.compranet.funcionpublica.gob.mx
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:	The Federal Government has launched the Impulse PPP Projects Strategy. The Strategy has four objectives: a) To have a robust and timely portfolio of PPP projects of high social and economic impact; B) Promote and disseminate the Federal Government PPP projects to the investing public, trade unions and society; C) Ensure that the processes of tendering, awarding and contracting PPP projects are carried out in an open, competitive, fair, efficient and transparent manner and under the principles of Transparency and Accountability; And d) Supervise the development of PPP projects in their different stages to ensure that the expected objectives, targets and benefits are achieved. According with the last, the Ministry of Finance developed a website where are located standardized PPP model contracts and other documents

	related to this matter. The link is: http://www.gob.mx/shcp/acciones-y-programas/proyectos-app
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)	According to article 45 subsection VI of the PPP Law the tender documents will contain any project for permits that must be granted by the procuring authority. Furthermore, article 40 of the PPP Regulations establishes that, preferably the required permits will be obtained during the procurement process and granted by the time the PPP contract is signed but, in other cases, any authorizations that were not obtained during the tender must be obtained by the private partner.
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)	According to article 45 subsection VI of the PPP Law the tender documents will contain any project for permits that must be granted by the procuring authority. Furthermore, article 40 of the PPP Regulations establishes that, preferably the required permits will be obtained during the procurement process and granted by the time the PPP contract is signed but, in other cases, any authorizations that were not obtained during the tender must be obtained by the private partner.

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)	According to article 45 subsection VI of the PPP Law the tender documents will contain any project for permits that must be granted by the procuring authority. Furthermore, article 40 of the PPP Regulations establishes that, preferably the required permits will be obtained during the procurement process and granted by the time the PPP contract is signed but, in other cases, any authorizations that were not obtained during the tender must be obtained by the private partner.
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)	Article 45 subsection II of the PPP Law establishes that the tender documents must establish the person responsible for the acquisition of the required land. Article 67 of the PPP Law provides that either the procuring authority or the private partner can have the responsibility to acquire the land, depending on the tender rules and the contract. Article 92 of the Regulation further regulates this aspect.
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

other Government entity)	
To be established in the contract	Yes
Relevant legal/regulatory provision (if any)	Article 45 subsection II of the PPP Law establishes that the tender documents must establish the person responsible for the acquisition of the required rights of way. Article 67 of the PPP Law provides that either the procuring authority or the private partner can have the responsibility to acquire the required right to develop the project, depending on the tender rules and the contract. Article 92 of the Regulation further regulates this aspect.
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.	No
If yes, please provide the relevant legal/regulatory provisions (if any):	n/a
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.	Yes
Please elaborate and provide examples:	There is no bid evaluation committee, the procuring authority evaluates the bid.
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 publication should be made in the following: i) on the procuring authority's website, ii) on the Federal Official Gazette, iii) in CompraNet (Government website used for tenders and bidding processes in Mexico, iv) in a newspaper of national

the relevant legal/regulatory provisions (if any):	circulation, v) in the local newspaper of the city where the project will be developed (article 44 of the PPP Law)
19.1. If yes, is the public procurement notice published online?	Yes
If yes, please specify the website:	compranet.funcionpublica.gob.mx, and the procuring authority website.
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):	PPP Law, article 51: The deadline for the submission of proposals cannot be less than twenty working days from the publication of the public procurement notice.
and the time in calendar days:	30
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)	Chapter four of the PPP Law and Chapter four Section Two of the Regulation of the PPP Law. In particular, the PPP Law, starting with article, 38 establishes the rules for the call for tenders
22.2. Restricted tendering (with pre-qualification stage): Available	Yes
Default	No

Relevant legal/regulatory provision (if any)	According to subsection V of Article 68 of the PPP Regulations, the procuring entity may establish a prequalification phase in the tender documents (Bases de la Licitación) that indicates that the tender documents will include “V. The terms and conditions to carry out the preliminary review and registration of participants referred to in article 49 of the Law”
22.3 Multi-stage tendering (with shortlisting of final candidate(s)): Available	No
Default	No
Relevant legal/regulatory provision (if any)	n/a
22.4. Competitive dialogue: Available	No
Default	No
Relevant legal/regulatory provision (if any)	n/a
22.5. Direct negotiation with more than one candidate: Available	No
Default	No
Relevant legal/regulatory provision (if any)	n/a
22.6. Direct negotiation with only one candidate: Available	No
Default	No
Relevant legal/regulatory provision (if any)	n/a
22.7 Other. Specify:	No
Available	n/a
Default	n/a
Relevant legal/regulatory provision (if any)	n/a
22.8. Do the tender documents detail the procedure of the procurement process providing the same information to all the bidders?	Yes
If yes, please provide the relevant legal/regulatory provisions (if any):	Articles 44 and 45 of the PPP Law establish the content of the procurement notice and the tender documents and are complemented by articles 66, 67 and 68 of the PPP Regulations. Articles 49 and 50 of the PPP Law establish the possibility of

	<p>previous revision of candidates and multiple stages. Article 67 of the PPP Regulations indicate that the tender documents will contain “The requirements, terms and conditions for any interested party to participate in the tender” as well as “the place, date and time for the performance of the acts and presentation of documents in the contest”. Article 68 of the PPP Regulations establish that, if applicable, the tender documents will also contain: “The terms and conditions for the preliminary review and registration of participants referred to in Article 49 of the Law”</p>
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):	According to subsection V of Article 68 of the PPP Regulations, the procuring entity may establish a prequalification phase in the tender documents (Bases de la Licitación) that indicates that the tender documents will include “V. The terms and conditions to carry out the preliminary review and registration of participants referred to in article 49 of the Law”
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):	The majority of the respondents confirm that the specified criteria are respected in practice
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 50 of the PPP Law establishes the possibility of submitting questions for clarifications during a clarification meeting which date will be included in the tender documents.
23.1. If yes, notwithstanding confidential information pertaining to the bidders, does the procuring authority disclose those questions and	Yes

clarifications to all potential bidders?	
If yes, please provide the relevant legal/regulatory provisions (if any):	Article 45 and 50 establish that clarification will be provided in clarification meetings. According to article 11 of the PPP Law, the minutes of the clarification meetings must be publicly available in the Complaint website.
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:	The disclosure information is made by written minutes and is available information for the interested parties.
If no, please elaborate:	n/a
24. Besides questions and clarifications, can the procuring authority conduct pre-bidding conference?	Yes
If yes, please specify and provide the relevant legal/regulatory provisions (if any):	Article 50 of the PPP Law establishes the possibility of holding meetings to clarify with potential bidders the scope and contents of the procedure (Juntas de Aclaracion). According to the Article 49 of the PPP Law: "In order to facilitate the competition, prior to the presentation and opening of the proposals, the convener may register participants, as well as make preliminary revisions to documentation other than that referred to the amount of the economic offer".
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?	Yes
If yes, please provide the relevant legal/regulatory provisions (if any):	Article 11 of the PPP Law provides that the minutes of the clarification meeting must be publicly available in CompraNet.
24.2. Based on your experience, is it always the case that this disclosure of information is done in practice?	Yes
If yes, please specify:	The disclosure information is made by written minutes and is available information for the interested parties.
If no, please elaborate:	n/a
25. In a case comparable to the case	Yes

study assumptions, does the procuring authority require the bidders to prepare and present a financial model with their proposals?	
If yes, please provide the relevant legal/regulatory provisions (if any):	According to article 74 of the PPP Regulations the economic proposal will include: “(ii) The financial model of the project”
If no, please elaborate:	n/a
26. Does the procuring authority evaluate the proposals strictly and solely in accordance with the evaluation criteria stated in the tender documents?	Yes
If yes, please provide the relevant legal/regulatory provisions (if any):	According to Article 52 of the PPP Law “In the evaluation of proposals (...) only the criteria established in the tender documents will be considered”. Articles 77, 78 and 79 of the PPP Regulations and Article 38 of the PPP Law regulates it in a complementary way.
Evaluation criteria is not set in the tender documents	No
27. In the case where only one proposal is submitted (sole proposals), which of the following options best describes the way the procuring authority deals with them? (Please select only one)?: The procuring authority follows a specific procedure before awarding a PPP contract where only one proposal is submitted.	No
Please specify and provide the relevant legal/regulatory provisions (if any):	n/a
The procuring authority considers sole proposals valid as long as they meet the conditions outlined in the tender documents.	Yes

Please provide the relevant legal/regulatory provisions (if any):	Article 54 of the PPP Law allows the procuring authority to select a bidder even if there is only one proposal, as long as it meets the requirements in the tenders and its proposal is acceptable.
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 11 and 55 of the PPP Law requires the procuring authority to read in a public hearing the result of the evaluation and publish it in the website Compranet
28.1. If yes, is the public procurement award notice published online?	Yes
If yes, please specify the website:	www.compranet.funcionpublica.gob.mx
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):	No regulatory basis
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 55 of the PPP Law requires that the awarding resolution will contain “the analysis of the proposals, the reasons to accept or discard them, a comparison among them, and the grounds justifying that the winning proposal is the one that offers the best conditions”

30. Is there a standstill (or pause) period after the contract award and before the signing of the contract in order to allow unsuccessful bidders to challenge the award decision?	No
If yes, please provide the relevant legal/regulatory provisions (if any):	n/a
and the time in calendar days:	n/a
30.1. Is the standstill period set out in the notice of intention to award?	n/a
If yes, please provide the relevant legal/regulatory provisions (if any):	n/a
31. Does the regulatory framework restrict negotiations with the selected bidder between the award and the signature of the PPP contract in order to prevent an unfair disadvantage to the other bidders?	Yes
If yes, please provide the relevant legal/regulatory provisions (if any):	According to article 51 of the PPP Law: "Submitted proposals are firm, they force those who make them and are not subject to negotiation, without prejudice clarification or additional information requested by the procuring authority". Moreover, according to Article 92 of the PPP Law "The terms of the contract must not contradict the terms and conditions of the tender documents and those indicated in the clarification meeting".
31.1. Based on your experience, is it always the case that this restriction is respected in practice?	Yes
If yes, please specify:	All the contributors who answered this question did so affirmatively and indicated that as these are schemes to award projects of public interest, the authority does not give any margin to negotiate
If no, please elaborate:	n/a
32. Does the procuring authority publish the PPP contract?	Yes

If yes, please provide the relevant legal/regulatory provisions (if any):	Article 11 of the PPP Law requires to publish “data regarding the PPP contracts and their modifications”. This is further regulated by Article 70 of Transparency and Access to Public Information General Law.
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	Yes
Publication of the full PPP contract without including all its annexes and appendixes	No
Publication of a summary of the PPP contract without publishing the full PPP contract	No
Publication of a summary of the PPP contract along with the full PPP contract including all its annexes and appendixes	No
Publication of a summary of the PPP contract along with the full PPP contract without including all its annexes and appendixes	No
32.2. If yes, is it published online?	Yes
If yes, please specify the website:	compranet.funcionpublica.gob.mx; www.transparenciapresupuestaria.gob.mx
32.3. If yes, does the procuring authority also publish any subsequent amendment made to the PPP contract?	Yes
If yes, please provide the relevant legal/regulatory provisions (if any):	Article 11 of the PPP Law requires to publish, among other aspects, “data regarding the PPP contracts and their modifications”.
PPP Contract Management	
41. Has the procuring or contract management authority	Yes

established a system to manage the implementation of the PPP contract (e.g. attributing responsibilities or establishing specific management tools)?	
If yes, please provide the relevant legal/regulatory provisions (if any):	<p>Articles 125-127 of the PPP Law establish the oversight system for PPP projects and attribute to the Ministry of Public Service the main responsibility for oversight. Management of implementation is generally entrusted to the procuring authority according to article 125 of the PPP Law. Article 129 of the PPP Regulations states that management of implementation is to be conducted by state-owned “productive” corporations (such as Petroleos Mexicanos and the Federal Electricity Commission), in those instances in which they participate as a procuring authority. Furthermore, Article 128 bis of the regulation of the PPP Law, establishes that the one responsible in charge of the PPP has to report to the Ministry of Finance, the control of the spending of the money given by the government, and the rentability of the PPP in the operation stage, according to the Guidelines that the Ministry of Finance publishes.</p>
41.1. If yes, which of the following tools does it include (check all that apply)?: Establishment of a PPP contract management team	<p>No</p>
Relevant legal/regulatory provisions (if any):	<p>n/a</p>
Participation of the members of the PPP contract management team in the PPP procurement process and/or vice versa	<p>No</p>
Relevant legal/regulatory provisions (if any):	<p>n/a</p>
Elaboration of a PPP implementation manual or an equivalent document	<p>No</p>
Relevant legal/regulatory provisions (if any):	<p>n/a</p>
Establishment of personnel training programs (i.e. initial training and continued	<p>No</p>

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?	<p>Yes</p>
If yes, please provide the relevant legal/regulatory provisions (if any):	<p>Article 125 of the PPP Law provides that "Supervision of construction works execution shall be entrusted to the procuring authority". Article 126 of said Law provides that the procuring authority may hire contract management specialists for the purpose.</p>
42.1. If yes, is the PPP contract construction performance information made available to the public?	<p>Yes</p>
If yes, please provide the relevant legal/regulatory provisions (if any):	<p>According to the Article 14 of the PPP Law: "In addition, the Ministry of Finance and Public Credit will report in the Quarterly Reports on the Economic Situation, Public Finances and Public Debt, in terms of the applicable legal provisions, a description of each of the authorized public-private partnership projects, amounts disbursed or payable according to projections and estimates, progress in the execution and timing, as well as, if applicable, the annual amount of payments committed during the term of the contract."</p>
42.2. If yes, is the PPP contract construction performance information made publicly available online?	<p>Yes</p>
If yes, please specify the website:	<p>http://www.transparenciapresupuestaria.gob.mx/es/PTP/Obra_Publica_Abierta</p>
43. Does the procuring or contract management authority establish a monitoring and evaluation system of the PPP contract implementation after construction?	<p>Yes</p>
If yes, please provide the relevant legal/regulatory provisions (if any):	<p>Articles 125-127 of the PPP Law establish the oversight system for PPP projects.</p>
43.1. If yes, which of the following tools does it include (check all that apply)? Performance is assessed against evaluation criteria set	<p>No</p>

in the tender documents and the PPP contract	
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	Yes
Relevant legal/regulatory provisions (if any)	CLAUSES OF PPP CONTRACTS AND SECTIONS ON RELEVANT LEGAL BASES THAT ARE SUGGESTED TO BE CONSIDERED IN THE FRAMEWORK OF ARTICLE 92 OF APP LAW AND ARTICLE 107 OF ITS REGULATIONS. Clause 5 related to deductions: The Monthly Integral Monthly Payment for Services will incorporate the Deductions provided in the Annex [*] called [*****] of this Agreement. The Developer shall reflect the Deductions in the Monthly Performance and Payments Report. However, if the [* DEPENDENCY OR FEDERAL ENTITY *] detects any errors in the Monthly Performance and Payment Report, the [* DEPENDENCY OR FEDERAL ENTITY *] may, by written notice to the Developer, indicate to it that it has determined the corresponding Deduction in The Monthly Integral Monthly Payment for Services in accordance with the provisions of Annex [*] called [*****].
The private partner must provide the procuring or contract management authority with periodic operational and financial data	Yes
Relevant legal/regulatory provisions (if any)	PPP Law 95 Fractions V and VI that include as part of the obligations of the private partner to provide the required information requested by the procuring entity and facilitate any auditing activity according to the terms and conditions of the contract.
The procuring or contract management authority must periodically gather information on the performance of the PPP contract	Yes
Relevant legal/regulatory provisions (if any)	According to article 128 bis of the PPP Regulations: Agencies and federal entities that have public-private partnerships with federal budgetary support shall report to the Ministry of Finance the monitoring of the investment in accordance with the guidelines issued.
The PPP contract performance information must be available to the public	Yes

Relevant legal/regulatory provisions (if any)	<p>According to the Article 14 of the PPP Law: “In addition, the Ministry of Finance and Public Credit will report in the Quarterly Reports on the Economic Situation, Public Finances and Public Debt, in terms of the applicable legal provisions, a description of each of the authorized public-private partnership projects, amounts disbursed or payable according to projections and estimates, progress in the execution and timing, as well as, if applicable, the annual amount of payments committed during the term of the contract.”</p>
43.2. Is PPP contract performance information made publicly available online?	<p>Yes</p>
If yes, please specify the website:	<p>http://finanzaspublicas.hacienda.gob.mx/es/Finanzas_Publicas/Informes_al_Congreso_de_la_Union</p>
44. Are foreign companies prohibited from repatriating the income resulting from the operation of a PPP project?	<p>No</p>
If yes, please provide the relevant legal/regulatory provisions (if any):	<p>n/a</p>
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?	<p>Yes</p>
If yes, please provide the relevant legal/regulatory/stand and contractual provisions (if any):	<p>Article 105 of the PPP Regulation regulates the possibility of change in the structure of PPPs, requiring authorization from the procuring authority for this type of changes. Article 105 (l) indents b and c Regulation of PPP Law which state that authorization from the procuring government dependency or entity is required in order to change b) admission or exclusion of new partners and, in general, any changes in their ownership structure, and c) relinquish, hand over to third parties, warranting or affecting in any way the rights of property titles of society equity.</p>
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	<p>No</p>

five years of operation).	
If yes, please provide the relevant legal/regulatory/stand and 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.	Yes
If yes, please provide the relevant legal/regulatory/stand and contractual provisions (if any):	Article 105.II of the PPP Regulations establishes that authorizations to the private partner structure changes will be granted as long as: “they do not imply a deterioration in the technical and financial capacity of the developer company, or breach of the bases for awarding the project”.
In other cases, flexibility to change the ownership structure and/or assign the contract.	Yes
If yes, please provide the relevant legal/regulatory/stand and contractual provisions (if any):	n/a
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/stand and contractual provisions (if any):	Articles 117 to 120 of the PPP Law and Articles 117 to 122 of the PPP Law Regulation regulate the modification of the PPP contract.
46.1. If yes, is an approval from a government authority, other than the procuring authority, required?	Yes
If yes, please provide the relevant	Article 122 of the PPP Regulations: “When amendments to a public-private partnership agreement imply an allocation of federal budgetary resources, those

legal/regulatory/stand ard contractual provisions (if any):	mentioned in article 3, section I, of this Regulation, in addition to those originally budgeted, it will be necessary to comply with the provisions of the Law Federal Budget and Fiscal Responsibility and other applicable. In all cases, the corresponding authorization from the Commission will be required. “
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.	Yes
If yes, please provide the relevant legal/regulatory/stand ard contractual provisions (if any):	Article 117 of the PPP allow for the modification to increase the level of service (section II) and to attend needs that were not originally considered (section IV). In those cases, according to article 118 of the PPP Law modifications can not exceed 20% of the original estimated investment during the first 2 years of the contract.
A change in the risk allocation of the contract.	Yes
If yes, please provide the relevant legal/regulatory/stand ard contractual provisions (if any):	According to article 117 “No modification shall involve risk transfer from one party to the other in terms other than those agreed in the original contract”.
A change in the financial and/or economic balance of the contract.	Yes
If yes, please provide the relevant legal/regulatory/stand ard contractual provisions (if any):	According to article 117 of the PPP Law, Section 5, regulates the restoration of the economic balance of the project as one of the causes to amend the contract. Article 119 of the PPP Law further regulates this aspect
A change in the duration of the contract.	Yes
If yes, please provide the relevant legal/regulatory/stand ard contractual provisions (if any):	Article 121 of the PPP Law establish the possibility of extending the period of the contract, taking into account any changes in the terms and conditions.
A change in the agreed price or tariff.	Yes
If yes, please provide the relevant legal/regulatory/stand ard contractual provisions (if any):	Article 119 of the PPP Law regulating in detail the restoration of the economic balance of the PPP contract refers to the compensation to the private partner. Moreover, article 107 of the PPP Regulations requires to include in the contract the methodology to oversight and update the cost.

46.3. Can the procuring authority unilaterally modify a PPP contract?	No
If yes, please provide the relevant legal/regulatory/stand and 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/stand and contractual provisions (if any):	According to article 92 of the PPP Law Force Majeure must be regulated by the PPP Contract
Material Adverse government action .	Yes
If yes, please provide the relevant legal/regulatory/stand and contractual provisions (if any):	Article 19 of the PPP Law regulates the right to the reestablishment of the economic balance of the project in cases of administrative action or legislative action fundamentally affecting the economic balance of the contract.
Change in the Law.	Yes
If yes, please provide the relevant legal/regulatory/stand and contractual provisions (if any):	Article 19 of the PPP Law regulates the right to the reestablishment of the economic balance of the project in cases of administrative action or legislative action fundamentally affecting the economic balance of the contract.
Refinancing.	Yes
If yes, please provide the relevant legal/regulatory/stand and contractual provisions (if any):	Article 117.V of the PPP Law establish the possibility of modifying the PPP contract to reestablish the economic balance of the contract. This is further regulated in article 119 that establish when a change in the economic balance of the contract is substantial as to require a reestablishment of it. Finally, article 107 fraction II. a) of the PPP regulations mandate to regulate any required financial adjustment in the PPP contract. Also, more in particular, the newly published CLAUSES OF PPP CONTRACTS AND SECTIONS ON RELEVANT LEGAL BASES THAT ARE SUGGESTED TO BE CONSIDERED IN THE FRAMEWORK OF ARTICLE 92 OF APP LAW AND ARTICLE 107 OF ITS REGULATIONS regulates refinancing expressly on its recommended clause 3.
Subcontracting and replacement of the subcontractors.	Yes
If yes, please provide the relevant	Article 101 of the PPP Law establishes the following: "Subcontracting (...) might be only done under the terms and conditions established in the tender documents and

legal/regulatory/standard contractual provisions (if any):	the expressly agreed terms and conditions between the parties". Article 108, Section III, from the Regulations of the PPP Law establishes that the contract shall contain (...) the possibility of subcontracting (...)"
48. Does the regulatory framework (including standard contractual clauses) allow for administrative and/or contractual complaint review mechanisms to address disputes arising from the implementation of PPP contracts?	Yes
If yes, please specify and provide the relevant legal/regulatory/standard contractual provisions (if any):	Chapter 12 of the PPP Law indicates the different dispute resolution mechanisms that can be determined in PPP contracts (PPP Law Articles 134-143, PPP Law Regulation 137 to 140). In particular, Articles 134-143 of the PPP Law establishes an Expert Committee to resolve dispute as well as the possibility to submit disputes to arbitration.
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)	No
Mediation	Yes
Please provide the relevant legal/regulatory/standard contractual provisions (if any)	Article 138 of the Law establishes the possibility of mediation by the Public Function Secretary. Article 139 establishes the possibility of arbitration (made subject to Mexican law and conducted in Spanish). Article 140 recognizes the general jurisdiction of the courts.
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):	Articles 138 and 139 of the PPP Law and Articles 143 through 145 of the Regulation of the PPP Law. All this refers al well to the Commercial Code. Articles 1415 -1480 of the Commercial Code set the special proceeding for recognition and enforcement of commercial arbitration awards, either domestic or international.

International arbitration	Yes
If yes, please provide the relevant legal/regulatory provisions/standard contractual provisions (if any):	Mexico is a party to the UN Convention on the Recognition and Enforcement of Foreign Arbitral Awards 1958 (New York Convention) and has adopted the UNCITRAL Model Law.
Investor-State arbitration	n/a
If yes, please provide the relevant legal/regulatory provisions/standard contractual provisions (if any):	n/a
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?	Yes
If yes, please specify and provide the relevant legal/regulatory/stand and contractual provisions (if any):	Article 111 of the PPP Law provides that the bankruptcy court, with the assistance of the procuring authority may dictate measures to ensure the continuity of the project.
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/stand and contractual provisions (if any):	Article 92 of the PPP Law requires to include in the PPP contract: "Section IX. The terms and conditions under which the developer must agree with their respective creditors in case of default against them, the temporary transfer of control the developer of the creditors of this company itself, prior authorization of the agency or contracting entity"
50.1. If yes, which of the following options best describes the	No

lender step-in right? (Please select only one): The regulatory framework expressly regulates the lender step-in rights.	
If yes, please specify and provide the relevant legal/regulatory/stand and 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/stand and contractual provisions (if any):	n/a
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/stand and contractual provisions (if any):	Article 92 section IX of PPP Law
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/stand and contractual provisions (if any):	The law specifies a set termination causes but also indicates that these should be included in the PPP contract by the parties: cancellation, abandonment or delay in the work, failure to provide the agreed services, or revocation of the authorizations requested for the project PPP Law, article 122,
51.1. If yes, does the regulatory framework	Yes

<p>(including standard contractual clauses) establish the consequences for the termination of the PPP contract?</p>	
<p>If yes, please specify and provide the relevant legal/regulatory/stand and contractual provisions (if any):</p>	<p>Articles 123 and 124 PPP Law complemented by Articles 124 to 125 of the PPP Law Regulation. This regulation includes the reimbursement to the developer of the performed investments.</p>
<p>Unsolicited Proposals</p>	
<p>34. Are unsolicited proposals in Mexico: (choose only one): Explicitly prohibited by the legal framework? (If prohibited, skip to section F)</p>	<p>No</p>
<p>Explicitly allowed by the legal framework?</p>	<p>Yes</p>
<p>Not regulated by the legal framework, but do happen in practice?</p>	<p>No</p>
<p>Not regulated by the legal framework, and do not happen in practice? (if not done in practice, skip to section F)</p>	<p>No</p>
<p>If the legal framework explicitly prohibits or allows unsolicited proposals, please provide the relevant legal/regulatory provisions</p>	<p>PPP Law Articles 26 to 37 and PPP Law Regulation Articles 43 to 56 allow for and regulate the submission of unsolicited proposals.</p>
<p>35. Does the procuring authority conduct an assessment to evaluate unsolicited proposals? (if not, skip to question 37)</p>	<p>Yes</p>
<p>If yes, please specify and provide the relevant legal/regulatory provisions (if any)</p>	<p>Article 27 and article 28 of the PPP Law establish that only unsolicited proposals fulfilling the requirements contained on article 27 will be analyzed by the procuring entity and this analysis will be conducted during a period of 3 months that can be extended if necessary. Article 29 and 30 further regulate this evaluation process.</p>
<p>35.1. If yes, is there any vetting procedure and/or pre-feasibility</p>	<p>Yes</p>

analysis before fully assessing the unsolicited proposal?	
If yes, please provide the relevant legal/regulatory provisions (if any):	<p>According to article 26 anyone interested in carrying out a public-private partnership project may submit their proposal to the competent federal agency or entity. For the purposes of the previous paragraph, federal agencies or entities may publish in the Journal Federation and on its website, an agreement by which Proposals for public-private partnership projects that they will be willing to receive, specifying at least the sectors, subsectors, geographical areas, type of projects, estimated physical targets, expected start dates, or expected benefits, as well as its linkage with the objectives strategies contained in the National Development Plan and sectoral, institutional, regional and special policies deriving from it (article 43 of the PPP Regulations). In these cases, agencies or entities will only analyze the proposals received that attend the mentioned elements. Also, article 27 and article 28 of the PPP Law establish that only unsolicited proposals fulfilling the requirements contained on article 27 will be analyzed by the procuring entity and this analysis will be conducted during a period of 3 months that can be extended if necessary.</p>
36. Which of the following options best describe how the procuring authority ensures that unsolicited proposals are consistent with existing government priorities? (Please select only one): The procuring authority follows a specific procedure to ensure the consistency of PPPs with other government investment priorities.	<p>No</p>
If yes, please specify and provide the relevant legal/regulatory provisions (if any):	<p>n/a</p>
The regulatory framework requires unsolicited proposals to be among the existing government priorities without establishing specific procedures to achieve that goal.	<p>Yes</p>
If yes, please provide the relevant legal/regulatory provisions (if any):	<p>Article 29 of the PPP Law establishes that “The evaluation of unsolicited proposals will take into consideration, among other aspects that the project is of public interest and provide social returns consistent with the National Development Plan and the sectoral and regional programs”.</p>

The procuring authority does not evaluate unsolicited proposals against existing government priorities.	No
Please elaborate and provide examples:	n/a
37. Does the procuring authority initiate a competitive PPP procurement procedure when proceeding with the unsolicited proposal?	Yes
If yes, please provide the relevant legal/regulatory provisions (if any):	Article 30 and 31 establish that if the procuring entity considers the project suitable it will proceed to hold a public tender applying the general rules of the PPP Law complemented by the specifications of article 31. The exception to the public tender established in article 64 is not applicable for unsolicited proposals.
38. Does the procuring authority grant a minimum period of time to additional prospective bidders (besides the proponent) to prepare their proposals?	Yes
If yes, please provide the relevant legal/regulatory provisions (if any):	Article 31 of the PPP which stating that that time periods will be applied as if it was a regular bid link it to the article 51 of the PPP Law that establishes a minimum of 20 working days (approximately 30 calendar days).
and the time in calendar days:	28
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.	No
39.2 Developer's fee (reimbursing the original proponent for the project development cost).	Yes
39.3 Bid Bonus.	Yes
39.4 Swiss challenge (If unsuccessful, the	No

original proponent has the option to match the winning bid and win the contract).	
39.5 Other.	No
Please specify:	n/a
Please provide the relevant legal/regulatory provisions (if any):	Article 31: Section I establishes the developer's fee and Section V establishes the bid bonus