

PROCURING INFRASTRUCTURE PUBLIC-PRIVATE PARTNERSHIPS 2018 IN SOLOMON ISLANDS

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>While there is no specific law regulating PPPs in the Solomon Islands currently, procuring PPPs shall be in accordance with the following regulations, 1)Public Finance and Audit Act (as last amended January 2014) [hereinafter “PFA Act”]; 2)Public Financial Management Act of 2013 [hereinafter “PMFA Act”]; 3) Financial Instructions issued by the Ministry of Finance [hereinafter “Interim Financial Instructions 2014”] in accordance with Finance Circular 08-2013 and with section 90 of the Public Financial Management Act 2013 Section 4.5.1 of Chapter 7 on Supply Chain Management [hereinafter “Procurement Instructions”] provides, “All officers involved in buying goods and services must act in accordance with the six central principles that guide the use of public resources as detailed in Chapter 1 of the Fis.”; 4) Solomon Island Government Procurement and Contract Administration Manual of April 2013 [hereinafter “Procurement Manual”], which provides, “Chapter 7 of the Solomon Islands Government (SIG) Financial Instructions requires the development of a Procurement Manual and a Contract Administration Manual to assist in the acquisition of goods, works and services by SIG Agencies and Members of Parliament. The main purposes of this manual are as follows:</p> <ol style="list-style-type: none"> 1. To provide guidance and assistance to the Solomon Islands Government Agencies and Members of Parliament to carry out procurement and manage contracts according to the Financial Instructions. 2. To ensure that there is uniformity of processes across the Solomon Islands Government procurements and contract management. 3. To help procurement officers across Solomon Islands Government to better understand the Financial Instructions and its requirements in relations to procurements.”; <p>and 5) Foreign Investment Act (2005)</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.pacii.org/sb/legis/consol_act/pfaaa189/pfaaa189.html http://www.mof.gov.sb/Libraries/2013_PMFA_Documents/Public_Financial_Management_Act_201313.sflb.ashx http://www.mof.gov.sb/ReportsNew/FinancialInstructions/interim_financial_instructions_2014.aspx http://www.mof.gov.sb/Libraries/Financial_Instructions/7_Financial_Instructions_-_Supply_Chain_Management.sflb.ashx http://www.parliament.gov.sb/files/legislation/Bills/2005/The%20Foreign%20Investment%20Bill%202005.pdf</p>
2.1. Are you aware of any reforms (in the regulatory	No

<p>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?</p>	
<p>Please describe:</p>	<p>n/a</p>
<p>2.2 Are ongoing and/or are planned to be adopted AFTER June 1, 2017?</p>	<p>Yes</p>
<p>Please describe:</p>	<p>PPP related legislation and framework, including the establishment of a PPP Unit.</p>
<p>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.</p>	<p>No</p>
<p>If yes, please provide the relevant legal/regulatory provisions:</p>	<p>n/a</p>
<p>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</p>	<p>No</p>
<p>If yes, please provide the relevant legal/regulatory provisions:</p>	<p>n/a</p>
<p>3.3 Besides national defense and other matters of national security, does the regulatory framework explicitly prohibit or restrict PPPs in any of the</p>	<p>No</p>

following sectors?: Energy generation and distribution.	
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	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	Part 1(2) of the PMFA Act identifies the governmental authorities that must abide by its procurement rules and further addresses “accounting officers” and “accountable officers” to implement such rules by further providing, ““accountable officer” means -

<p>Solomon Islands and provide their website(s) (if available):</p>	<p>(a) the Permanent Secretary of a Ministry or a person appointed to act for the Permanent Secretary; or (b) a person in charge of the day to day operations of a Government agency;” “accounting officer” means - (a) a public officer, including a financial controller, who is charged under any Act or by virtue of his appointment with - (i) rendering an account for any public companies; (ii) collecting, receiving or disbursing public or trust money; (iii) the purchase, receipt, custody or disposal of, or accounting for, any public resources; (b) a person appointed or engaged by a Government agency under contract who is charged with a responsibility referred to in paragraph (a); computers and accessories, chattels and other personal property.”</p> <p>Section 1.2 of the Procurement Manual further provide, “The procedures and processes in this manual must be applied by SIG Officials and Members of Parliament in the acquisition of goods, works and services, using public monies (as defined in Article 2 the Public Finance and Audit Act).” The Manual applies “1. To provide guidance and assistance to the Solomon Islands Government Agencies and Members of Parliament to carry out procurement and manage contracts according to the Financial Instructions.”</p> <p>Thus, any public entity as described above may act as a PPP procuring authority, dependent on the relevant sector. For purposes of our case study assumption, the Ministry of Infrastructure Development would be the relevant procuring authority.</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>The Economic Reform and Debt Management Unit of the Ministry of Finance and Treasury assumes the role of a PPP unit in the Solomon Islands http://www.mof.gov.sb/AboutUs/EconomicsUnit.aspx ; http://www.mof.gov.sb/AboutUs/AboutusDebtManagementUnit.aspx</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>No</p>

6.2 PPP capacity building for other public authorities.	No
6.3 PPP promotion among the public and/or private sectors in national and international forums.	No
6.4 Technical support in implementing PPP projects.	Yes
6.5 Identification and selection of PPP projects from the pipeline.	No
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.	Yes
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:	<p>Part 1(2) of the PMFA Act identifies “Minister” as “the Minister responsible for the Ministry of Finance;” and further provides in Section 7 that the Minister shall -</p> <ul style="list-style-type: none"> (a) promote sound fiscal and macroeconomic policies by developing and implementing policy frameworks, supervising and monitoring Government finances and coordinating inter-governmental financial and fiscal resources; (b) ensure appropriate financial management and review of proposals with fiscal and economic implications prior to their consideration by the Cabinet; (c) establish standards of good governance and define the roles of key stakeholders; (d) establish internal control mechanisms that accord with the principles referenced to in section 6(b); and <p>Power to make regulations</p> <p>Part X of the PFA Act provides, “51.—(1) The Minister may make such regulations as appear to him to be necessary and expedient for the proper carrying out of the intent and purposes of this Act and for the safety, economy and advantage of public revenue, public property and stores.</p> <p>(2) Nothing in this Act shall extend to abridge or alter the terms of any trust or shall be construed as authorizing the Minister to make any regulations or as requiring any</p>

	person to obey such regulations in relation to moneys held on trust which contravene or are inconsistent with the terms of such trusts.”
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):	No regulatory basis
8.1. Does the Ministry of Finance or Central Budgetary Authority approve the PPP project before signing the PPP contract?	Yes
If yes, please provide the relevant legal/regulatory provisions (if any):	Section 4.11 of the Procurement Manual provides, “Standard SIG contracts for different types of procurements have been included in the SIG Standard Bidding Documents. Upon receipt of the Tender Award Notification an Agency may prepare the contracts for signing using the Standard SIG Contracts. All Contracts/LPOs/Payment Vouchers valued at more than \$100,000 entered into by any SIG Agency require countersigning by MoFT (Ministry of Finance and Treasury) in order to be effective as a binding contract.”
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,	No

direct and contingent) arising from PPPs.	
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.	No
Please specify:	n/a
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	Parliament
and provide the relevant legal/regulatory provisions (if any):	No regulatory basis

<p>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?</p>	<p>No</p>
<p>If yes, please provide the relevant legal/regulatory provisions (if any):</p>	<p>n/a</p>
<p>10. Does the procuring authority use transaction advisors during the PPP project cycle?</p>	<p>Yes</p>
<p>If yes, please provide the relevant legal/regulatory provisions (if any):</p>	<p>Sections 5.1 and 5.2 of the Procurement Manual provide for the process of resorting to services of either consulting firms or individuals for the competitive tender procedures.</p>
<p>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</p>	<p>No</p>

<p>framework and details a specific procedure to ensure the consistency of PPPs with other public investment priorities.</p>	
<p>If yes, please specify and provide the relevant legal/regulatory provisions (if any):</p>	n/a
<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>	No
<p>If yes, please provide the relevant legal/regulatory provisions (if any):</p>	n/a
<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>	No
<p>If yes, please elaborate:</p>	n/a
<p>The procuring authority does not evaluate PPPs against existing government priorities.</p>	Yes
<p>Please elaborate and provide examples:</p>	No specific PPP procuring framework exists in the Solomon Islands. Furthermore, the advancement of any PPP type project is dependent on the state of public finances.
<p>11.1. Based on your experience, is it always the case that this prioritization is done in practice in accordance with the</p>	n/a

provisions of the regulatory framework described above?	
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)	According to Section 2.3 of the Procurement Manual, and in relation to deciding whether to procure a project, “The need for goods or services arises within a Agency through a number of processes including; <ul style="list-style-type: none"> • Stakeholder consultations or requests. • Programmed developments to meet economic and social objectives. • Ongoing (recurrent) commitments.”
Is there a specific methodology for the assessment?	No
If yes, please elaborate	n/a
Is the assessment done in practice?	No
Details:	Contributors provided there was no clear evidence that this assessment is actually conducted in practice.
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)	Section 2.2 of the Procurement Manual outlines the project procurement for large and complex project and provides that such plan should embody, “• Summary of Proposed Procurement: Background, Scope, Contract Commencement Date, Proposed Procurement Timetable, Contract Term, Funding, Estimated Contract Value and Approval Processes.”

Is there a specific methodology for the assessment?	No
If yes, please elaborate	n/a
Is the assessment done in practice?	No
Details:	Contributors provided there was no clear evidence that this assessment is actually conducted in practice.
12.3. Risk identification, allocation and assessment (risk matrix)	Yes
Relevant legal/regulatory provision (if any)	Section 2.2 of the Procurement Manual outlines the project procurement for large and complex project and provides that such plan should embody, “• Risk Analysis: Identified Risks and Strategies to Manage the Risks;”
Is there a specific methodology for the assessment?	No
If yes, please elaborate	n/a
Is the assessment done in practice?	No
Details:	Contributors provided there was no clear evidence that this assessment is actually conducted in practice.
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)	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
12.5. Financial viability or	Yes

bankability assessment	
Relevant legal/regulatory provision (if any)	No regulatory basis
Is there a specific methodology for the assessment?	No
If yes, please elaborate	n/a
Is the assessment done in practice?	Yes
Details:	The is usually done on a case by case basis
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)	<p>Section 2.2 of the Procurement Manual outlines the project procurement for large and complex project and provides that such plan should embody, “• Procurement Research: Number of respondents, Stakeholder Research, Industry, Environmental Issue and Quality Assurance Requirements.”</p> <p>Moreover, Section 2 of the Environment Act of 1998 provides, ““environmental impact assessment” means the assessment of environmental impact of an existing or proposed development under Part III.” Section 8 discussing an Environmental Report aiming to, “(c) a review of programs and activities carried on by the private sector, public authorities and non-government organisations that have a direct or indirect bearing on the functions of the Division.” Sections 15-33 of the Act furthermore detail the environmental impact assessment process.</p>
Is there a specific methodology for the assessment?	No
If yes, please elaborate	n/a

Is the assessment done in practice?	Yes
Details:	Contributors discuss the lack of expertise in this area of assessments, however it is still conducted.
12.8. Consultation process with affected communities on potential impact of the PPP project	Yes
Relevant legal/regulatory provision (if any)	No regulatory basis
Is there a specific methodology for the assessment?	No
If yes, please elaborate	No
Is the assessment done in practice?	Yes
Details:	The is usually done on a case by case basis
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 included in the request for proposals and/or tender documents:	n/a
13.1. Are the assessments published online?	n/a
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):	<p>Section 4.1 of the Procurement Manual provides,</p> <p>“• Draft Contract: The draft contract should be published along with the bidding documents. The Attorney General must approve the form of all contracts before they are signed, including any draft contracts included in tender bidding documents SIG has issued a set of Standard Tender Bidding Documents and Contracts which should ensure that all necessary terms and conditions have been included and make the process of approval much faster. The SIG Standard Tender Bidding Documents must be used by all Agencies for carrying out tenders for the following types of goods:</p> <ul style="list-style-type: none"> • Procurement of Goods • Procurement of Works • Procurement of Consulting Services • Procurement of Other Services <p>The Standard Tender Bidding Documents may only be altered with prior approval of Permanent Secretary of Finance. If Standard Tender Bidding Documents are not available for the type of goods or services that Agencies are planning to procure then the Tender Bidding Documents should be approved by the MoFT Procurement Unit prior to issuing. Any Draft Contracts included in non-standard Tender Bidding Documents should also be approved by the Attorney General prior to issuing.”</p>
If no, please elaborate	n/a
14.1. Are the tender documents published online?	No
If yes, please provide the relevant legal/regulatory provisions (if any):	n/a
and please specify the website:	n/a
15. In a case comparable to the case study assumptions, have standardized PPP model contracts and/or transaction documents been developed?	No
If yes, please specify and provide a government-	n/a

supported website where the mentioned standards are available or provide an electronic copy of them:	
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)	No regulatory basis
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)	No regulatory basis
16.3. Obtaining the required operational permits: Procuring	No

authority (or other Government entity)	
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
16.4. Obtaining the required land: Procuring authority (or other Government entity)	Yes
Private Partner	No
Private partner with facilitation role assigned to the procuring authority (or other Government entity)	No
To be established in the contract	No
Relevant legal/regulatory provision (if any)	No regulatory basis
16.5. Obtaining the required right of way: Procuring authority (or other Government entity)	Yes
Private Partner	No
Private partner with facilitation role assigned to the procuring authority (or other Government entity)	No
To be established in the contract	No
Relevant legal/regulatory provision (if any)	No regulatory basis
PPP Procurement	
18. Which of the following options	Yes

<p>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.</p>	
<p>If yes, please provide the relevant legal/regulatory provisions (if any):</p>	<p>The Procurement Financial instructions (Chapter 7 Supply Chain Management) provide, “P7 20 Membership and function of Ministerial Tender Boards</p> <p>20.1 The Ministerial Tender Board will consist of the AO (Chair), the Financial Controller (or Chief Accountant if no Financial Controller) and one other senior public officer appointed by the Chair. The membership of each MTB should be advised annually to the Permanent Secretary of Finance.</p> <p>P7 21 Membership and function of Central Tender Board</p> <p>21.1 The Central Tender Board will consist of the PSF (Chair) and three other senior public officers appointed by the Chair.</p> <p>P7 25 Tender and Technical Evaluation Committees</p> <p>25.1 The Tender Evaluation Committee is a small team of specialists from the Ministry which evaluates tenders. The membership of the Tender Evaluation Committee may be different for each contract depending on the nature of the purchase. The AO needs to ensure that:</p> <p>(a) The Technical Evaluation may be conducted by one technical officer only. However, it is recommended that a Technical Evaluation Committee of at least two members be established;</p> <p>(b) At least one technical officer should be one of those involved in the preparation of the tender bidding documents;</p> <p>(c) If designs, specifications or other technical documents have been prepared by a consultancy, such as design engineer, then a member of the consultancy should be a member of the Tender Evaluation Committee.”</p> <p>Furthermore, Section 1.6 of the Procurement Manual provides,</p> <p>“Central Tender Board (CTB): The Central Tender Board consists of the Permanent Secretary of Finance (Chair), and three other senior officers appointed by the Chair. The CTB is responsible for awarding contracts (or granting waivers) by all SIG Agencies valued over \$500,000 SBD. The CTB considers and endorses evaluation reports from Tender Evaluation Committees in the purchasing Agencies.</p> <p>Ministerial Tender Board (MTB): Each Agency will form a MTB consisting of the Accounting Officer (Chair), the Financial Controller (or Chief Accountant), and one other public officer appointed by the Chair. The MTB is responsible for awarding</p>

	<p>contracts (or granting waivers) for that Agency valued over \$200,000 SBD and up to \$500,000 SBD. The MTB considers and endorses Tender Evaluation Reports from a Tender Evaluation Committee.</p> <p>Secretary to the CTB/MTB: Each Tender Board will have a Secretary or Secretariat to carry out various Administrative Duties including reviewing Tender Bidding Documents before advertising to ensure compliant with SIG standards, collating and posting advertisements for Tenders, receiving Tenders, secretarial support during Tender Board meetings, including minutes and other records, issuing of Contract Award Letter and posting of Contract Awards on the MoFT Website.”</p>
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):	<p>Section 4.2 of the Procurement Manual provides, “The Tender Advertisement must be given at least two weeks before the closing date of the Tender. It is recommended that for more complex Tenders (eg. Procurement of Works) the advertisement is placed at least one month before the Tender Closing so that all Tenderers are given sufficient time to prepare tender submissions.</p> <p>All Competitive Tenders are required to be advertised publicly, and the mode of advertising can be determined by the AO of the Purchasing Agency. Most Tenders will be advertised in local newspapers. It is recommended the advertisement is placed a number of times and spaced out appropriately to allow greatest exposure. Other allowable methods of advertising are radio announcements, internet, posters, or a combination of these. Providing equal opportunity to Provincial Based Suppliers should be considered when placing advertisements, and therefore all Tenders should be distributed down to Provincial Level through the Provincial Governments.</p> <p>MoFT has established a Tender Page on the MoFT Website to act as a central point for information on SIG Tenders. This Tender Page will facilitate Tenders where international competition is sought. All CTB and MTB Tenders should be advertised on the Tender Page (http://www.mof.gov.sb/ReportsNew/ProcurementTenders.aspx).</p> <p>Tender Advertisements must be emailed to the CTB Secretariat and approved prior to release to the public.”</p>

19.1. If yes, is the public procurement notice published online?	Yes
If yes, please specify the website:	http://www.mof.gov.sb/ReportsNew/ProcurementTenders.aspx
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):	Section 4.2 of the Procurement Manual provides, "The Tender Advertisement must be given at least two weeks before the closing date of the Tender. It is recommended that for more complex Tenders (eg. Procurement of Works) the advertisement is placed at least one month before the Tender Closing so that all Tenderers are given sufficient time to prepare tender submissions."
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	No
Default	Yes
Relevant legal/regulatory provision (if any)	<p>Procurement Financial Instructions (Chapter 7 Supply Chain Management) provide, "P7 22 Competitive tendering procedures 22.1 Competitive tendering procedures are set out in detail in the Procurement Manual. These FIs and the Procurement Manual need to be read together for a full and complete understanding of competitive tendering procedures of SIG."</p> <p>Section 4.2 of the Procurement Manual provides, "It is crucial when carrying out a competitive tender to give the entire market equal opportunity to compete to provide</p>

	<p>the services to SIG – this must be the primary consideration when issuing the Invitation for Tender.”</p> <p>Section 4.8 of the Procurement Manual provides that the preliminary evaluation shall include, “A preliminary evaluation will be conducted by the Tender Evaluation Committee (TEC) of all Tenders to confirm if they are substantially responsive to the requirements in the Tender Bidding Document. A substantially responsive tender is one which conforms to all the terms and conditions of the Tender Bidding Documents without material deviation...Any tender not meeting the preliminary requirements will not progress to the Detailed Evaluation. It is not possible for Tenderers to provide further information at this stage of the Tender. The reasons for a Tenderer being excluded after the Preliminary Evaluation must be clearly documented on the Preliminary Evaluation Report.”</p> <p>Section 4.9 of the Manual provides, “If a tender has passed the preliminary evaluation the detailed evaluation will then be carried out. The detailed Evaluation is carried out using the Tender Evaluation Summary (Annex 19).”</p>
22.2. Restricted tendering (with pre-qualification stage): Available	Yes
Default	No
Relevant legal/regulatory provision (if any)	Section 4.12 of the Procurement Manual provides, “The following information will be posted on the MoFT website within two weeks of contract signing: (http://www.mof.gov.sb/ReportsNew/ProcurementTenders.aspx): f) The procurement method used in awarding the contract (Competitive Tender, Restricted Tender (3 quotes) or Single Sourcing).” No further details about such procedure are provided.
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	Yes
Default	No
Relevant legal/regulatory provision (if any)	Section 4.12 of the Procurement Manual provides, "The following information will be posted on the MoFT website within two weeks of contract signing: (http://www.mof.gov.sb/ReportsNew/ProcurementTenders.aspx): f) The procurement method used in awarding the contract (Competitive Tender, Restricted Tender (3 quotes) or Single Sourcing)." No further details about such procedure are provided.
22.7 Other. Specify:	No
Available	No
Default	No
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):	Section 4.1 of the Procurement Manual provides, "At a minimum the Tender Bidding Documents must contain the following <ul style="list-style-type: none"> • Specification for Goods or Services to be Procured • Instructions to Tenderers, including <ul style="list-style-type: none"> <input type="checkbox"/> The name of the Responsible Officer in the Procuring Agency who is managing the Tender Process <input type="checkbox"/> Location where tender documents and further information can be obtained <input type="checkbox"/> Office to which tenders should be submitted <input type="checkbox"/> Instructions that all tenders must be in sealed envelopes, unmarked with the name of the Tenderer and tender reference number; <input type="checkbox"/> The manner in which the envelopes must be addressed; <input type="checkbox"/> Closing date for submission of tenders; <input type="checkbox"/> A statement that SIG is not bound to accept the lowest (or highest) Tenderer; <input type="checkbox"/> A statement that failure to comply with the tender instructions may lead to disqualification of the tender; and <input type="checkbox"/> A statement that any attempt by a Tenderer to influence the award of the tender in favour of any Tenderer will lead to disqualification and may lead to criminal proceedings."
If no, please elaborate:	n/a
22.9. Do the tender documents specify	Yes

<p>the prequalification/shortlisting criteria (when applicable) in order to make them available to all the bidders?</p>	
<p>If yes, please provide the relevant legal/regulatory provisions (if any):</p>	<p>Section 4.1 of the Procurement Manual provides, “• Evaluation Criteria & Methodology: The Tender Evaluation Criteria and Methodology must be published in the Tender Bidding Documents so that all Tenderers are aware of how the Tender will be evaluated. Using pre-determined criteria and methodology should assist in ensuring evaluation of tenders is (and is seen to be) professional, fair and unbiased. If the methodology and criteria is not defined in advance then the Tender Evaluation Committee has no framework to use when making a recommendation to award a contract. More details on Evaluation Criteria and Methodology is set out on Section 4.6 below.”</p>
<p>22.10. Based on your experience, is it always the case that the specified criteria are respected in practice?</p>	<p>Yes</p>
<p>If yes, please specify and provide the relevant legal/regulatory provisions (if any):</p>	<p>Contributors confirm that it is amongst the principles of the Financial Instructions and Procurement Manual to have a transparent process and is thus upheld by procuring authorities and governmental entities.</p>
<p>If no, please elaborate:</p>	<p>n/a</p>
<p>23. Can interested parties/potential bidders submit questions to clarify the public procurement notice and/or the request for proposals?</p>	<p>Yes</p>
<p>If yes, please provide the relevant legal/regulatory provisions (if any):</p>	<p>Section 4.3 of the Procurement Manual provides, “Tenderers will at times require clarification of aspects of Tenders such as specifications, Tender Documents and other areas. Any request for clarification must be made in writing to the Responsible Officer designated in the Tender Bidding Documents. In order to ensure transparency and fairness to all Tenderers, the responses to clarifications should be also made in writing and be shared with all potential Tenderers. Providing verbal clarification to potential Tenderers is specifically prohibited. Requests for Clarification should be made no later than 7 calendar days before the closing of the Tender and response should be provided within 3 calendar days of receipt of the request. The time limits above may be varied depending on the time frame of the specific tender.”</p>
<p>23.1. If yes, notwithstanding confidential information</p>	<p>Yes</p>

<p>pertaining to the bidders, does the procuring authority disclose those questions and clarifications to all potential bidders?</p>	
<p>If yes, please provide the relevant legal/regulatory provisions (if any):</p>	<p>Section 4.3 of the Procurement Manual provides, “In order to ensure transparency and fairness to all Tenderers, the responses to clarifications should be also made in writing and be shared with all potential Tenderers. Providing verbal clarification to potential Tenderers is specifically prohibited. Requests for Clarification should be made no later than 7 calendar days before the closing of the Tender and response should be provided within 3 calendar days of receipt of the request. The time limits above may be varied depending on the time frame of the specific tender.”</p>
<p>23.2. Based on your experience, is it always the case that this disclosure of information is done in practice?</p>	<p>Yes</p>
<p>If yes, please specify:</p>	<p>Contributors confirm that it is amongst the principles of the Financial Instructions and Procurement Manual to have a transparent process and is thus upheld by procuring authorities and governmental entities.</p>
<p>If no, please elaborate:</p>	<p>n/a</p>
<p>24. Besides questions and clarifications, can the procuring authority conduct pre-bidding conference?</p>	<p>Yes</p>
<p>If yes, please specify and provide the relevant legal/regulatory provisions (if any):</p>	<p>Section 4.2 of the Procurement Manual provides, “Pre-Bid Conferences: It is recommended that Agencies hold Pre-Bid Conferences for large or complex projects (eg. Works Projects). The Pre-Bid Conference would be used to give information on project specifications to ensure all Tenderers are aware of details and services expected from them. This Conference can also be used to ensure that all possible Tenderers understand the Bidding Documents and will therefore be more likely to submit responsive Tenders.”</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>	<p>No</p>

If yes, please provide the relevant legal/regulatory provisions (if any):	n/a
24.2. Based on your experience, is it always the case that this disclosure of information is done in practice?	n/a
If yes, please specify:	n/a
If no, please elaborate:	n/a
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?	No
If yes, please provide the relevant legal/regulatory provisions (if any):	n/a
If no, please elaborate:	No provisions or practice require such particular financial proposals to be presented.
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):	<p>Section 4.1 of the Procurement Manual provides, “• Evaluation Criteria & Methodology: The Tender Evaluation Criteria and Methodology must be published in the Tender Bidding Documents so that all Tenderers are aware of how the Tender will be evaluated. Using pre-determined criteria and methodology should assist in ensuring evaluation of tenders is (and is seen to be) professional, fair and unbiased. If the methodology and criteria is not defined in advance then the Tender Evaluation Committee has no framework to use when making a recommendation to award a contract. More details on Evaluation Criteria and Methodology is set out on Section 4.6 below.”</p> <p>Section 4.8 of the Procurement Manual provides that the preliminary evaluation shall include, “A preliminary evaluation will be conducted by the Tender Evaluation Committee (TEC) of all Tenders to confirm if they are substantially responsive to the requirements in the Tender Bidding Document. A substantially responsive tender is one which conforms to all the terms and conditions of the Tender Bidding Documents</p>

	<p>without material deviation...Any tender not meeting the preliminary requirements will not progress to the Detailed Evaluation. It is not possible for Tenderers to provide further information at this stage of the Tender. The reasons for a Tenderer being excluded after the Preliminary Evaluation must be clearly documented on the Preliminary Evaluation Report.”</p> <p>Section 4.10 of the Manual provides, “The Tender Submission Checklist - Part 2 (Annex 11) sets out the necessary documentation to be included with a submission to any Tender Board. The Tender Board Secretary must approve the submission before it is presented to the Tender Board. If the report is considered deficient, the Secretary is to highlight the deficiencies using the checklist to the TEC. If the TEC is unwilling to correct the report, it is to be submitted to the Tender Board with a note attached from the Secretary identifying the deficiencies in the report.”</p>
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.	No
Please provide the relevant legal/regulatory provisions (if any):	n/a
The procuring authority does not award a PPP contract	No

if only one proposal is submitted.	
Please provide the relevant legal/regulatory provisions (if any):	n/a
The regulatory framework does not include any provisions.	Yes
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):	Section 4.12 of the Procurement Manual provides, "The following information will be posted on the MoFT website within two weeks of contract signing: (http://www.mof.gov.sb/ReportsNew/ProcurementTenders.aspx): a) The CTB or MTB Reference Number; b) The Purchasing SIG Agency; c) The project name; d) The name of the winning bidder; e) The amount of the contract awarded; and f) The procurement method used in awarding the contract (Competitive Tender, Restricted Tender (3 quotes) or Single Sourcing)."
28.1. If yes, is the public procurement award notice published online?	Yes
If yes, please specify the website:	http://www.mof.gov.sb/ReportsNew/ProcurementTenders.aspx
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):	According to aforementioned Section 4.12 of the Procurement Manual, the Section further provides, "The Secretary of the Tender Board will also provide a written notification to each unsuccessful Tenderer including the above information." Thus contributors confirm that all bidders are informed of the decision to award the contract, accordingly.
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?	No

If yes, please provide the relevant legal/regulatory provisions (if any):	n/a
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?	No
If yes, please provide the relevant legal/regulatory provisions (if any):	n/a
31.1. Based on your experience, is it always the case that this restriction is respected in practice?	n/a
If yes, please specify:	n/a
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)?	No
If yes, please provide the relevant legal/regulatory provisions (if any):	n/a
41.1. If yes, which of the following tools does it include (check all that apply)?: Establishment of a PPP contract management team	n/a
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	n/a
Relevant legal/regulatory provisions (if any):	n/a
Elaboration of a PPP implementation manual or an equivalent document	n/a
Relevant legal/regulatory provisions (if any):	n/a
Establishment of personnel training programs (i.e. initial training and continued training	n/a

throughout the course of the project)	
Relevant legal/regulatory provisions (if any):	n/a
Establishment of a risk mitigation mechanism which considers the evolving nature of risks throughout the project lifecycle (guidelines, specific processes, insurance regime, etc.)	n/a
Relevant legal/regulatory provisions (if any):	n/a
41.2. Which of the following options best describes the required qualifications of the PPP contract management team members? (Please select only one): The membership of the PPP contract management team is specified and/or its members are required to meet detailed qualifications.	n/a
If yes, please specify and provide the relevant legal/regulatory provisions (if any):	n/a
The PPP contract management team members are required to meet sufficient qualification without specific details.	n/a
If yes, please provide the relevant legal/regulatory provisions (if any):	n/a

<p>The PPP contract management team members are not required to meet any specific qualifications.</p>	<p>n/a</p>
<p>Please elaborate and provide examples:</p>	<p>n/a</p>
<p>42. Does the procuring or contract management authority establish a system for tracking progress and completion of construction works under a PPP contract?</p>	<p>Yes</p>
<p>If yes, please provide the relevant legal/regulatory provisions (if any):</p>	<p>Section 6.3 of the Procurement Manual provides, "Certification of the stage of completion for works contracts will need to be carried out in order to make progress payments. The certification should be carried out by a qualified person (eg. engineer) to ensure the quality of the work is as set out in the specifications of the contract. An Inspection Report confirming the stage of completion should be completed and signed and attached to any payment requests."</p>
<p>42.1. If yes, is the PPP contract construction performance information made available to the public?</p>	<p>No</p>
<p>If yes, please provide the relevant legal/regulatory provisions (if any):</p>	<p>n/a</p>
<p>42.2. If yes, is the PPP contract construction performance information made publicly available online?</p>	<p>n/a</p>
<p>If yes, please specify the website:</p>	<p>n/a</p>
<p>43. Does the procuring or contract management authority establish a monitoring and evaluation system of the PPP contract implementation after construction?</p>	<p>No</p>

If yes, please provide the relevant legal/regulatory provisions (if any):	n/a
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	n/a
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	n/a
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	n/a
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	n/a
Relevant legal/regulatory provisions (if any)	n/a
The PPP contract performance	n/a

information must be available to the public	
Relevant legal/regulatory provisions (if any)	n/a
43.2. Is PPP contract performance information made publicly available online?	n/a
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?	No
If yes, please provide the relevant legal/regulatory/standard contractual provisions (if any):	n/a
45.1. If yes, which of the following circumstances are specifically regulated? (check all that apply): Any change in the private partner during an initial period (e.g. construction and first	n/a

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.	n/a
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.	n/a
If yes, please provide the relevant legal/regulatory/standard 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)?	No
If yes, please provide the relevant legal/regulatory/standard contractual provisions (if any):	n/a
46.1. If yes, is an approval from a government authority, other than	n/a

the procuring authority, required?	
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.	n/a
If yes, please provide the relevant legal/regulatory/standard contractual provisions (if any):	n/a
A change in the risk allocation of the contract.	n/a
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.	n/a
If yes, please provide the relevant legal/regulatory/standard contractual provisions (if any):	n/a
A change in the duration of the contract.	n/a
If yes, please provide the relevant legal/regulatory/standard contractual provisions (if any):	n/a
A change in the agreed price or tariff.	n/a
If yes, please provide the relevant legal/regulatory/stan	n/a

standard contractual provisions (if any):	
46.3. Can the procuring authority unilaterally modify a PPP contract?	n/a
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	No
If yes, please provide the relevant legal/regulatory/standard contractual provisions (if any):	n/a
Material Adverse government action .	No
If yes, please provide the relevant legal/regulatory/standard contractual provisions (if any):	n/a
Change in the Law.	No
If yes, please provide the relevant legal/regulatory/standard contractual provisions (if any):	n/a
Refinancing.	No
If yes, please provide the relevant legal/regulatory/standard contractual provisions (if any):	n/a
Subcontracting and replacement of the subcontractors.	No

If yes, please provide the relevant legal/regulatory/standard contractual provisions (if any):	n/a
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):	No regulatory basis
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)	<p>The different means of settling disputes are left to the discretion of the contracting parties of a PPP contract, and this is standard practice in the Solomon Islands. Furthermore, and in connection with arbitration, Section 28 of the Arbitration Act No. 23/1987 of 1987 permits the government, represented by the Attorney General, to be party to arbitration proceedings according to the Act. Sections 29-30 of this same Act uphold agreements providing that arbitration shall be the means to settle disputes and the provisions of the Act thus shall apply.</p> <p>Resort to international arbitration is permitted, as recognition of foreign awards is accepted according to Foreign Judgments (Reciprocal) Enforcements Act No. 9/1988 of 1988, and investor-state dispute settlement is an option in reference to the Solomon</p>

	Islands acceding to the Convention on the Settlement of Investment Disputes between States and Nationals of Other States (ICISD Convention) on September 8, 1981, which permits investor-state disputes with other signatory parties to the convention.
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):	Section 14 of the Arbitration Act of 1987 provides, “an award on a submission ma, by leave of the Court be enforced in the same manner as a judgment or order to the same effect.” And according to Sections 22 & 27, local courts shall hear cases brought in connection with the filing of awards and rule on their enforcement and clarify the proceedings for such.
International arbitration	Yes
If yes, please provide the relevant legal/regulatory provisions/standard contractual provisions (if any):	According to the Foreign Judgments (Reciprocal) Enforcements Act No. 9/1988 of 1988, which defines “judgments” in Section 2(1) as including any award as a result to arbitration proceedings where under the laws in force in the state it has been issued may be enforced in the same manner as judgments issued by courts. And according to Section 3 of this Act, the relevant Minister may extend such enforcement powers to foreign awards on the basis of reciprocity.
Investor-State arbitration	Yes
If yes, please provide the relevant legal/regulatory provisions/standard contractual provisions (if any):	The Solomon Islands has acceded to the Convention on the Settlement of Investment Disputes between States and Nationals of Other States (ICISD Convention) on September 8, 1981, which permits investor-state disputes with other signatory parties to the convention and enforcement of arbitration awards as a result.
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	No

<p>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?</p>	
<p>If yes, please provide the relevant legal/regulatory/standard contractual provisions (if any):</p>	n/a
<p>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.</p>	n/a
<p>If yes, please specify and provide the relevant legal/regulatory/standard contractual provisions (if any):</p>	n/a
<p>The regulatory framework prescribes that a direct agreement should be signed with the lenders.</p>	n/a
<p>If yes, please specify and provide the relevant legal/regulatory/standard contractual provisions (if any):</p>	n/a
<p>The regulatory framework prescribes that the lender step-in rights should be regulated in the contract.</p>	n/a
<p>If yes, please specify and provide the relevant legal/regulatory/standard contractual provisions (if any):</p>	n/a

Standard contractual provisions (if any):	
Other.	n/a
Please Specify:	n/a
51. Does the regulatory framework (including standard contractual clauses) expressly establish the grounds for termination of a PPP contract?	No
If yes, please specify and provide the relevant legal/regulatory/standard contractual provisions (if any):	n/a
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 Solomon Islands: (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	Yes

in practice, skip to section F)	
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 legal/regulatory provisions (if any):	n/a
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