***Benchmarking Infrastructure 2023***

**Public-Private Partnerships (PPPs) Scoring Methodology**

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| **Thematic Area** | **What is Measured** | **How it is Scored** |
| **Preparation** | The Ministry of Finance or central budgetary authority approves the PPP project before launching the procurement process | **A score of 1** if yes**.** |
| A second approval by the Ministry of Finance or central budgetary authority is required before signing the PPP contract | **A score of 1** if yes**.** |
| Fiscal treatment of PPPs (budgetary, accounting, and/or reporting treatment of PPPs) | **A score of 0.33** for each of the following: PPP BudgetingPPP ReportingPPP Accounting |
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| Prioritization of PPP projects with all other public investment projects (for example, in the context of a national public investment system) to ensure consistency of PPPs with other public investment priorities | **A score of 1** if a specific procedure is detailed in the regulatory framework.**A score of 0.5** if consistency is required only as a general principle. |
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| Socioeconomic analysis (cost-benefit analysis of the socioeconomic impact of the project) | **A score of 1** if required, and a specific methodology has been developed.**A score of 0.5** if required, but no specific methodology has been developed. |
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| Fiscal affordability assessment, including the identification of the required long-term public commitments (explicit and implicit) | **A score of 1** if required, and a specific methodology has been developed.**A score of 0.5** if required, but no specific methodology has been developed. |
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| Risk identification, allocation, and assessment (risk matrix) | **A score of 1** if required, and a specific methodology has been developed.**A score of 0.5** if required, but no specific methodology has been developed. |
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| Comparative assessment to evaluate whether PPP is the best option, compared with other procurement strategies (value-for-money analysis, public-sector comparator) | **A score of 1** if required, and a specific methodology has been developed.**A score of 0.5** if required, but no specific methodology has been developed. |
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| Financial viability or bankability assessment | **A score of 1** if required, and a specific methodology has been developed.**A score of 0.5** if required, but no specific methodology has been developed. |
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| Procurement strategy (quick assessment to plan and better strategize the tendering process in advance so it is fit for purpose) | **A score of 1** if required, and a specific methodology has been developed.**A score of 0.5** if required, but no specific methodology has been developed. |
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| Market sounding and/or assessment (showing evidence of investors’ interest in the market for the project) | **A score of 1** if required, and a specific methodology has been developed.**A score of 0.5** if required, but no specific methodology has been developed. |
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| Market sounding—technological alternatives and innovation | **A score of 1** if required, and a specific methodology has been developed.**A score of 0.5** if required, but no specific methodology has been developed. |
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| Environmental impact analysis | **A score of 0.33** for each of the following: Environmental impact assessment (EIA) is required.A specific methodology for EIA has been developed. A consultation process with affected communities is explicitly included as part of an EIA. |
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| Social impact analysis | **A score of 0.33** for each of the following: Social impact assessment (SIA) is required.A specific methodology for SIA has been developed. A consultation process with affected communities is explicitly included as part of an SIA. |
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| Assessments included in the request for proposals and/or tender documents | **A score of 0.11** for each of the following:Socio-economic assessment Fiscal affordability assessmentRisk identification analysisComparative assessment (value-for-money analysis)Financial viability/bankability assessmentMarket sounding—private-sector interest and capacityMarket sounding—technological alternatives and innovationEnvironmental impact assessmentSocial impact assessment |
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| Assessments published online**\*** | **A score of 0.11** for each of the following:Socio-economic assessmentFiscal affordability assessmentRisk identification analysisComparative assessment (value-for-money analysis)Financial viability/bankability assessmentMarket sounding—private-sector interest and capacityMarket sounding—technological alternatives and innovationEnvironmental impact assessmentSocial impact assessment |
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| Tender documents published online**\*** | **A score of 1** if yes**.** |
| Draft PPP contract included in the request for proposals | **A score of 1** if yes**.** |
| Standardized PPP model contracts and/or transaction documents developed**\*** | **A score of 1** if yes**.** |
| **Procurement** | Bid evaluation committee members are required to meet specific qualifications | **A score of 1** if a specific qualification are detailed in the regulatory framework.**A score of 0.5** if qualifications are required without specific detail. |
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| The procuring authority issues a public procurement notice of the PPP**\*** | **A score of 1** if yes**.** |
| PPP public procurement notice is published online**\*** | **A score of 1** if yes**.** |
| Foreign companies are allowed to participate in the PPP bidding process | **A score of 1** if no prohibition is in place. |
| Further restrictions imposed on foreign company participation in the bidding process | **A score of 1** if none of the following restrictions are imposed on foreign bidders:Requirement to have a local office or branch before being allowed to bid;Requirement to form a joint venture with domestic firm(s) before being allowed to bid;Requirement to have prior experience in the country before being allowed to bid;Threshold for public tenders to be open for foreign participation to be considered international tenders. |
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| The procuring authority grants potential bidders a minimum period of time to submit their bids | **A score of 1** if yes**.** |
| Legally required minimum period of time in calendar days | **A score of 1** if the legally required minimum period of time is at least 60 calendar days.**A score of 0.5** if the legally required minimum period of time is at least 30 calendar days. |
| Procurement procedures are available when procuring PPPs | **A score of 0.33** if an open competitive procedure (single-stage bidding) is available.**A score of 0.33** if a restricted procedure (competitive procedure with prequalification stage) is available.**A score of 0.33** if either competitive dialogue, multi-stage bidding process (other than prequalification), or best and final offer (BAFO) is available. |
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| Direct negotiation restricted to regulated circumstances | **A score of 1** if yes**.** |
| The tender documents detail the procedure of the procurement process, providing the same information to all the bidders. | **A score of 1** if yes**.** |
| The tender documents specify the qualification criteria in order to make them available to all the bidders | **A score of 1** if yes**.** |
| Qualification requirements regulated to ensure competition | **A score of 1** if yes**.** |
| Interested parties/potential bidders can submit questions to clarify the public procurement notice and/or the request for proposals. | **A score of 1** if yes**.** |
| Bidders can suggest innovations / submit variant bids | **A score of 1** if yes**.** |
| Timeframe to address questions & clarifications regulated | **A score of 1** if yes**.** |
| Notwithstanding confidential information, the procuring authority discloses those questions and clarifications to all the potential bidders | **A score of 1** if yes**.** |
| Bid-submission deadline extended if tender documents modified | **A score of 1** if yes**.** |
| Besides questions and clarifications, the procuring authority can conduct a pre-bid conference | **A score of 1** if yes**.** |
| Notwithstanding confidential information, the procuring authority discloses the content and the results of the pre-bid conference to all bidders | **A score of 1** if yes**.** |
| The procuring authority requires the bidders to prepare and present a financial model with their proposals | **A score of 1** if yes**.** |
| The procuring authority evaluates the proposals strictly and solely in accordance with the evaluation criteria stated in the tender documents | **A score of 1** if yes**.** |
| Non-price criteria available for evaluation | **A score of 1** if yes**.** |
| Non-price criteria objective, justifiable & quantifiable | **A score of 1** if yes**.** |
| Price/cost estimate provided to bidders when price is used as part of the evaluation criteria | **A score of 1** if yes**.** |
| When only one proposal is submitted (sole proposals), the procuring authority follows a special procedure before awarding the PPP | **A score of 1** if a specific procedure is detailed in the regulatory framework.  |
| The procuring authority publishes the award notice**\*** | **A score of 1** if yes**.** |
| The public procurement award notice is published online**\*** | **A score of 1** if yes**.** |
| The procuring authority provides all the bidders with the result of the PPP procurement process | **A score of 1** if yes**.** |
| The notification of the result of the PPP procurement process includes the grounds for the selection of the winning bid | **A score of 1** if yes**.** |
| The notification of the result of the PPP procurement process includes the option of holding a debriefing meeting | **A score of 1** if yes**.** |
| There is a standstill period after contract award and before signing the contract in order to allow unsuccessful bidders to challenge the award decision | **A score of 1** if there is a standstill period.  |
| Legally required standstill period in calendar days | **A score of 1** if the legally required period of time is at least 10 calendar days. |
| The standstill period is set out in the notice of intention to award | **A score of 1** if yes**.** |
| The regulatory framework restricts negotiations with the selected bidder between the award and the signature of the PPP contract | **A score of 1** if yes**.** |
| Complaint review mechanism regulated | **A score of 1** if yes**.** |
| Timeframe to resolve complaints regulated | **A score of 1** if yes**.** |
| Decision on complaint subject to appeal | **A score of 1** if yes**.** |
| Decision on complaints reviewed by independent authority | **A score of 1** if yes**.** |
| The procuring authority publishes the PPP contract**\*** | **A score of 1** if yes**.** |
| Aspects of the PPP contract available by request | **A score of 0.5** if any of the following are available:Summary of the PPP contract. Full PPP contract.PPP contract annexes and appendixes.  |
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| Aspects of the PPP contract published online**\*** | **A score of 0.5** if any of the following are available:Summary of the PPP contract. Full PPP contract.PPP contract annexes and appendixes.  |
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| The procuring authority also publishes any subsequent amendment made to the PPP contract**\*** | **A score of 1** if the amendments are available by request and published online. **A score of 0.5** if only available by request. |
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| **Contract Management** | The procuring or contract management authority establishes a system to manage the implementation of the PPP contract | **A score of 1** if yes**.** |
| PPP management tools are available | **A score of 0.2** if a regulatory provision includes the establishment of a PPP contract team. **A score of 0.2** if a regulatory provision includes the participation of the members of the PPP contract management team in the PPP procurement process.**A score of 0.2** if a regulatory provision includes the elaboration of a PPP implementation manual or an equivalent document.**A score of 0.2** if a regulatory provision includes the adoption of training programs. **A score of 0.2** if a regulatory provision includes the adoption of a risk mitigation mechanism. |
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| PPP contract management team members are required to meet specific qualifications | **A score of 1** if specific qualifications are detailed in the regulatory framework.**A score of 0.5** if qualifications are required without specific detail. |
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| The procuring or contract-management authority establishes a system for tracking progress and completion of construction works under a PPP contract | **A score of 1** if yes**.** |
| The procuring or contract management authority makes PPP construction information available to the public**\*** | **A score of 1** if a regulatory provision mandates the availability of PPP construction information to the public. |
| The PPP construction performance information is available online**\*** | **A score of 1** if yes**.** |
| The procuring or contract management authority establishes a monitoring and evaluation system of the PPP contract implementation after construction | **A score of 1** if yes**.** |
| Mechanisms included in the PPP contract’s monitoring and evaluation system | **A score of 0.143** if a regulatory framework provides for the payments to be linked to performance.**A score of 0.143** if the regulatory framework provides for performance to be assessed against evaluation criteria set in the tender documents and the contract.**A score of 0.143** if the regulatory framework establishes the possibility of abating (reducing) payments for non-performance of operating obligations.**A score of 0.143** if a regulatory provision mandates the private partner to provide periodic operational and financial data.**A score of 0.143** if a regulatory provision mandates the procuring or contract-management authority to periodically gather information on the performance of the PPP contract.**A score of 0.143** if a regulatory provision mandates the availability of the PPP contract-performance information to the public.**\*****A score of 0.143** if a regulatory provision mandates the availability of the PPP contract-performance information online.**\*** |
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| Foreign companies are prohibited from repatriating the income resulting from the operations of PPP contracts | **A score of 1** if no prohibition is in place.**A score of 0** if foreign companies are prohibited from repatriating the income resulting from the operations of PPP contracts. |
| The regulatory framework (including standard contractual clauses) expressly regulates a change in the structure (stakeholder composition) of private partner and/or assignment of the PPP contract | **A score of 1** if yes**.** |
| The regulatory framework (including standard contractual clauses) specifically regulates specific circumstances regarding the change in the structure (stakeholder composition) of private partner and/or assignment of the PPP contract | **A score of 0.5** if any change in private partner during an initial period is regulated (e.g., construction and first five years of operation).**A score of 0.5** if a change affecting the controlling interest requires the replacing entity to meet the same technical qualifications as the original operator. |
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| The regulatory framework (including standard contractual clauses) expressly regulates the modification or renegotiation of the PPP contract (once the contract is signed) | **A score of 1** if yes**.** |
| Modification or renegotiation of the PPP contract requires approval from a government authority, other than the procuring authority | **A score of 1** if yes**.** |
| The regulatory framework specifically regulates circumstances regarding modification or renegotiation of the PPP contract | **A score of 0.167** if a change in the scope and/or object of the contract is expressly regulated.**A score of 0.167** if a threshold for a new tender is expressly regulated. **A score of 0.167** if a change in the risk allocation of the contract is expressly regulated.**A score of 0.167** if a change in the financial and/or economic balance of the contract is expressly regulated.**A score of 0.167** if a change in the investment plan or duration of the contract is expressly regulated.**A score of 0.167** if a change in the agreed price or tariff is expressly regulated. |
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| The procuring authority can unilaterally modify the PPP contract | **A score of 1** if unilateral modification without approval from a government authority other than the procuring authority is not possible. |
| The regulatory framework (including standard contractual clauses) expressly regulates circumstances that may occur during the life of the PPP contract | **A score of 0.2** if force majeure is expressly regulated.**A score of 0.2** if material adverse government action is expressly regulated.**A score of 0.2** if change in the law is expressly regulated.**A score of 0.2** if refinancing is expressly regulated.**A score of 0.2** if subcontracting is expressly regulated. |
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| The regulatory framework (including standard contractual clauses) allows for alternative dispute mechanisms to address disputes arising from the implementation of PPP contracts | **A score of 1** if yes**.** |
| Arbitration available for disputes arising from the implementation of PPP contracts | **A score of 1** if domestic and international arbitration is available as ADR.**A score of 0.5** if only domestic arbitration is available as ADR.  |
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| Arbitration awards enforceable by local courts | **A score of 1** if yes**.** |
| Other ADR available besides arbitration (i.e., mediation) | **A score of 1** if yes**.** |
| The regulatory framework (including standard contractual clauses) allows the lenders to take control of the PPP project (lender step-in right) if either the private partner defaults or the PPP contract is under threat of termination for failure to meet service obligations | **A score of 1** if yes**.** |
| Regulation of lender’s step-in rights | **A score of 1** if they are expressly regulated by the regulatory framework.**A score of 0.5** if a direct agreement is expressly required to be signed with the lenders.**A score of 0.5** if they are expressly required to be regulated in the contract.  |
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| The regulatory framework (including standard contractual clauses) expressly establishes the grounds for termination of a PPP contract | **A score of 1** if yes**.** |
| The regulatory framework (including standard contractual clauses) also establishes the consequences for the termination of the PPP contract | **A score of 1** if yes**.** |
| **USP** | The regulatory framework prohibits unsolicited proposals, or USPS are not regulated but do not happen in practice | **Thematic area is not scored** (and expressly stated) when not regulated and not used in practice and when explicitly prohibited. |
| The procuring authority conducts an assessment to evaluate unsolicited proposals | **A score of 1** if yes. |
| The procuring authority conducts a vetting procedure and/or pre-feasibility analysis before fully assessing the unsolicited proposal | **A score of 1** if there is a vetting procedure.  |
| The evaluation assessment ensures that the unsolicited proposal is consistent with the existing government priorities | **A score of 1** if a specific procedure is detailed in the regulatory framework.**A score of 0.5** if the regulatory framework sets such a goal without establishing specific procedures to achieve it. |
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| The procuring authority initiates a competitive PPP procurement procedure when proceeding with the unsolicited proposal | **A score of 1** if yes. |
| The procuring authority grants a minimum period of time to additional prospective bidders (besides the proponent) to prepare their proposals | **A score of 1** if yes. |
| Legally required minimum period of time in calendar days | **A score of 1** if the legally required minimum period of time is at least 90 calendar days.**A score of 0.5** if the legally required minimum period of time is at least 60 calendar days. |