



MAPS

Methodology for Assessing
Procurement Systems

Public Private Partnerships (PPP)/Concessions

SUPPLEMENTARY MODULE

June 2023 (Draft version for piloting)



Contents

- Introduction 3
 - Purpose and Use of the Methodology 3
 - MAPS Analytical Framework..... 3
 - MAPS Module PPPs/Concessions 3
 - Compliance with MAPS Methodology **Error! Bookmark not defined.**
- ASSESSMENT OF PPPs/CONCESSIONS 8
 - Pillar I. Legal, Regulatory, and Policy Framework 8
 - PPP-Indicator 1. The PPP procurement legal framework achieves the agreed principles and complies with applicable obligations 8
 - PPP-Sub-indicator 1(a) Scope of application and coverage of the legal and regulatory framework ... 8
 - PPP-Sub-indicator 1(b) Procedural Requirements..... 9
 - PPP-Sub-indicator 1(c) Advertising rules and time limits 11
 - PPP-Sub-indicator 1(d) Rules on Participation..... 11
 - PPP-Sub-indicator 1(e) PPP Procurement documentation and requirements 12
 - PPP-Sub-indicator 1(f) Evaluation and Award Criteria..... 13
 - PPP-Sub-indicator 1(g) Submission, receipt, and opening of tenders 14
 - PPP-Sub-indicator 1(h) Right to challenge and appeal 15
 - PPP-Sub-indicator 1(i) Contract Management..... 16
 - PPP-Indicator 2. Implementing regulations and tools support the legal PPP/Concessions framework 17
 - PPP-Sub-indicator 2(a) Implementing regulations to define processes and procedures 17
 - PPP-Sub-indicator 2(b) Template contractual clauses and contract conditions for PPPs, and user's guide or manual for procuring entities in the PPP sector 18
 - Pillar II. Institutional Framework and Management Capacity 19
 - PPP-Indicator 3. The PPP system is integrated into the public financial/fiscal debt management system 19
 - PPP-Sub-indicator 3(a) – PPP affordability 19
 - PPP-Indicator 4 – The PPP system requires that decisions are justified, assessed and subject to detailed planning during the preparatory stage 20
 - PPP-Sub-indicator 4(a) – PPP feasibility and assessment 20
 - PPP-Indicator 5. The country has established normative/regulatory function 21
 - PPP-Sub-indicator 5(a) – Status and legal basis of the normative/regulatory function 21
 - PPP-Sub-indicator 5(b) – Organisation, independence and authority..... 21



PPP-Indicator 6. PPP Procuring entities roles and responsibilities are clearly defined and the PPP system has a strong capacity to develop and improve	22
PPP-Sub-indicator 6(a) – Definition of roles and responsibilities of PPP procuring entities	22
PPP-Sub-indicator 6(b) – The PPP system has a strong capacity to develop and improve	22
Pillar III. Public Procurement Operations and Market Practices	24
PPP-Indicator 7. PPP practices achieve stated objectives	24
PPP-Sub-indicator 7(a) – PPP Decision-making and Planning	24
PPP-Sub-indicator 7(b) – Selection and Contracting.....	24
PPP-Sub-indicator 7(c) – Contract Management	25
Indicator 8. Promoting competition in PPPs.....	26
PPP-Sub-indicator 8(a) – Promoting competition in PPPs	26
Pillar IV. Accountability, Integrity and Transparency of the Public Procurement System.....	27
Annexes.....	28
Annex I- MAPS PPP Indicator System	28
Annex II – Links and further information.....	Error! Bookmark not defined.



Introduction

Purpose and Use of the Methodology

The Methodology for Assessing Procurement Systems (MAPS) is intended to provide a harmonised tool for use in the assessment of public procurement systems. The methodology has been designed to enable a country, with or without support of external partners, to assess its procurement system to determine its strengths and weaknesses: the resulting information can serve as the basis for the design of harmonised system development and reform initiatives to improve capacity and to address weaknesses. The assessment provides the country with information it can use to monitor the performance of its system and the success of the reform initiatives in improving performance. In identifying weaknesses in the current system in a country, external partners are also provided with information that helps them determine risks to the funds they provide to partner countries.

The MAPS core methodology provides a comprehensive approach for assessing procurement systems. It defines the structure to conduct a country context analysis, presents a refined indicator system for assessing the quality and performance of the system in terms of outcomes and results and describes the key elements of the assessment process. The assessment report provides context to the assessment and exhibits the detailed results of the evaluation.

MAPS Analytical Framework

The MAPS analytical framework consists of a core assessment methodology and several supplementary modules.

The MAPS core methodology provides a comprehensive approach for assessing procurement systems. It defines the structure to conduct a country context analysis, presents a refined indicator system for assessing the quality and performance of the system in terms of outcomes and results and describes the key elements of the assessment process. The MAPS core methodology is the basis of any MAPS assessment.

Supplementary modules complement the core assessment methodology. The modules focus on specific policy areas of public procurement and can be used by countries depending on their needs. To facilitate a coherent and holistic approach to public procurement assessments and reform, the application of this MAPS module should follow or be embedded in a comprehensive assessment using the MAPS core methodology.

MAPS Module PPPs/Concessions

This module is intended to provide a harmonized tool for use in the assessment of PPPs and Concessions' procurement. In this Methodology and notwithstanding any regional or national terminology which might render the definition narrower, the term "PPPs and Concessions" (sometimes also just "PPPs", for short)



refers to any contractual arrangement between a public entity or authority and a private entity for the provision of a public asset or service in which the private party takes some risk and management responsibility. This is usually the case of Build Operate Transfer (BOT)-type arrangements¹. This type of procurement is subject to the same general principles² of public procurement, even though they may be regulated under either the public procurement law or distinct laws or regulations.

As mentioned above, the modular approach is best utilised when it relies on the results of a preceding comprehensive assessment of the country’s public procurement system using the MAPS core methodology. The findings of this core assessment, when conducted prior to the modular assessment, should be used to ensure a proper understanding of the context and to facilitate a targeted application of this module. It should be stressed that the assessors of this additional module should have adequate expertise and experience in PPPs and Concessions.

The table below highlights the indicators of the core methodology that assess specific aspects pertaining to PPPs and Concessions. It illustrates the information readily available establishing the starting point for the modular based assessment.

MAPS Core Assessment: Indicators specifically linked to PPPs	
Analysis of Country Context	<p>The Analysis of Country Context provides contextual information to ensure that any MAPS assessment is based on a good understanding of the context in which public procurement institutions and other stakeholders operate in a particular country.</p> <p>It focuses on several potentially important factors, all of which are highly relevant to PPP assessments:</p> <ul style="list-style-type: none"> Political, economic, and geostrategic situation of the country Public procurement system and its links with the public financial management and public governance system National policy objectives Public procurement reform
Assessment of Public Procurement Systems	<p>Assessments based on the MAPS core assessment tool provide plenty of information and data on the quality and performance of the country’s public procurement system. The key findings, recommendations, and programs the government is implementing to improve the system are elaborated in the MAPS assessment report and further detailed in annexes.</p> <p>This information is relevant to the assessment of PPP procurement. It should be thoroughly reviewed before and when applying the PPP module to get a complete picture and assess whether a country’s procurement system is sound.</p>

¹ Throughout the document, the term “PPP(s)” refers to and covers both PPPs and Concessions. An increasing number of countries are enshrining a definition of PPPs in their laws, each tailoring the definition to their institutional and legal particularities

² See Core Methodology



Indicator system	Assessment criteria ³
<p>Sub-indicator 1(a) assesses the scope of application and coverage of the legal and regulatory framework. Its purpose is to determine: i) the structure of the regulatory framework governing public procurement; ii) the extent of its coverage; and iii) the public access to the laws and regulations. Amongst others, it seeks to establish whether the public procurement law or other national laws support and regulate the contracting of other forms of public service delivery that are closely related to public procurement, such as public/private partnerships (PPPs), including concessions.</p>	
<p>1(a)</p>	<p>scope of application and coverage of the legal and regulatory framework</p> <p>Sub-indicator 1(a) comprises the following assessment criteria: The legal and regulatory body of norms complies with the following conditions: Is adequately recorded and organised hierarchically (laws, decrees, regulations, procedures), and precedence is clearly established. It covers goods, works, and services, including consulting services for all procurement using public funds. PPPs, including concessions, are regulated. Current laws, regulations and policies are published and easily accessible to the public at no cost.</p>
<p>Sub-Indicator 1(l) assesses whether public procurement principles (e.g. competitive procedures, transparency, fairness, value-for-money decisions) and related laws apply across the entire spectrum of public service delivery, including the award of concession contracts and other forms of PPPs, as appropriate.</p>	
<p>1(l)</p>	<p>Public procurement principles in specialised legislation</p> <p>Sub-indicator 1(l) comprises the following assessment criteria: The legal and regulatory body of norms complies with the following conditions: Public procurement principles and/or the legal framework apply in any specialised legislation that governs procurement by entities operating in specific sectors, as appropriate. Public procurement principles and/or laws apply to the selection and contracting of public private partnerships (PPP), including concessions as appropriate. Responsibilities for developing policies and supporting the implementation of PPPs, including concessions, are clearly assigned.</p>
<p>Sub-indicator 10 (a) seeks to review whether there are forums for dialogue between the government and the private sector.</p>	
<p>10(a)</p>	<p>Dialogue and partnerships between public and private sector</p> <p>Sub-indicator 10(a) comprises the following assessment criteria: The government encourages open dialogue with the private sector. Several established and formal mechanisms are available for open dialogue through associations or other means, including a transparent and consultative process when formulating changes to the public procurement system. The dialogue follows the applicable ethics and integrity rules of the government. *</p>

³ Assessment criteria rephrased according to Report on Public Consultations (12 January 2017)



	The government has programmes to help build capacity among private companies, including for small businesses and training to help new entries into the public procurement marketplace.
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The module is intended to provide the following additional value:

Develop an assessment tool that will contribute towards the evaluation and assessment of procurement systems in PPPs and Concessions. The tool should:

- › Facilitate the development of reform in the PPP/Concessions area and the monitoring of implementation of relevant legal instruments
- › Complement the MAPS core methodology

The module covers the following key issues:

- › Definition/categorizations
- › Legal, regulatory and policy framework (incl. applicable international agreements)
- › Institutional arrangements
- › Identification of attributes (including specific principles) of PPPs and Concessions, in particular linked to risks and impediments during their design and implementation
- › Indicators to assess management capacities for PPPs and Concessions
- › Procurement operations considering the particularities of PPPs and Concessions' procurement cycle
- › Access to remedies and accountability issues
- › Role of private sector (market) and other stakeholders
- › Awareness, communication, and outreach
- › Networking

The module comprises eight (8) indicators and twenty (20) sub-indicators to be assessed. The indicators rest on the four pillars of the MAPS methodology: a) the existing legal and policy framework; b) the institutional framework and management capacities; c) procurement operations and market practices; and d) accountability, integrity, and transparency of the procurement system.

The indicators are expressed in qualitative and/or quantitative terms, as appropriate.

Compliance with MAPS Methodology

This supplementary module assessment must fully comply with the latest version of the methodology. In addition to what is described in this document and annexes, compliance with the methodology includes what is prescribed in the MAPS User's Guide (core MAPS, Section I), as well as in the templates and guidance provided by the MAPS Secretariat.

Both the methodology and all associated material including guidance and templates is available online on www.mapsinitiative.org



The MAPS Secretariat offers support to all users of MAPS including:

- › Advice to country teams for planning and management of a MAPS assessment including quality review of concept notes and terms of references for MAPS assessments
- › Advice to MAPS assessment teams on the MAPS methodology
- › Quality review of MAPS assessment reports (in collaboration with the MAPS Technical Advisory Group) to provide certification of assessments that meet the quality standards specified.
- › A fully self-paced e-learning programme covering all essentials of MAPS freely available to anyone

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ASSESSMENT OF PPPs/CONCESSIONS

Pillar I. Legal, Regulatory, and Policy Framework

Pillar I assesses the existing legal, regulatory, and policy framework for PPPs. It identifies the formal rules and procedures governing PPPs. The practical implementation and operation of this framework is the subject of Pillars II and III.

Pillar I assesses three elements of the legal, regulatory, and policy framework:

1. The supreme legal instrument governing PPPs (laws, acts, decrees) including regulations and other instruments that are of a more administrative nature.
2. Established legal requirements governing the whole procurement process.
3. Existence of PPP-related tools that facilitate the PPP procurement process (such as manuals, template contractual clauses etc).

PPP-Indicator 1. The PPP procurement legal framework achieves the agreed principles and complies with applicable obligations

The indicator covers the different legal and regulatory instruments established at varying levels, from the highest level (international agreements, national law, act, regulation, decree, etc.) to detailed regulation, procedures, and procurement documents formally in use. This indicator is divided into nine sub-indicators (a-i) which are individually assessed.

PPP-Sub-indicator 1(a) Scope of application and coverage of the legal and regulatory framework

The purpose of this sub-indicator is to determine: 1) the structure of the regulatory framework governing PPPs; 2) the extent of its coverage; 3) the public access to the laws and regulations and 4) the extent to which there are any obligations stemming from international agreements.

The assessor should evaluate adequacy of the structure of the legal framework, its clarity, and the precedence of the different instruments. It is important that the legal framework be differentiated between laws, regulations and procedures and that precedence is firmly established to minimize inconsistencies in application. Higher-level instruments normally should be less detailed and more stable. Their modification requires higher levels of authority.



For this reason, the higher a provision is placed in the hierarchy of the legal framework, the more stable it is. This means that lower-level instruments should be chosen to regulate more detailed procedures for implementation that require some flexibility (e.g., thresholds).

The assessor should evaluate the extent to which the legal framework applies to all sectors (transport, water and wastewater, energy, etc) and forms (contractual and institutionalised) of PPPs. In addition, the assessor should assess the extent to which national legislation applies to all public bodies and sub-national governments and entities when national budget funds are used either directly or indirectly.

A particular aspect to evaluate is whether the laws or regulations exclude particular agencies or parts of the public expenditure from the provisions of the law (i.e. the army, defence or similar expenditures, autonomous or specialized publicly-owned enterprises, as well as utility companies with special or exclusive rights). This also includes assessing whether these exclusions are made by law or can be made administratively without public oversight.

Laws and policies can be made accessible by keeping them in places of easy access to the public at no cost. The assessor should verify whether the information is accessible to the public and regularly updated. The responsibility for updating such information should be clearly assigned to a specific body or entity.

Finally, membership in international and/or regional associations or binding international/regional agreements (such as the World Trade Organization (WTO) Government Procurement Agreement (GPA), trade agreements, regional or supranational membership etc.) may result in legal obligations relating to PPPs and may impact the set-up of the PPP system in the country. The assessor should assess 1) the existence of PPP procurement-related provisions in binding international agreements and 2) the consistent reflection of those obligations in national PPP laws and regulations.

PPP-Sub-indicator 1(a): Assessment criteria

The legal and regulatory body of norms complies with the following conditions:

- (a) Is adequately recorded and organised hierarchically (laws, decrees, regulations, procedures) and precedence is clearly established
- (b) Defines PPPs and covers all sectors and all forms of PPPs
- (c) Current laws, regulations and policies are published and easily accessible to the public at no cost
- (d) PPP-related obligations deriving from binding international agreements are consistently adopted in laws and regulations

PPP-Sub-indicator 1(b) Procedural Requirements

This sub-indicator assesses whether the legal framework includes: 1) provisions for use of international or national competition or less competitive methods⁴, as appropriate; 2) provisions on the conduct of negotiations; and 3) provisions on how to deal with unsolicited proposals.

The legal framework should provide an appropriate range of PPP procurement methods.

⁴ Such as negotiated procedure without publication.



The law and regulations should stipulate that international competition should be used as default but also include more detailed provisions regarding the situations in which less competitive procurement methods can be used and ensure that acceptable justification and approval levels are clearly specified.

Negotiations are a natural part of most PPP procurement procedures due to the complex risk allocation scheme between the public and the private sides. Therefore, the law and regulations relevant to the procurement of PPPs should also allow for the use of negotiations during the procurement stage as well as stipulate simultaneously the fashion in which and the conditions under which negotiations can be used. Notwithstanding the pursuit of the goals of efficiency and value for money, the regulation of negotiations should also aim at ensuring that transparency, non-discrimination, and equal treatment are observed.

Additionally, even though private-sector participation is most often contracted through regulated and competitive solicited procurement processes, the alternative of a privately initiated process (unsolicited proposals) should also be provided for in the relevant legislation and be regulated in such a way that participation by new economic operators⁵ is not prohibited either de jure or de facto. The legal framework should have provisions in place relating to the initial assessment of the relevance of the unsolicited proposal to the public interest and the request for further information from the proponent to make a full evaluation to decide to go ahead with the project. In relation to the evaluation process, the entity should take into consideration a variety of elements, such as whether the project necessarily involves intellectual property, trade secrets or other exclusive rights of the proponent.

The procedure followed should include as a minimum a request for expression of interest from any potential economic operator. If there is no interest in the market the contracting entity may proceed with the negotiation with the original proponent. Adversely, if other economic operators express interest, a full selection procedure should follow, with the proponent being invited to take part in the selection. In any case, the legislative provisions relating to unsolicited proposals should ensure that the process is conducted in a transparent and non-discriminatory manner that guarantees equal treatment of all parties (the proponent and any possibly new/interested parties). There should be provisions in place stipulating that elements such as the following are considered: 1) the methodology for determining any costs to be reimbursed to the proponent, should the procurement processes result in an award for a party other than the proponent, 2) the procedure for further developing the project, 3) the allocation of responsibility for developing tender documents, and 4) the purchase of intellectual property rights, if any. The agreement should also include confidentiality provisions.

PPP-Sub-indicator 1(b): Assessment criteria

The PPP procurement methods prescribed are based on competition proportional to the size and complexity.

- (a) The PPP/Concessions legislation should allow for and regulate negotiations in the framework of PPP/concession procurement in a fair, equal, non-discriminatory, and transparent manner.
- (b) The law foresees unsolicited proposals and envisages that they are dealt with in a way that does not restrict de jure or de facto participation and competition by other economic operators

⁵ It should be clarified that the notion of 'economic operators' should be interpreted in a broad manner to include any persons and/or entities which offer the execution of works, the supply of products or the provision of services on the market, irrespective of the legal form under which they have chosen to operate. Thus, firms, branches, subsidiaries, partnerships, cooperative societies, limited companies, universities, public or private, and other forms of entities than natural persons should all fall within the notion of economic operator, whether or not they are 'legal persons' in all circumstances.



PPP-Sub-indicator 1(c) Advertising rules and time limits

This sub-indicator assesses whether: a) the legal framework includes requirements to publish PPP procurement opportunities on an international scale on fora with international access (except in cases where no international participation is anticipated) as a matter of public interest and to promote transparency; b) there is wide and easily accessible publication of business opportunities; and c) there is adequate time provided between publication of opportunities and submission date, consistent with the method and complexity of the procurement, to prepare and submit proposals.

Time between publication of the invitation for prequalification applications, or for an open tender, and the submission of proposals relates to the complexity of the procurement and the level of competition expected. If the PPP is expected to attract international interest and competition, this is a factor to consider. The law and regulations should establish the criteria for setting the minimum time between advertisement and submission of proposals. The timelines should be able to be adjusted accordingly in cases where no international competition is expected.

PPP-Sub-indicator 1(c): Assessment criteria

- (a) Advertising rules should be consistent with the PPP procurement method, nature, and complexity of the PPP and generally similar to the ones included in public procurement rules, including the requirement to adjust accordingly the timeframes based on the level of competition and complexity.

PPP-Sub-indicator 1(d) Rules on Participation

This sub-indicator assesses the policies that regulate participation and selection to ensure that they are non-discriminatory. As a general principle, firms, including qualified foreign firms, should not be excluded from participating in a PPP procurement process for reasons other than lack of qualifications and in accordance with clearly specified rules on eligibility and exclusions.

There may be cases in which the legal framework will allow restrictions that require purchasing from or associating with domestic firms, or mandate inclusion of a minimum locally manufactured content. Many countries also allow price preferences for domestic firms. Such local content requirements or preferences must be in line with the country's international obligations (e.g. WTO-GPA, association agreements, or free trade agreements ratified by the country). Excessive price preferences or other concessions for certain groups of tenderers can deter effective competition and reduce efficiency. The assessor should assess whether the provisions are adequate and justified, so as not to undermine the economy and efficiency of the system.

The regulatory framework should not include the obligation for foreign firms to associate with local firms or to establish subsidiaries in the country as a condition of tendering. These conditions may promote the maintenance of oligopolistic or monopolistic conditions as opposed to promoting local industry development and can be a de-facto barrier to competition. In addition, registration should not be a barrier to participate in a procurement process.

The law should provide for exclusions for criminal or corrupt activities, debarment subject to due process and for the prohibition of commercial relations in cases of criminal activity. Notably, firms or individuals who have been the subject of a conviction by final judgment for one of the following reasons should be



excluded from participation: participation in a criminal organization; corruption as defined in the national law of the contracting authority or the firm/individual; fraud; terrorist offences or offences linked to terrorist activities or inciting or aiding or abetting or attempting to commit such an offence; money laundering or terrorist financing; child labour; and all forms of trafficking in human beings.

The process to reach decisions on administrative debarment (e.g., failure to perform in earlier contracts, etc.) should be clearly defined, including any possible appeals. Other legitimate exclusions (e.g., prohibition of commercial relations by law or adherence to UN Security Council sanctions) should be prescribed.

Participation of publicly-owned enterprises should be governed by rules that create a level playing field for all competitors and should not be subject to preferential treatment on account of subsidies or tax exemptions, etc.

The legal framework should detail the procedures that can be used to assess a tenderer's eligibility and ability to perform a specific contract. This assessment can be combined with the procurement documents as part of the specific procurement, or it can be initiated as a separate exercise that is conducted before full offers are requested.

Since PPPs require highly complex procurement use of pre-qualification as a separate process can make the procurement more efficient by ensuring that only eligible and qualified participants are included. It can also save money by limiting the number of participants incurring the expense of putting together a comprehensive tender and the public resources required to evaluate ineligible or unqualified proposals. Pre-qualification should be defined by procedures to ensure that it is not abused or used as a method for limiting competition by overstating the qualification requirements.

PPP-Sub-indicator 1(d): Assessment criteria

The legal framework meets the following conditions:

- (a) Establishes that participation of interested parties is fair and based on qualification and in accordance with rules on eligibility and exclusions
- (b) Ensures that there are no barriers to participation in the PPP market
- (c) Details the eligibility requirements and provides for exclusions for criminal or corrupt activities, administrative debarment under the law subject to due process or prohibition of commercial relations
- (d) Establishes rules for the participation of publicly-owned enterprises that promote fair competition
- (e) Details the procedures that can be used to determine a tenderer's eligibility and ability to perform a specific contract

PPP-Sub-indicator 1(e) PPP Procurement documentation and requirements

The sub-indicator assesses the degree to which the legal framework specifies the content of procurement documents to enable tenderers to understand clearly what is requested from them and how the procurement process is to be carried out.

PPP procurement documents (including the draft PPP contract) should contain sufficient information to enable the submission of responsive tenders/proposals and to establish the basis for a transparent evaluation and award process. Details of the requirements included in the procurement documents must be neutral and refer to international standard specifications where possible. The legal framework should encourage the use of output based (functional) specifications.



It is important that the content requirements for procurement documents are relevant to making an award decision. Information not needed for the process should not be required as part of the submission. Excessive information and documentation requirements are considered to cost money and can reduce competition or lead to disqualification of potential tenderers because of unnecessary requirements.

PPP-Sub-indicator 1(e): Assessment criteria

The legal framework meets the following conditions:

- (a) Establishes the minimum content of the PPP procurement documents, which should also include the qualification and evaluation methodology and PPP draft contract and requires that content is relevant and sufficient for tenderers to be able to respond to the requirements
- (b) Ensures that documentation, requirements, and specifications do not create a barrier to participation. Provides for the recognition of standards which are equivalent when neutral specifications are not available.

PPP-Sub-indicator 1(f) Evaluation and Award Criteria

This sub-indicator assesses the quality and sufficiency of the legal framework provisions in respect to the objectivity and transparency of the evaluation process.

Pre-disclosed and objective criteria are essential for efficiency, fairness, and transparency in the evaluation of tenders and proposals. Objectivity means that there is little room for subjective interpretation of the criteria by the evaluator. Vague criteria (e.g., award to the tender/proposal most convenient to the interest of the state) are not acceptable.

Evaluating and considering the price alone does not usually ensure value for money in PPPs. The principle of value for money requires the evaluation of relevant costs and benefits, along with an assessment of risks, and non-price attributes and/or life-cycle costs, as appropriate. The legal framework should therefore permit and encourage, the use of price and non-price attributes and/or the consideration of life-cycle costs and environmental/social characteristics, if and when appropriate in the relevant procurement to ensure value for money decisions.

The procuring entity needs to identify the tenderers that meet the qualification criteria stated in the procurement document in accordance with applicable rules on eligibility and exclusions. The submitted tender/proposal needs to be substantially responsive. The contract should be awarded to the tenderer whose tender/proposal has been determined to offer the most economically advantageous tender.

Technical capacity and quality are usually key criteria for the selection of a large number of procurement processes, including PPP procurement. While technical merit can be assessed by a pass/fail review, in some cases a scored evaluation of technical merit against stated criteria is considered necessary to select the most advantageous proposal. The law should specify how this aspect is to be considered.

For cases in which a combination of price/cost and technical quality or other requirements is to be used, the law or regulations should require that the procurement documents state: a) the relative weights to be allocated to the criteria; and b) the way these criteria are combined. When life-cycle costing is used, the method by which the contracting entity will determine the life-cycle costs (e.g. the consideration of net present value) and the data the tenderers must provide to make this determination must be specified.



The regulatory framework should prohibit the use of evaluation and award criteria different from those set out in the procurement documents.

PPP-Sub-indicator 1(f): Assessment criteria

The legal framework mandates that:

- (a) The evaluation criteria are objective, proportional, relevant to the subject matter of the contract, and precisely specified in advance in the PPP procurement documents so that the award decision is made solely based on the criteria stated in the documents
- (b) The use of price and non-price attributes and/or the consideration of life-cycle cost is encouraged, as appropriate, to ensure objective and value for money decisions
- (c) Evaluation criteria must be clearly defined in the PPP procurement process

PPP-Sub-indicator 1(g) Submission, receipt, and opening of tenders

This sub indicator assesses how the legal framework regulates successive stages, when a multi-stage procedure is used, the process of reception of tenders and final tender opening. Public opening of final tenders as well as conducting a briefing to all participants after the end of each phase is a means of increasing transparency to a tendering exercise. In cases in which the law prescribes public opening of final tenders, tenderers or their representatives must be permitted to attend. Opening immediately after the deadline for submission of final tenders diminishes the possibility of loss or alteration of proposals or submissions. The law or regulations should establish the information that should be read and recorded.

Records should be retained and be available for review and audit purposes.

Clarity on how tenders are submitted is critical in minimizing rejection of otherwise compliant proposals. The law and the regulations must give clear provisions in this respect. For example, the number of copies, the sealing and marking of envelopes and in the case of electronic tendering, the security and confidentiality requirements should all be specified.

The tenders must be kept secure and confidential prior to tender opening and until after contract award. The results of the tendering process should be disclosed to all tenderers also taking into account, publication requirements notwithstanding, the legitimate needs for protection of trade secrets and proprietary information and other privacy concerns, as well as the need to avoid disclosing information that can be used by interested parties to distort competition in the procurement process. The legal framework should include definitions and provisions to unambiguously identify and protect specific sensitive information.

PPP-Sub-indicator 1(g): Assessment criteria

The legal framework provides for the following provisions:

- (a) Security and confidentiality of tenders is maintained during negotiations and until after contract award
- (b) The modality of submitting and receiving proposals is well defined to avoid unnecessary rejection of tenders
- (c) Records of proceedings for openings of proposals at each stage are retained and available for review
- (d) Each phase, or successive stage is followed by a briefing to all participants, and it is documented and transparent
- (e) Submission and opening of final tenders in a defined and regulated proceeding immediately following the closing date for final tender submission allowing for the presence of representatives of tenderers
- (f) The results of the tendering process should be disclosed, even though the disclosure of specific sensitive information is prohibited



PPP-Sub-indicator 1(h) Right to challenge and appeal

The purpose of this indicator is to assess whether the legal framework establishes: 1) the right to challenge decisions or actions and to appeal; 2) the matters that are subject to review; 3) the timeframe for such reviews; and 4) the different stages in the review process.

Confidence in a PPP procurement system is a powerful incentive to competition. A fundamental part of this is the establishment of the right to challenge decisions or actions by initiating a review of PPP procurement decisions and to appeal by an efficient and functionally independent process. Even though the first review is normally carried out by the PPP procurement entity, there should be an administrative/judicial review body that is independent from the procuring agency. This means that this body has no direct interest in the procurement process and does not report to the procurement agency and ideally is a separate agency or entity.

The legal framework should provide for the right of a participant in a PPP procurement proceeding to challenge decisions or actions by a procuring entity. This can be done by asking for a review if the participant believes he/she is entitled to claim he/she is or may be harmed because of alleged non-compliance of a decision or action with the provisions of the law.

Applications for a review (challenge) should be submitted to the institution in charge within defined time periods. If the challenges relate to the terms of the solicitation, pre-qualification, or pre-selection, they should be submitted prior to the deadline for presenting tenders. Challenges relating to other decisions or actions should be submitted prior to the entry into force of the procurement contract or within the standstill period following the notification of award, if applicable.

The institution in charge of the review should be required to take appropriate actions within a defined timeframe (e.g., decide if the application shall be entertained or dismissed and if procurement proceedings shall be suspended; notify the applicant and other participants in the procurement proceedings; take and issue its decision).

The legal framework should provide for the right to appeal a decision following a first review to an independent body (appeals body) within specified timelines. This right should extend to cases in which the institution in charge of the review has failed to issue a decision. The appeals body should have the authority to order the suspension of procurement proceedings, dismiss an application where it decides that it is without merit or was not presented within the deadlines set out, and take and issue decisions appropriate in the circumstances. This should include the authority to confirm, overturn, or revise a decision taken by the procuring entity or to prohibit the procuring entity from following a procedure that is not in compliance with the provisions of the law observing defined timeframes. The legal framework should specify the range of available remedies in compliance with good international practice.

Decisions should be public by law and posted in easily accessible places within specified timelines. The publication of decisions enables interested parties to be better informed as to the consistency and fairness of the process. Publications should be in line with legislation protecting sensitive information.



PPP-Sub-indicator 1(h): Assessment criteria

The legal framework provides for the following:

- (a) Participants in procurement proceedings have the right to challenge decisions or actions taken by the procuring entity
- (b) Provisions to respond to a challenge with the administrative review by another body independent from the procuring entity that has the authority to suspend the award decision, grant remedies and includes the right for judicial review
- (c) Rules that establish the matters that are subject to review
- (d) Rules that establish timeframes for the submission of challenges and appeals and for issuance of decisions by the institution in charge of the review and the independent appeals body
- (e) Publication of applications for appeal and decisions in easily accessible places and within specified timeframes

PPP-Sub-indicator 1(i) Contract Management

The purpose of this sub-indicator is to assess whether the legal framework establishes the following: 1) functions and responsibilities for managing contracts; 2) methods and standards to review, assess, issue, and publish contract amendments in a timely manner; and 3) dispute resolution procedures that provide for an efficient and fair process to resolve disputes during the performance of the contract.

To ensure complete and timely implementation of the contract, the following functions and responsibilities for managing contracts should be defined in the legal and regulatory framework:

- › Monitoring of contract performance clauses (including the application of specific environmental management measures etc), of circumstances that may occur during the life of the PPP contract, of modification/renegotiation of the PPP contract, as well as of changes in the structure of the private partner
- › Review, issuance, and publication of contract amendments
- › Examination of invoices and timely processing of payments including administration of guarantees
- › Handling of disputes/termination of contracts
- › Monitoring and reviewing grounds for termination of a PPP contract
- › Lenders step-in rights

The legal framework should determine the conditions for contract amendments and extensions to ensure economy and avoid the arbitrary limitation of competition.

The legislative texts should also include provisions regarding any extensions of financing as well as provisions relating to the substitution of the concessionaire by a new entity or person appointed to perform under the existing concession contract upon serious breach by the concessionaire or other events that could otherwise justify the termination of the concession contract or other similar circumstances

Additionally, the legislative provisions should regulate the circumstances under which a contracting authority has the right to temporarily take over the operation of the facility for the purpose of ensuring the effective and uninterrupted delivery of the service in the event of serious failure by the concessionaire to perform its obligations and to rectify the breach within a reasonable period of time after having been given notice by the contracting authority to do so.



Disputes during the performance of a contract are a common occurrence. Naturally, disputes can be resolved through judicial proceedings. In some countries, litigation may however take very long, sometimes years, and the costs may be deterrent. To avoid long delays in resolving disputes, it should be the policy of the country to accept alternative dispute resolution (ADR). Methods of ADR refer to any means of settling disputes outside of the courtroom. Arbitration and mediation are two major forms of ADR.

A framework should be in place that provides for fair and timely resolution including procedures to enforce the outcome of a dispute resolution process. For example, there should be an Arbitration Law in the country and the law should be consistent with generally accepted practices for neutrality of arbitrators, due process, expediency, and enforceability. The country could accept as a matter of course international arbitration as appropriate. The following are some proposed examples providing for enforcement of the outcome of an arbitration process: a) the country is a member of the New York Convention on enforcement of international arbitration awards; and b) the country has procedures to enable the winner in a dispute to seek enforcement of the outcome by going to the courts.

PPP-Sub-indicator 1(i): Assessment criteria

The legal framework provides for the following:

- (a) Functions for undertaking contract management are defined and responsibilities are clearly assigned.
- (b) The PPP contract includes clauses that deal with:
 - the regulation of a change in the structure of the private partner
 - lenders' step-in rights
 - termination of the contract
 - dispute resolution
- (c) Regulation of contract modification or renegotiation (including contract extensions) preventing significant change in risk allocation in the original contract.

PPP-Indicator 2. Implementing regulations and tools support the legal PPP/Concessions framework

This indicator verifies the existence, availability, and quality of implementing regulations, operational procedures, handbooks, model procurement documentation, and template contractual clauses. Ideally the higher-level legislation provides the framework of principles and policies that govern PPPs. Lower-level regulations and more detailed instruments supplement the law, make it operational, and indicate how to apply the law to specific circumstances. This indicator consists of two sub-indicators (a-b).

PPP-Sub-indicator 2(a) Implementing regulations to define processes and procedures

This sub-indicator aims at verifying the existence and accessibility of regulations to the law that further detail and clarify its application. Regulations are an important aspect of a PPP system as they provide the detail that explains and enables the application of the legal framework in a variety of applications. Regulations should be available to the public.



PPP-Sub-indicator 2(a): Assessment criteria

The legal framework provides for the following:

- (a) There are regulations that supplement and detail the provisions of the procurement law, and do not contradict the law
- (b) Responsibility for maintenance of the regulations is clearly established and the regulations are updated regularly

PPP-Sub-indicator 2(b) Template contractual clauses and contract conditions for PPPs, and user's guide or manual for procuring entities in the PPP sector

This sub-indicator focuses on PPP model contractual clauses covering as many sectors as possible that set forth the basic provisions which will be included in a PPP contract. Model contractual clauses create level playing fields, promote competition, facilitate negotiations between tenderers and prospective lenders and investors and increase confidence in the system. They may also be useful for ensuring consistency in the treatment of issues common to most projects in a given sector.

Additionally, procurement manuals are an important implementation tool that can help provide staff with information that incorporates the law, policy and procedures and helps turn policy into practice. Creating a manual or user's guide is often a function of a normative/regulatory body and can help create a consistency of application within the government procurement system. Although not a substitute for training, a manual can contribute to building and maintaining capacity and provides an easy reference for users. Guidance should be specific and comprehensive.

PPP-Sub-indicator 2(b): Assessment criteria

The legal framework provides for the following:

- (a) There are standard and mandatory sets of contractual clauses or templates that are reflective of the legal framework and cover a wide range of sectors. These clauses can be used in documents prepared for competitive tendering and they are generally consistent with international accepted practice
- (b) The documents are kept up to date with the responsibility for preparation and updating clearly assigned
- (c) There is a comprehensive procurement manual(s) explaining how to implement PPP laws/regulations
- (d) Responsibility for maintenance of the manual is clearly established and the manual is updated regularly



Pillar II. Institutional Framework and Management Capacity

Pillar II looks at how the PPP procurement system as defined by the legal and regulatory framework in a country is operating in practice through the institutions and management systems that are part of the overall public sector governance in the country.

Pillar II determines the PPP procurement system's suitability to discharge the obligations prescribed in the law without gaps or overlaps. It assesses: 1) whether adequate links with the country's public finance management system exist; 2) whether institutions are in place in charge of necessary functions; and 3) whether the managerial and technical capacities are adequate to undertake efficient and transparent PPP procurement processes.

PPP-Indicator 3. The PPP system is integrated into the public financial/fiscal debt management system

This indicator focuses on the degree of integration of the procurement system with the public financial management system. There is one sub-indicator (a) to be assessed under indicator 3.

PPP-Sub-indicator 3(a) – PPP affordability

Assessing the full potential costs of PPPs can be a challenging task. This can create significant fiscal risk for governments. To avoid this pitfall, governments need to assess fiscal affordability when they appraise a PPP project so that they do not go to market with projects they cannot afford in the long term. Close integration with the budget process is essential to elucidate whether and when the project is affordable. That is why the decision to undertake projects under a PPP structure should be the responsibility of a defined entity within the government, usually the Ministry of Finance or a relevant agency or PPP unit, which according to regulatory provisions, is in charge of analysing fiscal affordability and feasibility of PPPs. This process should normally include financial comparisons between the contract liabilities and the total projected tax revenue per year of the contracting government; comparison between the commitments assumed and the fiscal budget assigned per year to the contracting or paying agency, whilst clearly indicating the availability of budgetary space to accommodate the direct liabilities, as well as the provisions required to address the contingent commitments, and; identification of specific regulatory limitations.

In cases where the PPP is mainly paid directly by the public authorities the payment mechanisms should be subject to the public financial management as applicable to other public expenditure. See core Methodology Pillar II Indicator 4 "The public procurement system is mainstreamed and well integrated into the public financial management system".

PPP-Sub-indicator 3(a): Assessment criteria

- (a) The responsibility to decide on using a PPP structure is supported by fiscal affordability assessments consistent with public investment priorities



PPP-Indicator 4 – The PPP system requires that decisions are justified, assessed and subject to detailed planning during the preparatory stage

This indicator focuses on the preparatory stage of a PPP, and it is based on the assertion that, along with the previous indicator, a thoroughly examined preparatory stage is a sine qua non condition of a good PPP. There is one sub-indicator (a) to be assessed under indicator 4.

PPP-Sub-indicator 4(a) – PPP feasibility and assessment

Once the fiscal affordability of a PPP is confirmed, the PPP appraisal may be taken further to the preparatory stage with the objective of the assessment of commercial viability and value for money of the project. This will include the identification and allocation of risks, the determination of the bankability of the project as well as the outcome of a market assessment, all of which will allow the government to complete its business case.

As a first step, the government must decide whether, for a particular project, a PPP structure or traditional procurement would be the best option. The decision to use a PPP structure should not be reached on grounds such as moving spending off budget and/or moving debt off balance sheet and creating contingent and future liabilities, but rather through the analysis of the potential of efficiency of the public service and the value-for-money to be expected from a PPP type solution. This assessment should also be in line with public investment priorities.

While the field of PPP feasibility and assessment is key to a successful PPP procurement, it covers a broad range of topics that may go well beyond the procurement lens taken in this module. The assessor may consider, as an aid to his/her assessment, other relevant sources which provide more extensive guidance on this topic⁶.

It is also important that this assessment resulting in the decision to undertake projects under a PPP structure is coordinated with the entity within the government that is responsible for the fiscal affordability assessment (usually the Ministry of Finance or a relevant agency or PPP unit).

PPP-Sub-indicator 4(a): Assessment criteria

The legal and regulatory framework and systems provide for the following:

- (a) PPP decisions are supported by a business case, including risk identification, financial viability assessment and market assessment during the preparatory stage.
- (b) The decision to undertake projects under a PPP structure or through classic public procurement is preceded by a feasibility assessment from an economic standpoint reflecting the business case and in coordination with the entity in charge of the fiscal affordability assessment within the government.

⁶ On this, see, amongst others, guidance developed by EPEC (<http://www.eib.org/epec/>), the PPIRC (<http://ppp.worldbank.org/public-private-partnership/>), UNECE (<https://www.unece.org/icoeppp.html>), the OECD (for example, the OECD Recommendation on Principles for public governance of PPPs found at <http://www.oecd.org/governance/oecd-recommendation-public-privatepartnerships.htm>)



PPP-Indicator 5. The country has established normative/regulatory function

This indicator refers to the normative/regulatory functions within the public sector and the proper discharge and coordination of them. It is common that such functions are sector-specific. The assessment of the indicator focuses on the existence, independence, and effectiveness of the functions and the degree of coordination between responsible organizations. Depending on the institutional set up chosen by a country, one institution may be in charge of all normative and regulatory functions. In other contexts, key functions may have been assigned to several agencies, e.g., one institution may be responsible for policy, while another might be responsible for training or statistics. As a general consideration, the normative/regulatory function should be clearly assigned without gaps and overlaps. The function should be performed as a well-coordinated joint effort. There are two sub-indicators (a-b) to be assessed.

PPP-Sub-indicator 5(a) – Status and legal basis of the normative/regulatory function

The normative/regulatory function and its responsibilities are created by the legal and regulatory framework. This is to ensure that the institution entrusted with the functional responsibilities has an appropriate level of authority which enables it to function effectively.

PPP-Sub-indicator 5(a): Assessment criteria

- (a) The legal and regulatory framework specifies the normative/regulatory functions and assigns appropriate authorities (formal powers) to enable the institutions to function effectively or the normative/regulatory functions are clearly assigned to various units within the government.
- (b) The functions that should be covered and performed by one or several agencies include provision of procurement advice to procuring entities, drafting of procurement policies, proposing changes/drafting amendments to the legal and regulatory framework and reporting on PPPs to the parts of government.

PPP-Sub-indicator 5(b) – Organisation, independence and authority

The normative/regulatory functions need to have such level and authoritative standing in government to be effective, including a degree of independence to enable them to carry out their responsibilities without interference or pressure, in particular from infrastructure operators and public service providers. An important element to assess independence is the employment of highly competent and qualified staff members, who could consequently make well-informed decisions and judgment calls that are not biased or the result of undue third-party influence.

The normative/regulatory functions should be free from possible conflicts of interest, which also refer to the fact that the authority to regulate infrastructure services should not be entrusted to entities that indirectly or directly provide infrastructure services. Even the appearance of a conflict of interest may undermine confidence in the system and needs to be resolved. The functions' responsibilities should therefore provide for separation of duties and clarity, i.e. be structured in a way that conflict of interest is avoided. Some functions are not compatible. Furthermore, individuals should not be directly involved in procurement operations (e.g., by being member of evaluation committees) and at the same time be in charge of monitoring/auditing procurement practices or acting on behalf of an appeals body.



Finally, the normative/regulatory institution(s) or the institutions entrusted with the normative/regulatory tasks should have a defined set of responsibilities, such as those included in criterion (c) below.

PPP-Sub-indicator 5(b): Assessment criteria

- (a) Regulatory competence is entrusted to functionally independent bodies with a level of autonomy sufficient to ensure that their decisions are taken without political interference or inappropriate pressures from infrastructure operators and public service providers.
- (b) The normative/regulatory institution is free from conflicts of interest.
- (c) One or several agencies (without creating gaps or overlaps in responsibility) are clearly entrusted with tasks pertaining to provision of advice to procuring entities, drafting of procurement legislation and procurement policies, monitoring, reporting as well as developing and supporting capacity-building on PPP procurement.

PPP-Indicator 6. PPP Procuring entities roles and responsibilities are clearly defined and the PPP system has a strong capacity to develop and improve

This indicator assesses whether the legal and regulatory framework clearly defines the institutions that have PPP procurement responsibilities and authorities. There are two one sub-indicators (a-b) to be assessed.

PPP-Sub-indicator 6(a) – Definition of roles and responsibilities of PPP procuring entities

The legal and regulatory framework should clearly define the responsibilities of procuring entities. Responsibilities typically range from procurement planning to managing all stages of the PPP procurement process in accordance with the law.

Staff involved in the procurement of PPPs should be immune from political interference and act as the lead in procurement issues.

PPP-Sub-indicator 6(a): Assessment criteria

- (a) PPP procuring entities, their responsibilities, and competencies as well as accountability for their decisions are clearly defined in the legal framework

PPP-Sub-indicator 6(b) – The PPP system has a strong capacity to develop and improve

This sub-indicator analyses whether there are permanent and relevant training programs for new and existing staff in PPP procurement, including whether there is an established practice within relevant PPP units/entities or government branches to participate in international fora to develop the skills and knowledge of their staff dealing with PPPs. Membership in PPP hubs or centres, such as EPEC, UNECE International PPP Centre of Excellence, or even subscription to relevant websites or publications will also be part of this assessment. The sub-indicator will also look at what processes and procedures relevant PPP units/entities have developed to learn from experience, to reduce future risks and failures. This is



important not only for the government and relevant PPP units/entities but also for private sector stakeholders. Finally, this sub-indicator will also take into consideration possible PPP staff/officials exchange program agreements that the relevant governments might have concluded with other countries in this field.

PPP-Sub-indicator 6(b): Assessment criteria

There are systems in place that provide for:

- (a) Substantive permanent training programmes of suitable quality and content for the needs of the system that facilitate capacity building for PPP entities.
- (b) Feedback loops to learn from past experiences and membership or participation in expert groups or fora where exchange of experience and knowledge sharing can be accomplished at national or international level.



Pillar III. Public Procurement Operations and Market Practices

This Pillar looks at the operational efficiency, transparency, and effectiveness of the PPP procurement system in practice. In addition, it looks at the market as one means of judging the quality and effectiveness of the system when putting procurement procedures into practice. This Pillar focuses on how the procurement system in a country operates and performs in practice.

PPP-Indicator 7. PPP practices achieve stated objectives

The objective of this indicator is to collect empirical evidence on how procurement principles, rules, and procedures formulated in the legal and policy framework are being implemented in practice. This indicator focuses on procurement-related results which in turn impact, amongst others, value for money, improved service delivery and trust in government.

The assessment of Indicator 7 requires the selection and review of a sample of actual transactions.

PPP-Sub-indicator 7(a) – PPP Decision-making and planning

During the planning stage of PPPs, the basic conditions governing the entire procurement process are established and it is right at the onset of the procurement process where the influence on achieving defined objectives is highest.

The sub-indicator assesses whether a thorough feasibility, risk and needs analysis have been conducted followed by market research to identify optimal PPP structures and strategies. It evaluates whether the desired impacts have been defined and if these are in line with national policy (fiscal and investment) objectives. It should be assessed whether requirements and/or desired outcomes of the individual procurement have been clearly described either in tight specifications or through an output/outcome-based definition of requirements (functional specifications).

PPP-Sub-indicator 7(a): Assessment criteria

- (a) PPP decisions and structures are consistent with/aligned with investment and fiscal policies.
- (b) Financial and economic feasibility analysis, risk identification and market research guide the identification of optimal PPP structures.
- (c) The requirements and desired outcomes of contracts are clearly defined.

PPP-Sub-indicator 7(b) – Selection and contracting

This sub-indicator focuses on the objective of achieving value for money through appropriate determination of procurement methods for PPPs and approaches, competition, transparency, and fairness in selecting tenderers, including the quality of procurement documents and process efficiency.



The sub-indicator assesses whether procurement methods used, which should normally include a pre-qualification stage, comply with existing legislation as well as the extent to which procurement has followed a competitive procedure (or a less competitive one). It provides specific information on the use of procurement methods authorized in the law. The sub-indicator also assesses whether procedures for tender submission, receipt and opening have resulted in an appropriate level of competition.

Moreover, the sub-indicator assesses whether appropriate and fair techniques have been applied in the tender evaluation and award stage to determine best value for money and whether the entire selection process has been carried out effectively, efficiently and in a transparent way.

PPP-Sub-indicator 7(b): Assessment criteria

- (a) PPP procurement methods are chosen, documented, and justified in compliance with the legal framework.
- (b) Clear and integrated PPP procurement documents are used to encourage broad participation from potential competitors
- (c) Procedures for tender submission, receipt and opening are clearly described in the procurement documents and complied with
- (d) The composition of the evaluation committee includes experts with experience in the field relevant to the subject-matter of the tender-in-question, who can evaluate PPP proposals.
- (e) Throughout the tender evaluation and award process, confidentiality is ensured, and appropriate techniques are applied to determine best value for money based on the criteria stated in the procurement documents
- (f) The selection and award process is carried out effectively, efficiently and in a transparent way.
- (g) Contract awards are announced as prescribed.
- (h) Negotiations with the selected tenderer before contract signing are conducted in a transparent, fair, and traceable way without affecting essential requirements of the tender.

PPP-Sub-indicator 7(c) – Contract management

This sub-indicator assesses the extent to which PPPs procured are delivered according to the contract agreement in terms of time, quality, cost, and other conditions stated in the contract to support the efficient and effective delivery of public services. The sub-indicator assesses cost overruns and any potential re-allocation of risks during contract implementation. It also reviews whether opportunities for the improvement of PPP procurement practices are analyzed based on both metrics and stakeholder feedback.

PPP-Sub-indicator 7(c): Assessment criteria

- (a) PPPs are implemented as per the contract, including timeline, payments, and quality of results.
- (b) Competent public authorities monitor PPP implementation, as required.
- (c) Contract modifications do not substantially modify the risk allocation as foreseen and defined in the original contract.
- (d) Contract extensions and any changes to the structure of the private partner are in line with the legal requirements and approved by competent authorities.
- (e) Contract management records are complete, accurate and easily accessible.



Indicator 8. Promoting competition in PPPs

PPP private partners are usually drawn from the international marketplace after the conduct of international competition. What will be assessed under this indicator is the ability of the country, which will be exemplified through its practices, to make itself an attractive and desirable PPP partner due to its practice of promoting wide and fair competition. Furthermore, this indicator is going to look into whether the conclusion of excessively long contracts is a common occurrence in the system of the country and to what extent this practice de facto restricts access to new participants, which may impact the quality-of-service delivery and/or result in excessive costs to the end-users.

PPP-Sub-indicator 8(a) – Promoting competition in PPPs

This sub-indicator assesses whether there are any major systemic constraints inhibiting the private sector's capacity to access the PPP market.

Participation in competition for public contracts depends on many conditions, including some that are controlled or within the control of the government. Examples for measures that can improve access by the private sector to the government marketplace are:

- › Procurement methods and procedures that are proportionate to the risk and value in question.
- › Reasonable contracting provisions that are seen to fairly distribute risks associated with performance of contracts.
- › Avoiding the systematic extension of expiring concessions and PPP contracts.
- › Effective appeals mechanism and dispute resolution.

Alternatively, when the conditions are difficult for the private sector, the degree of competition will suffer. The narrative of the assessment should describe the main constraints.

PPP-Sub-indicator 8(a): Assessment criteria

- (a) There is sufficient competition in PPP tendering processes
- (b) There are no major systemic constraints, including excessively long PPP contracts in terms of duration, inhibiting access to the PPP market to new private sector participants



Pillar IV. Accountability, Integrity and Transparency of the Public Procurement System

Pillar IV contains indicators and sub-indicators that do not pertain to specific types of public procurement; rather, they cover fields relevant to both simpler and more complex types of procurement, ranging from procurement of services and off-the-shelf goods to procurement of PPPs and Concessions.

With that in mind, assessors should make sure that the results of the core MAPS assessment are valid also for PPPs and report on any discrepancies or any result of the Core MAPS assessment in Pillar IV that does not cover PPPs.

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Annexes

Annex I- MAPS PPP Indicator System

Pillar I – Legal, Regulatory, and Policy Framework	
1	The PPP procurement legal framework achieves the agreed principles and complies with applicable obligations
	1(a) Scope of application and coverage of the legal and regulatory framework
	1(b) Procedural Requirements
	1(c) Advertising rules and time limits
	1(d) Rules on Participation
	1 (e) PPP Procurement documentation and requirements
	1(f) Evaluation and Award Criteria
	1(g) Submission, receipt, and opening of tenders
	1(h) Right to challenge and appeal
	1(i) Contract Management
2	Implementing regulations and tools support the legal PPP/Concessions framework
	2(a) Implementing regulations to define processes and procedures
	2(b) Template contractual clauses and contract conditions for PPPs, and user's guide or manual for procuring entities in the PPP sector
Pillar II – Institutional Framework and Management Capacity	
3	The PPP system is integrated into the public financial/fiscal debt management system
	3(a) – PPP affordability
4	The PPP system requires that decisions are justified, assessed and subject to detailed planning during the preparatory stage
	4(a) – PPP feasibility and assessment
5	The country has established normative/regulatory function



	5(a) – Status and legal basis of the normative/regulatory function
	5(b) – Organisation, independence, and authority
Pillar III – Procurement Operations and Market Practices	
7	PPP practices achieve stated objectives
	7(a) – PPP Decision-making and planning
	7(b) – Selection and contracting
	7(c) – Contract management
8	Promoting competition in PPPs
	8(a) – Promoting competition in PPPs

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