

## Benchmarking Infrastructure Development 2020 Public-Private Partnerships (PPPs) Scoring Methodology

Thematic area	What is measured	How it is scored	New and Reformulated Questions
Preparation	The Ministry of Finance or central budgetary authority approves the PPP project before launching the procurement process	<b>A score of 1</b> if yes.	
	A second approval by the Ministry of Finance or central budgetary authority is required before signing the PPP contract	<b>A score of 1</b> if yes.	
	Fiscal treatment of PPPs (budgetary, accounting and/or reporting treatment of PPPs)	<b>A score of 0.33</b> for each of the following: PPP Budgeting PPP Reporting PPP Accounting	
	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	<b>A score of 1</b> if a specific procedure is detailed in the regulatory framework. <b>A score of 0.5</b> if consistency is required only as a general principle.	
	Socioeconomic analysis (cost-benefit analysis of the socioeconomic impact of the project)	<b>A score of 1</b> if required and a specific methodology has been developed. <b>A score of 0.5</b> if required but no specific methodology has been developed.	
	Fiscal affordability assessment, including the identification of the required long-term public commitments (explicit and implicit)	<b>A score of 1</b> if required and a specific methodology has been developed. <b>A score of 0.5</b> if required but no specific methodology has been developed.	
	Risk identification, allocation, and assessment (risk matrix)	<b>A score of 1</b> if required and a specific methodology has been developed. <b>A score of 0.5</b> if required but no specific methodology has been developed.	
	Comparative assessment to evaluate whether PPP is the best option, compared with other procurement strategies (value-for-money analysis, public-sector comparator)	<b>A score of 1</b> if required and a specific methodology has been developed. <b>A score of 0.5</b> if required but no specific methodology has been developed.	
	Financial viability or bankability assessment	<b>A score of 1</b> if required and a specific methodology has been developed. <b>A score of 0.5</b> if required but no specific methodology has been developed.	

\* Areas included in the calculation of the Disclosure of Information scores.

Thematic area	What is measured	How it is scored	New and Reformulated Questions
<b>Preparation</b> <i>(cont'd)</i>	Procurement strategy (quick assessment to plan and better strategize the tendering process in advance so it is fit for purpose)	<b>A score of 1</b> if required and a specific methodology has been developed. <b>A score of 0.5</b> if required but no specific methodology has been developed.	New
	Market sounding and/or assessment (showing evidence of investors' interest in the market for the project)	<b>A score of 1</b> if required and a specific methodology has been developed. <b>A score of 0.5</b> if required but no specific methodology has been developed.	
	Market sounding—technological alternatives and innovation	<b>A score of 1</b> if required and a specific methodology has been developed. <b>A score of 0.5</b> if required but no specific methodology has been developed.	New
	Environmental impact analysis	<b>A score of 0.33</b> 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.	Reformulated
	Social impact analysis	<b>A score of 0.33</b> 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.	New
	Assessments included in the request for proposals and/or tender documents	<b>A score of 0.11</b> for each of the following: Socio-economic assessment Fiscal affordability assessment Risk identification analysis Comparative assessment (value-for-money analysis) Financial viability/bankability assessment Market sounding—private-sector interest and capacity Market sounding—technological alternatives and innovation Environmental impact assessment Social impact assessment	New
	Assessments published online*	<b>A score of 0.11</b> for each of the following: Socio-economic assessment Fiscal affordability assessment Risk identification analysis Comparative assessment (value-for-money analysis) Financial viability/bankability assessment Market sounding—private-sector interest and capacity Market sounding—technological alternatives and innovation Environmental impact assessment Social impact assessment	New
	Tender documents published online*	<b>A score of 1</b> if yes.	
	Draft PPP contract included in the request for proposals	<b>A score of 1</b> if yes.	
	Standardized PPP model contracts and/or transaction documents developed*	<b>A score of 1</b> if yes.	

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Thematic area	What is measured	How it is scored	New and Reformulated Questions
Procurement	Bid evaluation committee members are required to meet specific qualifications	<b>A score of 1</b> if a specific qualification are detailed in the regulatory framework. <b>A score of 0.5</b> if qualifications are required without specific detail.	
	The procuring authority issues a public procurement notice of the PPP*	<b>A score of 1</b> if yes.	
	PPP public procurement notice is published online*	<b>A score of 1</b> if yes.	
	Foreign companies are allowed to participate in the PPP bidding process	<b>A score of 1</b> if no prohibition is in place.	Reformulated
	Further restrictions imposed on foreign company participation in the bidding process	<b>A score of 1</b> 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.	New
	The procuring authority grants potential bidders a minimum period of time to submit their bids	<b>A score of 1</b> if yes.	
	Legally required minimum period of time in calendar days	<b>A score of 1</b> if the legally required minimum period of time is at least 60 calendar days. <b>A score of 0.5</b> if the legally required minimum period of time is at least 30 calendar days.	
	Procurement procedures are available when procuring PPPs	<b>A score of 0.33</b> if open competitive procedure (single-stage bidding) is available. <b>A score of 0.33</b> if restricted procedure (competitive procedure with prequalification stage) is available. <b>A score of 0.33</b> if either competitive dialogue, multi-stage bidding process (other than prequalification), or best and final offer (BAFO) is available.	Reformulated
	Direct negotiation restricted to regulated circumstances	<b>A score of 1</b> if yes.	New
	The tender documents detail the procedure of the procurement process, providing the same information to all the bidders.	<b>A score of 1</b> if yes.	
	The tender documents specify the qualification requirements in order to make them available to all the bidders	<b>A score of 1</b> if yes.	
	Qualification requirements regulated to ensure competition	<b>A score of 1</b> if yes.	New
Interested parties/potential bidders can submit questions to clarify the public procurement notice and/or the request for proposals.	<b>A score of 1</b> if yes.		

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Thematic area	What is measured	How it is scored	New and Reformulated Questions
Procurement (cont'd)	Bidders can suggest innovations / submit variant bids	A score of 1 if yes.	New
	Timeframe to address questions & clarifications regulated	A score of 1 if yes.	New
	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.	New
	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.	New
	Non-price criteria objective, justifiable & quantifiable	A score of 1 if yes.	New
	Price/cost estimate provided to bidders when price is used as part of the evaluation criteria	A score of 1 if yes.	New
	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.	Reformulated
	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.		

\* Areas included in the calculation of the Disclosure of Information scores.

Thematic area	What is measured	How it is scored	New and Reformulated Questions
Procurement (cont'd)	The notification of the result of the PPP procurement process includes the grounds for the selection of the winning bid	<b>A score of 1</b> if yes.	
	The notification of the result of the PPP procurement process includes the option of holding a debriefing meeting	<b>A score of 1</b> if yes.	New
	There is a standstill period before contract award and before signing the contract in order to allow unsuccessful bidders to challenge the award decision	<b>A score of 1</b> if there is a standstill period.	
	Legally required standstill period in calendar days	<b>A score of 1</b> 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	<b>A score of 1</b> if yes.	
	The regulatory framework restricts negotiations with the selected bidder between the award and the signature of the PPP contract	<b>A score of 1</b> if yes.	
	Complaint review mechanism regulated	<b>A score of 1</b> if yes.	New
	Timeframe to resolve complaints regulated	<b>A score of 1</b> if yes.	New
	Decision on complaint subject to appeal	<b>A score of 1</b> if yes.	New
	Decision on complaints reviewed by independent authority	<b>A score of 1</b> if yes.	New
	The procuring authority publishes the PPP contract*	<b>A score of 1</b> if yes.	
	Aspects of the PPP contract available by request	<b>A score of 0.5</b> if any of the following are available: Summary of the PPP contract. Full PPP contract. PPP contract annexes and appendixes.	New
	Aspects of the PPP contract published online*	<b>A score of 0.5</b> if any of the following are available: Summary of the PPP contract. Full PPP contract. PPP contract annexes and appendixes.	New
	The procuring authority also publishes any subsequent amendment made to the PPP contract*	<b>A score of 1</b> if the amendments are available by request and published online. <b>A score of 0.5</b> if only available by request.	Reformulated

\* Areas included in the calculation of the Disclosure of Information scores.

Thematic area	What is measured	How it is scored	New and Reformulated Questions
Contract Management	The procuring or contract management authority establishes a system to manage the implementation of the PPP contract	<b>A score of 1</b> if yes.	
	PPP management tools are available	<b>A score of 0.2</b> if a regulatory provision includes the establishment of a PPP contract team. <b>A score of 0.2</b> if a regulatory provision includes the participation of the members of the PPP contract management team in the PPP procurement process. <b>A score of 0.2</b> if a regulatory provision includes the elaboration of a PPP implementation manual or an equivalent document. <b>A score of 0.2</b> if a regulatory provision includes the adoption of training programs. <b>A score of 0.2</b> if a regulatory provision includes the adoption of a risk mitigation mechanism.	
	PPP contract management team members are required to meet specific qualifications	<b>A score of 1</b> if specific qualifications are detailed in the regulatory framework. <b>A score of 0.5</b> if qualifications are required without specific detail.	
	The procuring or contract-management authority establishes a system for tracking progress and completion of construction works under a PPP contract	<b>A score of 1</b> if yes.	
	The procuring or contract management authority makes PPP construction information available to the public*	<b>A score of 1</b> if a regulatory provision mandates the availability of the PPP construction information to the public.	
	The PPP construction performance information is available online*	<b>A score of 1</b> if yes.	
	The procuring or contract management authority establishes a monitoring and evaluation system of the PPP contract implementation after construction	<b>A score of 1</b> if yes.	
	Mechanisms included in the PPP contract's monitoring and evaluation system	<b>A score of 0.143</b> if a regulatory framework provides for the payments to be linked to performance. <b>A score of 0.143</b> if the regulatory framework provides for performance to be assessed against evaluation criteria set in the tender documents and the contract. <b>A score of 0.143</b> if the regulatory framework establishes the possibility of abating (reducing) payments for non-performance of operating obligations. <b>A score of 0.143</b> if a regulatory provision mandates the private partner to provide periodic operational and financial data. <b>A score of 0.143</b> if a regulatory provision mandates the procuring or contract-management authority to periodically gather information on the performance of the PPP contract. <b>A score of 0.143</b> if a regulatory provision mandates the availability of the PPP contract-performance information to the public.* <b>A score of 0.143</b> if a regulatory provision mandates the availability of the PPP contract-performance information online.*	Reformulated

\* Areas included in the calculation of the Disclosure of Information scores.

Thematic area	What is measured	How it is scored	New and Reformulated Questions
<b>Contract Management</b> <i>(cont'd)</i>	Foreign companies are prohibited from repatriating the income resulting from the operations of PPP contracts	<b>A score of 1</b> if no prohibition is in place.	
	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	<b>A score of 1</b> 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	<b>A score of 0.5</b> if any change in private partner during an initial period is regulated (e.g., construction and first five years of operation). <b>A score of 0.5</b> if a change affecting the controlling interest requires the replacing entity to meet the same technical qualifications as the original operator.	
	The regulatory framework (including standard contractual clauses) expressly regulates the modification or renegotiation of the PPP contract (once the contract is signed)	<b>A score of 1</b> if yes.	
	Modification or renegotiation of the PPP contract requires approval from a government authority, other than the procuring authority	<b>A score of 1</b> if yes.	
	The regulatory framework specifically regulates circumstances regarding modification or renegotiation of the PPP contract	<b>A score of 0.167</b> if a change in the scope and/or object of the contract is expressly regulated. <b>A score of 0.167</b> if a threshold for a new tender is expressly regulated. <b>A score of 0.167</b> if a change in the risk allocation of the contract is expressly regulated. <b>A score of 0.167</b> if a change in the financial and/or economic balance of the contract is expressly regulated. <b>A score of 0.167</b> if a change in the investment plan or duration of the contract is expressly regulated. <b>A score of 0.167</b> if a change in the agreed price or tariff is expressly regulated.	Reformulated
	The procuring authority can unilaterally modify the PPP contract	<b>A score of 1</b> 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	<b>A score of 0.2</b> if force majeure is expressly regulated. <b>A score of 0.2</b> if material adverse government action is expressly regulated. <b>A score of 0.2</b> if change in the law is expressly regulated. <b>A score of 0.2</b> if refinancing is expressly regulated. <b>A score of 0.2</b> if subcontracting is expressly regulated.	
	The regulatory framework (including standard contractual clauses) allows for alternative dispute mechanisms to address disputes arising from the implementation of PPP contracts	<b>A score of 1</b> if yes.	Reformulated
	Arbitration available for disputes arising from the implementation of PPP contracts	<b>A score of 1</b> if domestic and international arbitration is available as ADR. <b>A score of 0.5</b> if only domestic arbitration is available as ADR.	New

Thematic area	What is measured	How it is scored	New and Reformulated Questions
<b>Contract Management</b> <i>(cont'd)</i>	Arbitration awards enforceable by local courts	<b>A score of 1</b> if yes.	New
	Other ADR available besides arbitration (i.e., mediation)	<b>A score of 1</b> if yes.	New
	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	<b>A score of 1</b> if yes.	
	Regulation of lender's step-in rights	<b>A score of 1</b> if they are expressly regulated by the regulatory framework. <b>A score of 0.5</b> if a direct agreement is expressly required to be signed with the lenders. <b>A score of 0.5</b> if they are expressly required to be regulated in the contract.	
	The regulatory framework (including standard contractual clauses) expressly establishes the grounds for termination of a PPP contract	<b>A score of 1</b> if yes.	
	The regulatory framework (including standard contractual clauses) also establishes the consequences for the termination of the PPP contract	<b>A score of 1</b> if yes.	
<b>USP</b>	The regulatory framework prohibits unsolicited proposals, or USPs are not regulated but do not happen in practice	<b>Thematic area not scored</b> (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	<b>A score of 1</b> if yes.	
	The procuring authority conducts a vetting procedure and/or pre-feasibility analysis before fully assessing the unsolicited proposal	<b>A score of 1</b> if there is a vetting procedure.	
	The evaluation assessment ensures that the unsolicited proposal is consistent with the existing government priorities	<b>A score of 1</b> if a specific procedure is detailed in the regulatory framework. <b>A score of 0.5</b> if the regulatory framework sets such a goal without establishing specific procedures to achieve it.	
	The procuring authority initiates a competitive PPP procurement procedure when proceeding with the unsolicited proposal	<b>A score of 1</b> if yes.	
	The procuring authority grants a minimum period of time to additional prospective bidders (besides the proponent) to prepare their proposals	<b>A score of 1</b> if yes.	
	Legally required minimum period of time in calendar days	<b>A score of 1</b> if the legally required minimum period of time is at least 90 calendar days. <b>A score of 0.5</b> if the legally required minimum period of time is at least 60 calendar days.	