**Traditional Public Investment in Infrastructure in [country\_name]**

Dear Contributor,

On behalf of the World Bank Group, we would like to invite you to participate in the survey on *Traditional Public Investment in Infrastructure (TPI)* in [**country\_name]**. This indicator is part of the *Benchmarking Infrastructure Development* Global Initiative that aims to leverage positive policy changes to promote transparency and efficiency in the preparation, procurement and management of large infrastructure projects (for information on past editions, please visit bpp.worldbank.org).

This survey assesses the quality of the legal and regulatory framework during the TPI project cycle. It is structured in six sections (A-F). It starts with a brief section on your experience with TPIs (A), which is followed by an overview of the legal and institutional framework for TPIs (B) in [country\_name], and an evaluation of key features in TPI preparation (C), procurement (D), and contract management (E). The last section (F) assesses infrastructure asset management.

This questionnaire has two types of questions, regulatory-based questions (in black font) and practice-based questions (in blue font). **Regulatory-based questions must always be accompanied by the corresponding regulatory basis. Practice-based questions must always be answered, based on your experience, independently of regulatory-based answers**.

While responding to the survey, please note that if your answers differ by sector, type or size of the contract, or other variables, you should refer to the case study assumptions below.

**Case study assumptions**

* The **Private Party (contractor) is a privately-owned firm, which operates in [country\_name].[[1]](#footnote-2)**
* The procuring authority is [nat\_authority] in [country\_name] that is planning to procure the construction of a national/federal infrastructure project in the transportation sector (i.e. national highway) with an estimated **investment value of USD 50 million (or the equivalent in your local currency)** funded and financed exclusively by the government’s annual budgetary allocations. For the sake of clarity, the contracts financed by multilateral and bi-lateral agencies are excluded from the scope of the study.
* To this end, the procuring authority initiates a public call for tenders/invitation for bids, using a **competitive public procurement procedure**.

Please note that your responses will be held in strict confidentiality and will not be attributed directly to you or your organization. If you wish your contribution to be acknowledged in the final report (unless explicitly otherwise specified by you), please provide your contact information at the end of the survey.

Please complete and return the survey **no later than fifteen days from the date of receipt**. Should you have any question or need assistance with the survey, please do not hesitate to contact us.

**Definitions used in the survey:**

* *“****Traditional Public Investment (TPI)****”* refers to any contractual arrangement between a public entity or authority and a private entity, for providing a public asset or service in which the resources from the government’s budget are allocated to fund and finance the acquisition of asset or service to meet a public need.[[2]](#footnote-3) Under this contracting method, the procurement authority retains the risk associated with the pre-planning, acquisition, finance and design of the contract. For the sake of clarification, TPI includes: works contracts such as item rate/admeasurement/Design-Bid-Build (DBB), Design-Build (DB) and Engineer-Procure-Construct (EPC) contracts.
* The *“****regulatory framework****”* encompasses all laws, regulations, rules, policies, binding guidelines or instructions, standard contracts, other legal texts of general application, judicial decisions and administrative rulings governing or setting precedent in connection with TPI. In this context, the term “policies” refers to other government-issued documents that are binding to all stakeholders, enforced in similar ways to laws, rules and regulations, and provide detailed instructions for the implementation of TPI contracts. It should not be confused with Policy in the sense of a government’s statement of intent to use TPI contracts as a course of action to deliver public services. The “regulatory framework” includes but is not limited to those laws, regulations, rules, policies, etc. dealing with procurement of TPI contracts (i.e. planning and budgeting issues may be regulated instead by broader public finance related laws and regulations).
* The “***Procuring Authority****”* is the Ministry, Department or Agency responsible for ensuring that the relevant assets and/or services are provided. It is the authority in charge of the TPI contracts (i.e., identifying, preparing, procuring, awarding and managing the TPI contract).

 • **Procurement terminology**: Considering that procurement-related terminology varies across jurisdictions, depending on the type of procurement procedure and the stage of the process, the terms used in the survey should be interpreted by contributors to best fit the local naming conventions. In particular, the following non-exhaustive list of terms can be broadly understood as interchangeable in the context of the survey:

o Bidding/tendering process/selection process/procurement

o Bid/tender/proposal

o Call for tenders/tender notice/invitation for bids/ request for qualifications (RFQ)/request for proposals (RFP) - in cases when there is not an RFQ.

o Tender documents/bidding documents/specifications/request for proposals (RFP)

We would like to thank you again for your invaluable contribution to the work of the World Bank Group.

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1. **Experience with TPIs**

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| * + 1. **Do you have experience working on Traditional Public Investment (TPI) contracts?**
 |
| [ ] Yes[ ] No* + - 1. **If yes**, in how many infrastructure TPI contracts (under implementation or already completed) have you (or your firm/agency) been involved in within the last two (2) years in [country\_name]? Please provide an approximate number:
				1. Based on your experience, **in practice**, what are the public procurement methods for works contracts (excluding Public Private Partnerships) used at least once within the last two (2) years in [country\_name]?

[ ]  Public Works Contract/Item Rate/ Admeasurement [ ]  Design-Build (DB)[ ]  Design-Bid-Build (DBB)[ ]  Engineering- Procurement-Construction (EPC)[ ]  Other. Please, specify      |

1. **Regulatory and Institutional Framework for TPIs**

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| * + 1. **Please identify the regulatory framework in your country that governs the procurement of TPIs and the year of adoption:**
 |
|       and provide a link to a government–supported website where the mentioned regulatory framework is available or provide an electronic copy of it:      * + - 1. Are you aware of any reforms (in practice or in laws, regulations, rules, policies, etc.) related to TPIs

ongoing and/or are planned to be adopted AFTER June 1, 2019?[ ]  Yes. **If yes**, please elaborate      [ ]  No |

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| * + 1. **Please identify the TPI procuring authorities in** **[country\_name] and provide their website(s) (if available):**
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| * + 1. **Please provide any additional information or comments on the answers to the question(s) above and indicate which one(s) you are referring to:**
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1. **Preparation of TPIs**

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| * + 1. **Does your government prepare national and sectoral strategies for infrastructure-related public investment?**
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| [ ] Yes. **If yes**, please provide the relevant legal/regulatory provisions:       and provide a government- supported website where the mentioned plans are available or provide an electronic copy of them:      [ ] No* + - 1. Based on your experience, **in practice**, how often are these national and sectoral strategies up to date and consistent with the priorities of the government?

[ ] Always [ ] Often [ ] Occasionally [ ] Rarely [ ] Never **Please elaborate**:      * + - 1. **If yes**, Do the government’s national and sectoral strategies for public investment include cost estimations?

[ ] Yes. **If yes**, please provide the relevant legal/regulatory provisions:      [ ] No* + - * 1. Based on your experience, **in practice**, how often do national and sectoral strategies include cost estimations?

[ ] Always [ ] Often [ ] Occasionally [ ] Rarely [ ] Never **Please elaborate:**      * + - 1. **If yes,** do national and sectoral strategies include measurable targets?

[ ] Yes. **If yes**, please provide the relevant legal/regulatory provisions:      [ ] No* + - * 1. Based on your experience, **in practice**, how often do national and sectoral strategies include measurable targets?

[ ] Always [ ] Often [ ] Occasionally [ ] Rarely [ ] Never **Please elaborate:**       |

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| * + 1. **Does the government have a system to prioritize public investment projects?**
 |
| [ ] Yes. **If yes**, please provide the relevant legal/regulatory provisions:      [ ] No* + - 1. Based on your experience, **in practice**, how often does the government prioritize public investment projects through that system?

[ ] Always [ ] Often [ ] Occasionally [ ] Rarely [ ] Never **Please elaborate:**      * + - 1. **If yes**, does the government evaluate for each project whether TPI is the best option when compared with other procurement methods such as PPPs?

[ ] Yes. **If yes**, please provide the relevant legal/regulatory provisions:      [ ] No* + - 1. **If yes**, is there a specific methodology for such an evaluation?

[ ] Yes. **If yes**, please provide the relevant legal/regulatory provisions:      [ ] No* + - 1. Based on your experience, **in practice**, how often does the government conduct such an evaluation?

[ ] Always [ ] Often [ ] Occasionally [ ] Rarely [ ] Never **Please elaborate:**       |

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| * + 1. **Is the procuring authority required to ensure consistency of the TPI contract with the public investment plans/government priorities before launching the procurement/ tendering process?**
 |
| [ ] Yes. **If yes**, please provide the relevant legal/regulatory provisions:      [ ] No* + - 1. Based on your experience, **in practice**, how often are TPI contracts consistent with the public investment plans/government priorities?

[ ] Always [ ] Often [ ] Occasionally [ ] Rarely [ ] Never **Please elaborate:**       |

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| * + 1. **Does the government clearly identify capital spending projects in the annual budget?**
 |
| [ ] Yes. **If yes**, please provide the relevant legal/regulatory provisions:      [ ] No* + - 1. **If yes**, is key budgetary information on capital spending published online?

[ ]  **Yes. If yes**, please provide the relevant legal/regulatory provisions:       and provide the website      [ ]  No**.*** + - 1. Based on your experience, **in practice**,how often is this information actually accessible on a regularly updated website?

[ ] Always [ ] Often [ ] Occasionally [ ] Rarely [ ] Never **Please elaborate:**      * + - 1. Which of the following features does the budgeting system include? *(please select all options that apply)*

[ ]  Forecasting spending by ministry or sector over a multiyear horizon. **If yes,** please provide the relevant legal/regulatory provisions:      [ ]  Establishing targets or ceilings to ensure debt sustainability (i.e., multiyear ceilings by ministry, sector, or program). **If yes,** please provide the relevant legal/regulatory provisions:      [ ]  Inclusion in the budget, all projects with capital spending regardless of financing source (i.e. including projects financed with multilateral finance or other support). **If yes,** please provide the relevant legal/regulatory provisions:      [ ]  Calculation, at the inception, of the whole life cycle cost of capital spending projects (i.e. including the estimation of expenditures of routine maintenance and improvements on top of the capital cost). **If yes,** please provide the relevant legal/regulatory provisions:      [ ]  Requires the inclusion in the budget of necessary routine maintenance and improvements cost. **If yes,** please provide the relevant legal/regulatory provisions:      * + - 1. Based on your experience, **in practice**, how often are the ministries/agencies able to plan and commit expenditure on projects with capital spending in advance on the basis of reliable forecasts?

[ ] Always [ ] Often [ ] Occasionally [ ] Rarely [ ] Never **Please elaborate:**      * + - 1. Based on your experience, **in practice**, how often are capital expenditures targets and ceilings complied with?

[ ] Always [ ] Often [ ] Occasionally [ ] Rarely [ ] Never **Please elaborate:**      * + - 1. Based on your experience, **in practice**, how often does the budget include a comprehensive coverage of projects with capital spending, regardless of financing source?

[ ] Always [ ] Often [ ] Occasionally [ ] Rarely [ ] Never **Please elaborate:**      * + - 1. Based on your experience, **in practice**, how often does the government calculate the whole life cycle cost of capital spending projects (including expenditures of routine maintenance and improvements) in advance to including them in the budget?

[ ] Always [ ] Often [ ] Occasionally [ ] Rarely [ ] Never **Please elaborate:**      * + - 1. Based on your experience, **in practice**, how often does the government allocate budget to cover necessary expenditures on routine maintenance and improvements?

[ ] Always [ ] Often [ ] Occasionally [ ] Rarely [ ] Never **Please elaborate:**       |

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| * + 1. **Does the procuring authority prepare an annual procurement plan or similar document?**
 |
| [ ] Yes. **If yes**, please provide the relevant legal/regulatory provisions:      [ ] No* + - 1. Is the annual procurement plan published online?

[ ]  **Yes. If yes**, please provide the relevant legal/regulatory provisions:      , please provide the website      [ ]  **No.*** + - 1. Based on your experience, **in practice**,how often is the annual procurement plan published on a regularly updated website?

[ ] Always [ ] Often [ ] Occasionally [ ] Rarely [ ] Never **Please elaborate:**       |

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| * + 1. **Is the procuring authority required to have the budget allocation for the TPI contract before launching the procurement process?**
 |
| [ ] Yes. **If yes**, please provide the relevant legal/regulatory provisions:      [ ] No* + - 1. Based on your experience, **in practice**, how often do procuring authorities have the necessary budgetary funds for the TPI contract before launching the procurement process?

[ ] Always [ ] Often [ ] Occasionally [ ] Rarely [ ] Never **Please elaborate:**       |

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| * + 1. **Besides the procuring authority, do any other authorities approve the TPI contract before launching the procurement/ tendering process? (e.g. Cabinet, Cabinet Committee, Parliament, Supreme Audit Office, etc.)?**
 |
| [ ] Yes. **If yes**, please specify the relevant authority       and please provide the relevant legal/regulatory provisions:       [ ] No* + - 1. Besides the procuring authority, do any other authorities approve the TPI contract *before signing* the TPI contract?

[ ] Yes. **If yes**, please specify the relevant authority(ies)       and please provide the relevant legal/regulatory provisions:      [ ] No |

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| * + 1. **Which of the following assessments are conducted when identifying and preparing a TPI contract in order to inform the decision to proceed with it?** (check all that apply)**:**
 |
| **Assessment** |  | **Relevant legal/regulatory provision**  | **Is there a specific methodology?**  | **If yes, elaborate[[3]](#footnote-4)** | **In practice, how often is this assessment done?**  |
| * + - 1. **Socio-economic analysis** (cost-benefit analysis of the socio-economic impact of the project)
 | [ ]  |       | [ ]  Yes[ ]  No  |       | [ ] Always[ ] Often[ ] Occasionally[ ] Rarely[ ] Never**Details:**       |
| * + - 1. **Risk identification**, allocation and assessment (risk matrix)
 | [ ]  |       | [ ]  Yes[ ]  No  |       | [ ] Always[ ] Often[ ] Occasionally[ ] Rarely[ ] Never**Details:**       |
| * + - 1. **Procurement/**

**Strategy** (i.e., quick assessment to plan and better strategize the tendering process in advance so it is fit for purpose) | **[ ]**  |  | **[ ]  Yes****[ ]  No**  |  | **[ ]** Always[ ] Often[ ] Occasionally[ ] Rarely[ ] Never**Details:**  |
| * + - 1. **Market sounding/ assessment[[4]](#footnote-5)**
1. Including the potential interest from contractors and capacity in the market for the contract
 | **[ ]**  |  | **[ ]  Yes****[ ]  No**  |  | **[ ]** Always[ ] Often[ ] Occasionally[ ] Rarely[ ] Never**Details:**  |
| 1. specifically designed to identify the solutions and technology available as well as the opportunities for innovation
 | **[ ]**  |  | **[ ]  Yes****[ ]  No**  |  | **[ ]** Always[ ] Often[ ] Occasionally[ ] Rarely[ ] Never**Details:**  |
| * + - 1. **Environmental impact assessment**
 | [ ]  |       | [ ]  Yes[ ]  No  |       | [ ] Always[ ] Often[ ] Occasionally[ ] Rarely[ ] Never**Details:**       |
| **12.5.1.** Consultation process with affected communities explicitly included in the environmental impact assessment | [ ]  |       | [ ]  Yes[ ]  No  |       | [ ] Always[ ] Often[ ] Occasionally[ ] Rarely[ ] Never**Details:**       |
| * + - 1. **Social impact assessment**
 | [ ]  |       | [ ]  Yes[ ]  No  |       | [ ] Always[ ] Often[ ] Occasionally[ ] Rarely[ ] Never**Details:**       |
| **12.6.1.** Consultation process with affected communities explicitly included in the social impact assessment  | [ ]  |       | [ ]  Yes[ ]  No  |       | [ ] Always[ ] Often[ ] Occasionally[ ] Rarely[ ] Never**Details:**       |

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| * + 1. **Does the procuring authority include the assessments in the request for proposals and/or tender documents?**
 |
| [ ] Yes. **If yes**, please provide the relevant legal/regulatory provisions :       and please specify which of the assessments are included in the request for proposals and/or tender documents: [ ] Procurement Strategy; [ ]  Market sounding for private sector interest; [ ]  Market sounding for technological solutions; [ ]  Socio-economic analysis; [ ] Risk identification and allocation; [ ]  Environmental impact assessment; [ ]  Social impact assessment; [ ]  Any other, please specify      [ ]  No.* + - 1. Based on your experience, **in practice**,how often are assessments included in the requests for proposals/tender documents?

[ ] Always [ ] Often [ ] Occasionally [ ] Rarely [ ] Never **Please elaborate:**      * + - 1. Are the assessments published online?

[ ]  **Yes. If yes**, please provide the relevant legal/regulatory provisions :      , please provide the website      , and please specify which of the assessments are published online: [ ] Procurement Strategy; [ ]  Market sounding for private sector interest; [ ]  Market sounding for technological solutions; [ ]  Socio-economic analysis; [ ] Risk identification and allocation; [ ]  Environmental impact assessment; [ ]  Social impact assessment; [ ]  **No.*** + - 1. Based on your experience, **in practice**,how often are assessments published on a regularly updated website?

[ ] Always [ ] Often [ ] Occasionally [ ] Rarely [ ] Never **Please elaborate:**       |

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| * + 1. **Are tender/bidding documents made available online?**
 |
| [ ] Yes. **If yes**, please provide the relevant legal/regulatory provisions:      and, please provide the website:      [ ] No.* + - 1. Based on your experience, **in practice**, how often are tender/bidding documents published on a website of free and open access?

[ ] Always [ ] Often [ ] Occasionally [ ] Rarely [ ] Never **Please elaborate:**      * + - 1. Based on your experience, **in practice**, how often are tender/bidding documents published on a regularly updated website?

[ ] Always [ ] Often [ ] Occasionally [ ] Rarely [ ] Never **Please elaborate:**      * + - 1. Do the tender documents include a draft TPI contract?

[ ] Yes. **If yes**, please provide the relevant legal/regulatory provisions:      [ ] No.* + - 1. Based on your experience, in practice, how often do the tender documents include a draft TPI contract?

[ ] Always [ ] Often [ ] Occasionally [ ] Rarely [ ] Never **Please elaborate:**       |

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| * + 1. **Have standardized TPI model contracts and/or transaction documents been developed?**
 |
| [ ] Yes. **If yes**, please elaborate and provide a government-supported website where the mentioned standards are available or provide an electronic copy of them:       and provide the relevant legal/regulatory provisions:      [ ] No * + - 1. Based on your experience, **in practice**, how often are standardized TPI model contracts and/or transaction documents used?

[ ] Always [ ] Often [ ] Occasionally [ ] Rarely [ ] Never **Please elaborate:**       |

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| * + 1. **Does the procuring authority/responsible government entity have a role in either providing or facilitating any of the following requirements?**
 |
| * + - 1. Obtaining the required *environmental permits*.

[ ] Yes. **If yes**, please specify the role of the procuring authority      and provide the relevant legal/regulatory provisions:      [ ] No * + - 1. Based on your experience, **in practice**, how many days does it take to obtain such permits once the TPI contract is signed? (*Please select one only)*:

[ ] Permits obtained before the contract signing [ ] Between 0 and 30 [ ] Between 31 and 180 [ ]  More than 181 **Please elaborate**:      * + - 1. Based on your experience, **in practice**, how often do delays occur in obtaining such permits? (*please select one only*):

[ ] Always [ ] Often [ ] Occasionally [ ] Rarely [ ] Never **Please elaborate:**      * + - 1. Obtaining the possession of required *land*.

[ ] Yes. **If yes**, please specify the role of the procuring authority       and provide the relevant legal/regulatory provisions:      [ ] No * + - 1. Basedon your experience, **in practice**, how many days does it take to obtain the possession of all required land (100%) once the TPI contract is signed? (*Please select one only)*:

[ ]  All required land obtained before the contract signing [ ] Between 0 and 30 [ ] Between 31 and 180 [ ]  More than 181 **Please elaborate**:      * + - 1. Basedon your experience, **in practice**, how often do delays occur in obtaining possession of all the required land (100%)? (*please select one only*):

[ ] Always [ ] Often [ ] Occasionally [ ] Rarely [ ] Never **Please elaborate:**      * + - 1. Obtaining the required *right of way*.

[ ] Yes. **If yes**, please specify the role of the procuring authority       and provide the relevant legal/regulatory provisions (if any):      [ ] No * + - 1. Based on **your** experience, **in practice**, how many days does it take to obtain such a right once the TPI contract is signed? (*Please select one only)*:

[ ]  All required right of way obtained before the contract signing [ ] Between 0 and 30 [ ] Between 31 and 180 [ ]  More than 181 **Please elaborate**:      * + - 1. Based on **your** experience, **in practice**, how often do delays occur in obtaining such a right? (*please select one only*):

[ ] Always [ ] Often [ ] Occasionally [ ] Rarely [ ] Never **Please elaborate**:       |

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| * + 1. **Please provide any additional information or comments on the answers to the question(s) above and indicate which one(s) you are referring to:**
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|       |

1. **Procurement/Tendering of TPIs**

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| * + 1. **Which of the following options best describes the required qualifications of the bid/tender evaluation committee members? (Please select one only):**
 |
| [ ]  The membership of the bid evaluation committee is specified, and/or its members are required to meet detailed qualifications. **If yes,** please provide the relevant legal/regulatory provisions:      [ ]  The bid evaluation committee members require sufficient qualifications without specific details. **If yes,** please provide the relevant legal/regulatory provisions:      [ ]  The bid evaluation committee members are not required to have any specific qualifications. **If yes,** please provide the relevant legal/regulatory provisions:      * + - 1. Based on your experience, **in practice**, how often do bid evaluation committee members have competence in performing their duties? (*please select one only*):

[ ] Always [ ] Often [ ] Occasionally [ ] Rarely [ ] Never **Please elaborate**:       |

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| * + 1. **Does the procuring authority issue an invitation for bids/tender notice of the TPI?**
 |
| [ ] Yes. **If yes**, please elaborate on the means of publication and provide the relevant legal/regulatory provisions:      [ ] No * + - 1. **If yes,** is the invitation for bids/tender notice published online?

**[ ]** Yes. **If yes,** please provide the website**:**      **[ ]** No* + - 1. Based on your experience, **in practice**, how often is this notice published on a website of free and open access?

[ ] Always [ ] Often [ ] Occasionally [ ] Rarely [ ] Never **Please elaborate:**      * + - 1. Based on your experience, **in practice**, how often is this notice published on a regularly updated website?

[ ] Always [ ] Often [ ] Occasionally [ ] Rarely [ ] Never **Please elaborate:**       |

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| * + 1. **Are foreign companies subject to any of the following restrictions when participating in the bidding process** (*check all that apply*)?
 |
| [ ]  Prohibition to bid in the public tender (including the possibility to discretionary use a procedure that precludes the participation of foreign firms, such as a procedure tailored only to national bidders). **If yes**, please provide the relevant legal/regulatory provisions:       [ ]  Requirement to have an office or a branch in the country to be allowed to bid in the public tender. **If yes**, please provide the relevant legal/regulatory provisions:      [ ]  Requirement to form a joint venture with a domestic firm to be allowed to bid in the public tender. **If yes**, please provide the relevant legal/regulatory provisions:      [ ]  Requirement to have prior experience in the country to bid in the public tender. **If yes**, please specify       and provide the relevant legal/regulatory provisions:      [ ]  Threshold for public tenders to be open for foreign participation/to be considered international tenders. **If yes**, please specify       and provide the relevant legal/regulatory provisions:      * + - 1. Based on your experience, **in practice**, how often do regulatory requirements unduly restrict the participation of foreign companies in bidding/ tendering processes? (*please select one only*):

[ ] Always [ ] Often [ ] Occasionally [ ] Rarely [ ] Never **Please elaborate**:      * + - 1. Based on your experience, **in practice**, how often do foreign companies participate in bidding/ tendering processes? (*please select one only*):

[ ] Always [ ] Often [ ] Occasionally [ ] Rarely [ ] Never **Please elaborate**:      **If never**, what are the key reasons for their non-participation, please list:       |

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| * + 1. **Does the procuring authority (or relevant government entity) use an E-Procurement system (Digitalized platform) for TPI contracts?**
 |
| [ ] Yes. **If yes**, please provide the relevant legal/regulatory provisions:       If yes, provide a link/website to this system      [ ] No* + - 1. Based on your experience, **in practice**, how often is all required information to bid on TPI contracts available in the digitalized/E-Procurement system?

[ ] Always [ ] Often [ ] Occasionally [ ] Rarely [ ] Never **Please elaborate**:      * + - 1. **If yes**, does this system have transactional capabilities that go beyond offering information to potential bidders (i.e., offers e-services that streamline the procurement process, for example allowing for the submission of bids online, etc.)

[ ] Yes. **If yes**, please provide the relevant legal/regulatory provisions:       and elaborate on the type of e-services provided by the E-Procurement system     [ ] No* + - 1. Based on your experience, **in practice**, how often does the procuring authority use the transactional capabilities of the digitalized/E-Procurement system in relation with TPI contracts?

[ ] Always [ ] Often [ ] Occasionally [ ] Rarely [ ] Never **Please elaborate**:       |

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| * + 1. **What instruments are used to secure bids (i.e., guarantee that bidders will not withdraw their offer before the procuring authority awards and signs the contract)? *(Please select all applicable options)*:**
 |
| [ ] Bid security/Bid Bonds[ ] Bid declaration[ ] Other. Please describe:     [ ] Not applicable, bids are not guaranteed.Please provide the relevant legal/regulatory provisions: * + - 1. If bidders are required to submit a bid security instrument along with their bid, how is the amount determined? *(please select one only)*

[ ]  The regulatory framework provides that the procuring authority cannot request more than a certain percentage of the contract value or value of the submitted bid. Please indicate the percentage:       Please provide the relevant legal/regulatory provisions:      [ ]  The regulatory framework provides that the procuring authority cannot request more than a certain flat amount. Please specify the value:       Please provide the relevant legal/regulatory provisions:      [ ] The maximum amount of bid security is left at the discretion of the procuring authority. Please provide the relevant legal/regulatory provisions:      * + - 1. Based on your experience, **in practice**, how often does the procuring authority require to secure bids without restricting the participation of bidders?

[ ] Always [ ] Often [ ] Occasionally [ ] Rarely [ ] Never **Please elaborate**:      * + - 1. Are there circumstances related to the bidding process under which the procuring authority can encash/invoke the bid guarantee?

[ ] Yes. **If yes**, please specify and provide the relevant legal/regulatory provisions:      [ ] No* + - 1. Based on your experience, **in practice**, how often does the procuring authority cash/collect the bid security instrument when the offer is withdrawn by the bidder/tenderer?

[ ] Always [ ] Often [ ] Occasionally [ ] Rarely [ ] Never **Please elaborate**:       |

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| * + 1. **Does the procuring authority grant the potential bidders a minimum period of time to submit their bids?**
 |
| [ ] Yes. **If yes**, please provide the relevant legal/regulatory provisions:      ; and the time in calendar days:      [ ] No* + - 1. Based on your experience, **in practice**, how many days does the procuring authority actually grant bidders to submit their bids? (*Please select one only*):

[ ] Between 0 and 20 [ ] Between 21 and 45 [ ] Between 46 and 60 [ ]  More than 60**Please elaborate**:       |

|  |
| --- |
| * + 1. **What are the procurement procedures available or set as default for TPI contracts?** *(check available only or default for each one)*
 |
|

|  |  |  |  |
| --- | --- | --- | --- |
| **Procedure** | **Available**  | **Default**  | **Relevant legal/regulatory provision**  |
| * + - 1. Open tendering/bidding
 | [ ]  | [ ]  |       |
| * + - 1. Competitive tendering/bidding with pre-qualification stage (Restricted tendering)
 | [ ]  | [ ]  |       |
| * + - 1. Multi-stage bidding/tendering (for example with shortlisting of final candidate(s))
 | [ ]  | [ ]  |       |
| * + - 1. Competitive dialogue
 | [ ]  | [ ]  |       |
| * + - 1. Best and Final Offer (BAFO)
 | [ ]  | [ ]  |       |
| * + - 1. Direct negotiation
 | [ ]  | [ ]  |       |
| * + - 1. Other. Please specify
 | [ ]  | [ ]  |       |

* + - 1. **If direct negotiation is either an available or default option**, does the regulatory framework *restrict this procedure to certain exceptional conditions and circumstances* (for example, cases of single source providers or restricted to a certain threshold)?

[ ] Yes. **If yes**, please provide the relevant legal/regulatory provisions:      [ ] No.* + - 1. Based on your experience, **in practice**, how often are TPI contracts procured as a result of direct negotiations?

[ ] Always [ ] Often [ ] Occasionally [ ] Rarely [ ] Never **Please elaborate**:       * + - 1. Based on your experience, **in practice**, how often does the procuring authority use procurement procedures (e. g., multi stage tendering, competitive dialogue, BAFO) specifically designed to incentivize innovation?

[ ] Always [ ] Often [ ] Occasionally [ ] Rarely [ ] Never **Please elaborate**:       * + - 1. Based on your experience, **in practice**, how often does the procurement/tendering procedure of a TPI contract ensure that all potentially qualified bidders can participate?

[ ] Always [ ] Often [ ] Occasionally [ ] Rarely [ ] Never **Please elaborate**:       |

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| --- |
| * + 1. **Are TPI contracts susceptible to splits and divisions into smaller contracts when launching the bidding/tendering process?**
 |
| [ ] Yes. **If yes**, please provide the relevant legal/regulatory provisions:      [ ] No* + - 1. Based on your experience, **in practice**, how often does the procuring authority resort to splitting and dividing TPI contracts into smaller contracts to exclude international bidders when launching the bidding/ tendering process?

[ ] Always [ ] Often [ ] Occasionally [ ] Rarely [ ] Never **Please elaborate**:       |

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| * + 1. **Do the tender documents detail the procedure of the procurement process, providing the same information to all bidders?**
 |
| [ ] Yes. **If yes**, please provide the relevant legal/regulatory provisions:      [ ] No* + - 1. Based on your experience, **in practice**, how often does the procuring authority provide bidders with sufficient and equal information to understand the stages of the procurement process?

[ ] Always [ ] Often [ ] Occasionally [ ] Rarely [ ] Never **Please elaborate**:       |

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| * + 1. **Do the tender documents unambiguously specify the qualification requirements (or the prequalification requirements when applicable) making them available to all potential bidders as part of the tender notice/ invitation for bids?**
 |
| [ ] Yes. **If yes**, please provide the relevant legal/regulatory provisions:      [ ] No.* + - 1. Based on your experience, **in practice**, how often do invitations for bids/tender notices clearly include the qualification requirements (or prequalification requirements when applicable), making them equally accessible to all potential bidders?

[ ] Always [ ] Often [ ] Occasionally [ ] Rarely [ ] Never **Please elaborate:**      * + - 1. Are there any parameters/limits to the qualification requirements to ensure that they do not unduly restrict competition of qualified bidders?

[ ] Yes. **If yes**, please provide the relevant legal/regulatory provisions:      [ ] No.* + - 1. Based on your experience, **in practice**, how often do the qualification requirements (or prequalification requirements when applicable) unduly restrict the participation of qualified bidders in a TPI procurement process?

[ ]  Always [ ] Often [ ] Occasionally [ ] Rarely [ ] Never **Please elaborate:**       |

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| * + 1. **Are bidders required to register in a government registry of contractors before submitting the bid/tender?**
 |
| [ ] Yes. **If yes**, please provide the relevant legal/regulatory provisions:       [ ] No.* + - 1. Based on your experience, **in practice**, how often do registration requirements impose an undue burden on potential bidders:

[ ] Always [ ] Often [ ] Occasionally [ ] Rarely [ ] Never **Please elaborate**:       |

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| * + 1. **Are the procuring authorities allowed to impose restrictions on bidders/tenderers in favor of local content (preferential treatment) in TPI contracts?**
 |
| [ ] Yes. **If yes,** please provide the relevant legal/regulatory provisions:      [ ] No.* + - 1. **If yes**,do they include any of the following? (Please select all applicable options):

[ ]  The contractor must use (a certain percentage of) inputs (i.e., goods and services) produced/sourced in the country. Please specify the minimum percentage:      [ ]  A quota (or mandatory percentage) of procurement contracts must be awarded to domestic firms. Please specify the minimum percentage      [ ]  The contract is awarded to the domestic firm when two firms have submitted equally competitive offers and one of them is domestic.[ ]  Domestic firms are awarded extra points when a system of points/weights is used during the bid assessment.[ ]  A system of price discount is applied to domestic firms’ offers in order to make them more competitive (example: the price offered is discounted by 10%).[ ]  The amount of bid security required from international firms is higher than the one required from domestic ones.[ ]  Other. Please describe: * + - 1. **If yes**, is any of the aforementioned selected restrictions mandatory (i.e., not optional) for the procuring authority?

[ ] Yes. **If yes,** please provide the relevant legal/regulatory provisions:      [ ] No.* + - 1. Based on your experience, **in practice**, how often does preferential treatment in favor of local content unduly restrict the participation of foreign bidders?

[ ] Always [ ] Often [ ] Occasionally [ ] Rarely [ ] Never **Please elaborate**:       |

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| * + 1. **Are bids/tenders opened in public in a defined time and place?**
 |
| [ ] Yes. **If yes**, please elaborate and provide the relevant legal/regulatory provisions:      [ ] No* + - 1. **If yes**, does the opening of tenders take place soon after the submission deadline (for example in less than an hour)?

[ ] Yes. **If yes**, please provide the relevant legal/regulatory provisions:       [ ] No* + - 1. Based on your experience, **in practice**, how often does the opening of tenders take place soon after the submission deadline?

[ ] Always [ ] Often [ ] Occasionally [ ] Rarely [ ] Never **Please elaborate**:      * + - 1. **If yes,** are such public proceedings recorded and/or displayed live online?

[ ] Yes. **If yes**, please provide the relevant legal/regulatory provisions:       and the website      [ ] No* + - 1. **If yes,** are the minutes of the proceedings available online?

[ ] Yes. **If yes,** please provide the relevant legal/regulatory provisions:       and the website      [ ] No.* + - 1. Based on your experience**, in practice**, how often is the public opening of tenders transparent?

[ ] Always [ ] Often [ ] Occasionally [ ] Rarely [ ] Never **Please elaborate**:       |

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| --- |
| * + 1. **Can potential bidders/tenderers submit questions to clarify the public procurement notice and/or the bidding/tender documents?**
 |
| [ ] Yes. **If yes**, please provide the relevant legal/regulatory provisions:      [ ] No* + - 1. Based on your experience, in practice, how often does the procuring authority answer to questions and clarifications form the bidders?

[ ] Always [ ] Often [ ] Occasionally [ ] Rarely [ ] Never **Please elaborate**:      * + - 1. **If yes,** can the bidders also suggest innovations to improve the tender documents/ procurement approach, including for example the provision of value engineering and/or technologically neutral options?

[ ] Yes. **If yes,** please provide the relevant legal/regulatory provisions:       and elaborate on the kind of innovations that are allowed:      [ ] No.* + - 1. Based on your experience**, in practice**, how often is the procuring authority open to suggestions of innovations (e.g., provision of value engineering and/or technologically neutral options) to improve the tender documents/procurement approach?

[ ] Always [ ] Often [ ] Occasionally [ ] Rarely [ ] Never Please **elaborate**:      * + - 1. **If yes,** is there a timeframe for the procuring authority to address questions and clarifications by bidders?

[ ] Yes. Please indicate the timeframe:       and provide the relevant legal/regulatory provisions (if any):      [ ] No* + - 1. Based on your experience, **in practice**, how often does the procuring authority abide by such a timeframe?

[ ] Always [ ] Often [ ] Occasionally [ ] Rarely [ ] Never **Please elaborate**:      * + - 1. **If yes,** notwithstanding confidential information pertaining to the bidders, does the procuring authority disclose those questions and clarifications to all potential bidders?

[ ] Yes. **If yes,** please provide the relevant legal/regulatory provisions:      [ ] No. * + - 1. Based on your experience, **in practice**, how often is the disclosure of information about questions and/or clarification done?

[ ] Always [ ] Often [ ] Occasionally [ ] Rarely [ ] Never **Please elaborate**:      * + - 1. **If yes,** does the procuring authority extend the proposal submission deadline due to the modifications introduced in the bidding/tender documents?

[ ] Yes. **If yes,** please provide the relevant legal/regulatory provisions:      [ ] No. * + - 1. Based on your experience, **in practice**, how often is an extension of the deadline granted when required due to the modifications introduced in the bidding/tender documents?

[ ] Always [ ] Often [ ] Occasionally [ ] Rarely [ ] Never **Please elaborate**:       |

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| --- |
| * + 1. **Besides questions and clarifications, can the procuring authority conduct a pre-bid conference?**
 |
| [ ] Yes. **If yes**, please elaborate and provide the relevant legal/regulatory provisions:      [ ] No* + - 1. Based on your experience, in practice, how often does the procuring authority conduct a pre-bid conference?

[ ] Always [ ] Often [ ] Occasionally [ ] Rarely [ ] Never **Please elaborate**:      * + - 1. **If yes,** notwithstanding confidential information pertaining to the bidders, does the procuring authority disclose the response to the queries raised by the bidders in the pre-bid conference to all bidders?

[ ] Yes. **If yes**, please provide the relevant legal/regulatory provisions:      [ ] No* + - 1. Based on your experience, **in practice**, how often is the disclosure of information about pre-bid conferences actually done?

[ ] Always [ ] Often [ ] Occasionally [ ] Rarely [ ] Never **Please elaborate**:       |

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| --- |
| * + 1. **Does the procuring authority evaluate the bids/tenders strictly and solely in accordance with the evaluation criteria stated in the bidding/tender documents?**
 |
| [ ] Yes. **If yes**, please provide the relevant legal/regulatory provisions:      [ ] No * + - 1. Based on your experience, **in practice**, how often are the specified criteria respected?

[ ] Always [ ] Often [ ] Occasionally [ ] Rarely [ ] Never **Please elaborate**:      * + - 1. Can criteria other than price (non-price attributes) be used when evaluating the tenders/bids of a TPI contract?

[ ] Yes. **If yes**, please provide the relevant legal/regulatory provisions:      [ ] No * + - 1. Based on your experience, **in practice**, how often are criteria other than price (non-price attributes) used for TPI contracts?

[ ] Always [ ] Often [ ] Occasionally [ ] Rarely [ ] Never **Please elaborate**:      * + - 1. **If criteria other than price are used**, does it have to be justified, objective and quantifiable?

[ ] Yes. **If yes**, please provide the relevant legal/regulatory provisions:      [ ] No * + - 1. Based on your experience, **in practice**, how often are criteria other than price justified, objective and quantifiable?

[ ] Always [ ] Often [ ] Occasionally [ ] Rarely [ ] Never **Please elaborate**:      * + - 1. **When price is used as one of the evaluation criteria**, does the procuring authority provide a cost estimate?

[ ] Yes. **If yes**, please provide the relevant legal/regulatory provisions:      [ ] No * + - 1. Based on your experience**, in practice**, how often is a cost estimate provided when price is used as the evaluation criteria?

[ ] Always [ ] Often [ ] Occasionally [ ] Rarely [ ] Never **Please elaborate**:       |

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| * + 1. **In the case where only one proposal is submitted, which of the following options best describes the way the procuring authority deals with them? (Please select one only)?**
 |
| [ ]  The procuring authority follows a specific procedure before awarding a TPI contract where only one proposal is submitted. Please provide the relevant legal/regulatory provisions      [ ]  The procuring authority considers the proposal valid as long as it meets the conditions outlined in the tender documents. Please provide the relevant legal/regulatory provisions      [ ]  The procuring authority does not award a TPI contract if only one proposal is submitted. Please provide the relevant legal/regulatory provisions      [ ]  The regulatory framework does not include any provisions.* + - 1. Based on your experience**, in practice**, when only one proposal is received, how often are the procedures followed to ensure it offers the best value for money?

[ ] Always [ ] Often [ ] Occasionally [ ] Rarely [ ] Never **Please elaborate**:       |

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| --- |
| * + 1. **Does the regulatory framework provide for a timeline during which the procuring authority evaluates the bids (from bid opening to award notification)?**
 |
| [ ] Yes. **If yes**, please provide the relevant legal/regulatory provisions       and specify the time in calendar days:      [ ] No* + - 1. Based on your experience, **in practice**, how often is it the case that the procuring or relevant government authority evaluates the bids during the established period?

[ ] Always [ ] Often [ ] Occasionally [ ] Rarely [ ] Never **Please elaborate**:      * + - 1. Based on your experience, in practice, what is the usual timeline in calendar days. (please select one only)

[ ]  Between 0 and 45[ ]  Between 46 and 90[ ]  Between 91 and 180[ ]  More than 181 |

|  |
| --- |
| * + 1. **Does the procuring authority publish the contract award notice?**
 |
| [ ] Yes. **If yes**, please elaborate the means of publication and provide the relevant legal/regulatory provisions:      [ ] No* + - 1. **If yes,** is the contract award notice published online?

**[ ]** Yes. **If yes,** please provide the website**:**      **[ ]** No* + - 1. Based on your experience, **in practice**, how often is the contract award notice published on a website of free and open access?

[ ] Always [ ] Often [ ] Occasionally [ ] Rarely [ ] Never **Please elaborate:**      * + - 1. Based on your experience, **in practice**, how often is the contract award notice published on a regularly updated website?

[ ] Always [ ] Often [ ] Occasionally [ ] Rarely [ ] Never **Please elaborate:**       |

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| --- |
| * + 1. **Does the procuring authority notify all bidders individually about the result of the TPI tendering/ bidding process?**
 |
| [ ] Yes. **If yes**, please provide the relevant legal/regulatory provisions:      [ ] No. * + - 1. Based on your experience**, in practice**, how often does the procuring authority notify all bidders /tenderers individually with the results of the bidding/tender process?

[ ] Always [ ] Often [ ] Occasionally [ ] Rarely [ ] Never **Please elaborate:**      * + - 1. **If yes**, does the notification of the result of the TPI bidding/ tender process include the grounds for the award to the winning bid/tender?

**[ ]** Yes. **If yes**, please provide the relevant legal/regulatory provisions:      **[ ]** No.* + - 1. Based on your experience**, in practice**, how often does the procuring authority provide all bidders/tenderers with the grounds for awarding the winning bid?

[ ] Always [ ] Often [ ] Occasionally [ ] Rarely [ ] Never **Please elaborate:**      * + - 1. **If yes,** does the procuring authority provide bidders/tenderers with the option of holding a debriefing meeting to discuss why their bid/tender was not selected?

**[ ]** Yes. **If yes**, please provide the relevant legal/regulatory provision:      **[ ]** No.* + - 1. Based on your experience**, in practice**, how often does the procuring authority hold a debriefing meeting requested by the bidder/tenderer to discuss why his/her bid/tender was not selected?

[ ] Always [ ] Often [ ] Occasionally [ ] Rarely [ ] Never **Please elaborate:**       |

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| * + 1. **Is there a standstill (or pause) period after the contract award and before the signing of the contract in order to allow aggrieved unsuccessful bidders to challenge the award decision?**
 |
| [ ] Yes. **If yes**, please provide the relevant legal/regulatory provisions:       and the time in calendar days      [ ] No* + - 1. Based on your experience, in practice, how often does the procuring authority provide a standstill period?

[ ] Always [ ] Often [ ] Occasionally [ ] Rarely [ ] Never **Please elaborate:**       * + - 1. **If yes,** is the standstill period set out in the notice of intention to award?

**[ ]** Yes. **If yes**, please provide the relevant legal/regulatory provisions:      **[ ]** No.* + - 1. Based on your experience, in practice, how often does the established regime provide aggrieved unsuccessful bidders with a fair opportunity to challenge the award decision?

[ ] Always [ ] Often [ ] Occasionally [ ] Rarely [ ] Never **Please elaborate:**       |

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| --- |
| * + 1. **Does the regulatory framework restrict material negotiations (for example price or scope) with the winning bidder between the award and the signature of the TPI contract?**
 |
| [ ] Yes. **If yes**, please provide the relevant legal/regulatory provisions:      [ ] No* + - 1. Based on your experience, **in practice**, how often is this restriction respected?

[ ] Always [ ] Often [ ] Occasionally [ ] Rarely [ ] Never **Please elaborate:**      * + - 1. Based on your experience, **in practice**, how often are post-award material negotiations (price or scope) used?

[ ] Always [ ] Often [ ] Occasionally [ ] Rarely [ ] Never **Please elaborate:**       |

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| --- |
| * + 1. **Does the regulatory framework allow for complaint review mechanisms pertaining to the TPI *bidding/tendering process*?**
 |
| [ ] Yes. **If yes**, please provide the relevant legal/ regulatory provisions:      [ ] No* + - 1. **If yes**, is there a timeframe in which decisions on complaints are issued?

[ ] Yes. **If yes**, please specify the time in calendar days       and provide the relevant legal/ regulatory provisions      [ ] No* + - 1. **If yes**, are decisions subject to appeal?

[ ] Yes. **If yes**, please provide the relevant legal/ regulatory provisions:      [ ] No* + - 1. **If yes**, is the original complaint and/or the appeal reviewed/resolved by an independent administrative authority (other than the procuring authority or the courts)?

[ ] Yes. **If yes**, please provide the relevant legal/regulatory provisions:       and identify the reviewing authority      [ ] No* + - 1. Based on your experience, **in practice**, how often are the decisions on complaints enforced?

[ ] Always [ ] Often [ ] Occasionally [ ] Rarely [ ]  Never **Please** **elaborate:**       |

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| --- |
| * + 1. **Does the regulatory framework explicitly address collusion between the bidders themselves or between bidders and the procuring authority?**
 |
| [ ] Yes. **If yes**, please provide the relevant legal/regulatory provisions:      [ ] No.* + - 1. **If yes**, are bidders obligated to submit an affidavit that they have not entered into any type of collusive activity with other bidders or with the procuring authority?

**[ ]** Yes. **If yes,** please provide the relevant legal/regulatory provisions      **[ ]** No.* + - 1. **If yes**, are administrative fine for collusion between the bidders themselves or between the bidders and the procuring authority based on the firm’s turnover as reference?

**[ ]** Yes. **If yes,** please provide the relevant legal/regulatory provisions      **[ ]** No.* + - 1. Besides administrative fines, what other consequences may arise from collusion between the bidders themselves or between bidders and the procuring authority (*please select all that apply*)?

**[ ]**  Criminal penalty/sanction. **If yes,** please provide the relevant legal/regulatory provisions      **[ ]**  Administrative penalty/sanction for government officials. **If yes,** please provide the relevant legal/regulatory provisions (if any)     **[ ]**  Suspension and/or debarment of firms proven to be guilty of collusion from participation in other bidding/tendering opportunities. **If yes,** please provide the relevant legal/regulatory provisions      **[ ]**  Inability to access government subsidies or tax preferences. **If yes,** please provide the relevant legal/regulatory provisions      **[ ]** No.* + - 1. **If yes**, is collusion between the bidders themselves or between bidders and the procuring authority subject to investigation by an independent administrative authority (other than the procuring authority or the courts)?

**[ ]** Yes. **If yes,** please provide the relevant legal/regulatory provisions      * + - 1. Based on your experience, **in** **practice**, how often are collusive practices present during the procurement of TPI contracts?

[ ] Always [ ] Often [ ] Occasionally [ ] Rarely [ ] Never **Please elaborate**:      * + - 1. Based on your experience, **in practice**, how often are collusive practices during TPI procurement processes reported and investigated?

[ ] Always [ ] Often [ ] Occasionally [ ] Rarely [ ] Never **Please elaborate**:      * + - 1. Based on your experience, **in practice**, how often are penalties imposed as a consequence of collusive practices during TPI procurement processes?

[ ] Always [ ] Often [ ] Occasionally [ ] Rarely [ ] Never **Please elaborate**:       |

|  |
| --- |
| * + 1. **Does the procuring authority publish the TPI contract? (notwithstanding the protection of commercially sensitive information)**
 |
| [ ] Yes. **If yes**, please provide the relevant legal/regulatory provisions:      [ ] No.* + - 1. **If yes,** which of the following elements does the publication include (*check all that apply*)

|  |  |  |  |  |
| --- | --- | --- | --- | --- |
|  | **Available (e.g., by request or in the official gazette)**  | **Available online**  | **Relevant legal/regulatory provision**  | **Published on a regularly updated website** |
| * + - 1. A summary of the TPI contract
 | [ ]  | [ ] **Website:**       |       | [ ] Always[ ] Often[ ] Occasionally[ ] Rarely[ ] Never**Details:**       |
| * + - 1. The full TPI contract
 | [ ]  | [ ] **Website:**       |       | [ ] Always[ ] Often[ ] Occasionally[ ] Rarely[ ] Never**Details:**       |
| * + - 1. All the contract’s annexes and appendixes
 | [ ]  | [ ] **Website:**       |       | [ ] Always[ ] Often[ ] Occasionally[ ] Rarely[ ] Never**Details:**       |
| * + - 1. Any subsequent amendment made to the TPI contract
 | [ ]  | [ ] **Website:**       |       | [ ] Always[ ] Often[ ] Occasionally[ ] Rarely[ ] Never**Details:**       |

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| * + 1. **Please provide any additional information or comments on the answers to the question(s) above and indicate which one(s) you are referring to:**
 |
|       |

1. **Contract Management**

|  |
| --- |
| * + 1. **Does the procuring authority or contract management authority establish a system to manage the TPI contract (i.e., attributing responsibilities or establishing specific management tools)?**
 |
| [ ] Yes. **If yes**, please provide the relevant legal/regulatory/standard contractual provisions      [ ] No* + - 1. **If yes**, which of the following does it include? (check all that apply)

[ ]  Establishment of a TPI contract management team or TPI contract responsible. **If yes**, please provide the relevant legal/regulatory/standard contractual provisions:      [ ]  Elaboration of a TPI contract implementation manual or an equivalent document. **If yes**, please provide the relevant legal/regulatory/standard contractual provisions:      [ ]  Establishment of a risk mitigation mechanism which considers the evolving nature of risks throughout the contract lifecycle (guidelines, specific processes, insurance regime, etc.). **If yes**, please provide the relevant legal/regulatory/standard contractual provisions:      * + - 1. Which of the following options best describes the required qualifications of the TPI contract management team members or the TPI contract responsible? (Please select only one)

[ ]  The membership is specified and/or its members are required to meet detailed qualifications. **If yes,** please specify and provide the relevant legal/regulatory provisions:       [ ]  The TPI contract management team members/ contract responsible are required to meet sufficient qualifications without specific details. **If yes,** please provide the relevant legal/regulatory provisions:       [ ]  The TPI contract management team members/contract responsible are not required to meet any specific qualifications. Please elaborate and provide examples:      * + - 1. Based on your experience, **in practice**, how often does the TPI contract management team have competence in performing its duties?

[ ] Always [ ] Often [ ] Occasionally [ ] Rarely [ ] Never **Please elaborate:**      * + - 1. Based on your experience, **in practice**, how often are the management systems in place is sufficient to ensure proper TPI contract implementation?

[ ]  Always [ ]  Often [ ]  Occasionally [ ]  Rarely [ ]  Never **Please elaborate**:       |

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| * + 1. **Does the procuring or contract management authority establish a monitoring and evaluation system of the construction of the TPI project (i.e., system for tracking progress of construction, monitoring and evaluation of performance, etc.)?**
 |
| [ ] Yes. **If yes**, please provide the relevant legal/regulatory/standard contractual provisions:      [ ] No* + - 1. **If yes**, which of the following tools does it include (check all that apply)?

[ ]  Payments are linked to progress in contract delivery. **If yes**, please provide the relevant legal/regulatory/standard contractual provisions:      [ ]  Progress in contract delivery is assessed against the schedule of implementation in the contract. **If yes**, please provide the relevant legal/regulatory/standard contractual provisions:      [ ]  The contractor must provide the procuring or contract management authority with periodic physical and financial progress. **If yes**, please provide the relevant legal/regulatory/standard contractual provisions:      [ ]  The procuring or contract management authority must periodically gather information on the progress in contract delivery under the TPI contract. **If yes**, please provide the relevant legal/regulatory/standard contractual provisions:      [ ]  The TPI contract implementation progress information must be available to the public (e.g., by request or published in the official gazette/bulletin board). **If yes**, please provide the relevant legal/regulatory/standard contractual provisions:      [ ]  The TPI contract implementation progress information must be published online. **If yes**, please provide the relevant legal/regulatory/standard contractual provisions:       and the website:      * + - 1. Based on your experience, **in practice**, how often is the contract implementation progress properly monitored?

[ ]  Always [ ]  Often [ ]  Occasionally [ ]  Rarely [ ]  Never **Please elaborate**:      * + - 1. Based on your experience, **in practice**, how often is the contract implementation progress information published on a regularly updated website?

[ ]  Always [ ]  Often [ ]  Occasionally [ ]  Rarely [ ]  Never **Please elaborate**:       |

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| --- |
| * + 1. **Is there an independent audit and control mechanism to oversee the contract management stage?**
 |
| [ ] Yes. **If yes**, please provide the relevant legal/regulatory/standard contractual provisions:       and identify the auditing entity and its website:      [ ] No* + - 1. Based on your experience, **in practice**, how often are independent audit and control mechanisms engaged to oversee the contract management stage?

[ ]  Always [ ]  Often [ ]  Occasionally [ ]  Rarely [ ]  Never **Please elaborate**:      * + - 1. Based on your experience, **in practice**, how often do procuring authorities follow the recommendations contained in the reports issued as part of the independent audit mechanism?

[ ]  Always [ ]  Often [ ]  Occasionally [ ]  Rarely [ ]  Never **Please elaborate**:       |

|  |
| --- |
| * + 1. **Is the contractor required to provide a performance guarantee?**
 |
| [ ] Yes. **If yes**, please provide the relevant legal/regulatory/standard contractual provisions:      [ ] No* + - 1. **If yes**, does the regulatory framework provide the method to determine the amount of the performance guarantee?

[ ] Yes. **If yes**, please provide the relevant legal/regulatory/standard contractual provisions:      [ ] No* + - 1. Is the amount of the performance guarantee fixed or is it a percentage of the value of the contract (*please select one only*)?

[ ] Fixed amount. **Please specify**:      [ ] Percentage of the value of the contract. **Please specify**:       * + - 1. Based on your experience, **in practice**, how often does the procuring authority require performance guarantees without unduly burdening the contractor?

Always [ ] Often [ ] Occasionally [ ] Rarely [ ] Never **Please elaborate**:      * + - 1. Are there circumstances related to contract performance under which the procuring authority can encash/invoke the performance guarantee/security?

[ ] Yes. **If yes**, please provide the relevant legal/regulatory/standard contractual provisions:      [ ] No* + - 1. Based on your experience, **in practice**, how often does the procuring authority encash/invoke the performance guarantee/security when the private party fails to perform its contractual obligations?

[ ]  Always [ ]  Often [ ]  Occasionally [ ]  Rarely [ ]  Never **Please elaborate**:       |

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| * + 1. **Is there a timeline in which the procuring authority/contract management authority** **must make payments once an invoice is submitted?**
 |
| [ ] Yes. **If yes**, please provide the relevant legal/regulatory/standard contractual provisions:       and specify the timeframe (in calendar days):      [ ] No* + - 1. Based on your experience, **in practice**, how often does the procuring authority/contract management authority abide by this timeframe?

[ ]  Always [ ]  Often [ ]  Occasionally [ ]  Rarely [ ]  Never **Please elaborate**:      * + - 1. Based on your experience, **in practice**, how long does it take for the procuring authority/contract management authority to make payments once the interim payment certificate is submitted (in calendar days)?

[ ]  Between 0 and 30 [ ]  Between 31 and 90 [ ]  Between 91 and 180 [ ]  More than 181 **Please elaborate**:      * + - 1. Are there any interest and/or penalties payable to contractors in case of delays in payment?

[ ] Yes. **If yes**, please provide the relevant legal/regulatory/standard contractual provisions:      [ ] No* + - 1. Based on your experience, **in practice**, how often do frequently late payments by the procuring authority/contract management authority discourage participation of foreign firms?

[ ] Always [ ] Often [ ] Occasionally [ ] Rarely [ ] Never **Please elaborate**:       |

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| * + 1. **Are penalties enforced on the contractor for delays in TPI contracts in accordance with the agreed-upon contract timeline?**
 |
| [ ] Yes. **If yes**, please provide the relevant legal/regulatory/standard contractual provisions:      [ ] No* + - 1. Based on your experience, **in practice**, how often are penalties enforced for time delays?

[ ] Always [ ] Often [ ] Occasionally [ ] Rarely [ ] Never **Please elaborate on the reason for the delay if so**:       |

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| * + 1. **Is the contractor obliged to take out and maintain insurance on works, contractors’ personnel, equipment, injury to persons and damage to property?**
 |
| [ ] Yes. **If yes**, please provide the relevant legal/regulatory/standard contractual provisions:      [ ] No* + - 1. Based on your experience, **in practice**, how often do contractors maintain such insurances?

[ ] Always [ ] Often [ ] Occasionally [ ] Rarely [ ]  Never **Please elaborate**:       |

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| * + 1. **Are there consequences for the procuring authority’s/contract management authority’s default in performing its obligations (e.g. no payment)?**
 |
| [ ] Yes. **If yes**, please provide the relevant legal/regulatory/standard contractual provisions:      [ ] No* + - 1. Based on your experience, **in practice**, how often does a procuring authority/ contract management authority bear the consequences when defaulting in performing its TPI contractual obligations?

[ ] Always [ ] Often [ ] Occasionally [ ] Rarely [ ]  Never **Please elaborate**:       |

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| * + 1. **Does the regulatory framework (including standard contractual clauses) expressly regulate the modification or amendment of the TPI contract (once the contract is signed)?**
 |
| [ ] Yes. **If yes**, please provide the relevant legal/ regulatory provisions:      [ ] No* + - 1. **If yes**, is an approval from a government authority, other than the procuring authority/ contract management authority, required?

[ ] Yes. **If yes**, please provide the relevant legal/regulatory/standard contractual provisions:       and identify the approving authority      [ ] No* + - 1. **If yes**, which of the following circumstances are specifically regulated? (check all that apply):

[ ]  A change in the scope and/or object of the contract. **If yes**, please provide the relevant legal/regulatory/standard contractual provisions:      * + - * 1. **If yes**, is there a threshold for which a new tendering process is required?

[ ] Yes. If yes, please provide the relevant legal/regulatory/standard contractual provisions:       and please specify:      [ ] No[ ]  A change in the agreed contract delivery timeline. **If yes**, please provide the relevant legal/regulatory/standard contractual provisions:      * + - 1. Based on your experience, **in practice**, how often is a TPI contract modified/amended?

[ ] Always [ ] Often [ ] Occasionally [ ] Rarely [ ]  Never **Please elaborate**:      * + - 1. Based on your experience, **in practice**, how often is a TPI contract modified/amended **outside** the circumstances established by the regulatory framework?

[ ] Always [ ] Often [ ] Occasionally [ ] Rarely [ ]  Never **Please elaborate**:      * + - 1. Based on your experience, **in practice**, how often does the procuring authority/contract management authority bid out a new contract for additional works that involve significant changes in the scope of the originally awarded contract, instead of modifying/amending the contract?

[ ] Always [ ] Often [ ] Occasionally [ ] Rarely [ ]  Never **Please elaborate**:      * + - 1. Can the procuring authority/contract management authority modify a TPI contract *unilaterally*?

[ ] Yes. **If yes**, please provide the relevant legal/ regulatory provisions:      [ ] No* + - 1. Based on your experience, **in practice**, how often do *unilateral* TPI contract modifications occur?

[ ] Always [ ] Often [ ] Occasionally [ ] Rarely [ ] Never **Please elaborate**:       |

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| * + 1. **Does the regulatory framework (including standard contractual clauses) expressly address the following circumstances that may occur during the life of the TPI contract? (check all that apply):**
 |
| * + - 1. [ ]  Force Majeure. **If yes**, please provide the relevant legal/regulatory/standard contractual provisions:
			2. [ ]  Material Adverse Government Action[[5]](#footnote-6). **If yes**, please provide the relevant legal/regulatory/standard contractual provisions:
			3. [ ]  Change in the Law. **If yes**, please provide the relevant legal/regulatory/standard contractual provisions:
			4. [ ]  Subcontracting and replacement of the subcontractors. **If yes**, please provide the relevant legal/regulatory/standard contractual provisions:
			5. [ ]  Price adjustment/revision price of materials and services. **If yes**, please provide the relevant legal/regulatory/standard contractual provisions:
			6. [ ]  A sudden decrease/increase in price of materials and services (under a situation where price adjustment is not provided for in the contract) necessary for contract implementation. **If yes**, please provide the relevant legal/regulatory/standard contractual provisions:
			7. Based on your experience, **in practice**, how often do the clauses established in the TPI contract satisfactorily deal with the circumstances identified above?

[ ] Always [ ] Often [ ] Occasionally [ ] Rarely [ ] Never **Please elaborate**:       |

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| * + 1. **Does the regulatory framework (including standard contractual clauses) allow for alternative dispute resolution mechanisms in case of disputes arising from the *implementation* of TPI contracts?**
 |
| [ ] Yes. **If yes**, please elaborate and provide the relevant legal/regulatory/standard contractual provisions:      [ ] No* + - 1. If yes, is arbitration available as an option (*please select one only*)?

[ ] Yes. Domestic arbitration only. **If yes**, please provide the relevant legal/regulatory/standard contractual provisions:      [ ] Yes. Domestic and international arbitration. **If yes**, please provide the relevant legal/regulatory/standard contractual provisions:      [ ] No* + - 1. If applicable, are arbitration awards enforceable by local courts?

[ ] Yes. **If yes**, please elaborate and provide the relevant legal/regulatory/standard contractual provisions:      [ ] No* + - 1. Are other Alternative Dispute Resolution (ADR) options available (including mediation or dispute resolution boards)?

[ ] Yes. **If yes**, please elaborate and provide the relevant legal/regulatory/standard contractual provisions:      [ ] No* + - 1. Based on your experience, **in practice**, how often is arbitrationor other ADR the designated choice for these disputes over TPI contracts?

[ ] Always [ ] Often [ ] Occasionally [ ] Rarely [ ]  Never **Please elaborate**:      * + - 1. Based on your experience, **in practice**, how often are arbitral awards enforced?

[ ] Always [ ] Often [ ] Occasionally [ ] Rarely [ ]  Never **Please elaborate**:       |

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| * + 1. **Does the regulatory framework (including standard contractual clauses) expressly address the grounds for the termination of a TPI contract?**
 |
| [ ] Yes. **If yes**, please elaborate:      ; and provide the relevant legal/regulatory provisions:      [ ] No* + - 1. Based on your experience, **in practice**, how often do the clauses established in the TPI contract satisfactorily deal with contract termination?

[ ] Always [ ] Often [ ] Occasionally [ ] Rarely [ ] Never **Please elaborate**:      * + - 1. **If yes**, does the regulatory framework (including standard contractual clauses) also addresses the consequences for the termination of the TPI contract?

[ ] Yes. **If yes**, please provide the relevant legal/regulatory/standard contractual provisions:      [ ] No* + - 1. Based on your experience, **in practice**, how often are the consequences for the termination of the TPI contract enforced?

[ ] Always [ ] Often [ ] Occasionally [ ] Rarely [ ]  Never **Please elaborate**:       |

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| * + 1. **Does the procuring authority or contract management authority inspect the works after the completion of the construction contract?**
 |
| [ ] Yes. **If yes**, please provide the relevant legal/regulatory/ provisions:      [ ] No* + - 1. Based on your experience, **in practice**, how often does the procuring authority/contract management authority inspect the works after completion of the construction contract?

[ ] Always [ ] Often [ ] Occasionally [ ] Rarely [ ]  Never **Please elaborate:**       |

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| * + 1. **Please provide any additional information or comments on the answers to the question(s) above and indicate which one(s) you are referring to:**
 |
|       |

1. **Infrastructure Asset Management, Operation and Maintenance**

In **Section F** below, we would like to ask you a few questions regarding **the management, operation and maintenance of infrastructure assets**. **For the purpose of Section F only,** pleaseconsider that the construction contract (e.g., national highway) from the previous case study has been completed and the asset (highway/expressway) is handed over to the government for its management.

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| * + 1. **Which entity is responsible for the management of the infrastructure asset** *(e.g., national highway/expressway)? Choose all that apply and describe the alternative arrangements when providing the name of the most relevant entity).*
 |
| [ ]  Ministerial Department. **If yes**, please provide its name and website       and the relevant legal/regulatory provisions establishing its mandate and functions:      [ ]  Government agency. **If yes**, please provide its name and website       and the relevant legal/regulatory provisions establishing its mandate and functions:       [ ]  State owned enterprise. **If yes**, please provide its name and website       and the relevant legal/regulatory provisions establishing its mandate and functions:      [ ]  Infrastructure management fund (e.g. Road fund). **If yes**, please provide its name and website       and the relevant legal/regulatory provisions establishing its mandate and functions:       [ ]  Other. **If yes**, please elaborate and provide the relevant legal/regulatory provisions:      * + - 1. Based on your experience, **in practice**, has the entity responsible for the management of the infrastructure asset been capable of carrying out its functions?

[ ] Always [ ] Often [ ] Occasionally [ ] Rarely [ ]  Never Please elaborate:       |

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| * + 1. **Has the entity responsible for the management of the infrastructure asset (e.g., national highway/ expressway) or the government more broadly, developed a routine maintenance and improvements strategy/plan for existing infrastructure assets?**
 |
| [ ]  Yes. **If yes**, please specify and provide the relevant legal/regulatory provisions:       [ ] No* + - 1. If yes, is this strategy/plan (check all that apply):

[ ]  Published online. **If yes**, please provide the relevant legal/regulatory provisions:       and provide the website      [ ]  Costed out (includes cost estimations). **If yes**, please provide the relevant legal/regulatory provisions:      [ ]  Budgeted with resources allocated to routine maintenance and rehabilitation **If yes**, please provide the relevant legal/regulatory provisions:      [ ]  Audited by an external entity. **If yes**, please provide the relevant legal/regulatory provisions:      * + - 1. Based on your experience, **in practice**, how often are sufficient budgetary funds allocated for highway/road routine maintenance?

[ ] Always [ ] Often [ ] Occasionally [ ] Rarely [ ]  Never **Please elaborate**:       |

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| * + 1. **Does the entity responsible for the management of the infrastructure asset (e.g., national highway/expressway) or the government more broadly maintain a register and/or database of infrastructure assets?**
 |
| [ ] Yes. **If yes**, please provide the relevant legal/regulatory provisions:       [ ] No* + - 1. **If yes**, is this registry/database updated periodically by surveys of stocks, values and conditions/quality of the infrastructure assets?

**[ ]** Yes. **If yes,** please provide the relevant legal/regulatory provisions      **[ ]** No.* + - 1. **If yes,** is it available online?

**[ ]** Yes. **If yes,** please provide the website**:**      **[ ]** No* + - 1. Based on your experience, **in practice**, how often is the register updated and available on a regularly updated website?

[ ] Always [ ] Often [ ] Occasionally [ ] Rarely [ ] Never **Please elaborate:**       |

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| * + 1. **Of the following funding sources, which ones are available to fund the operation and maintenance of infrastructure assets (e.g., national highways)?** *(check all that apply)*
 |
| [ ]  Budgetary funds. **If yes**, please provide the relevant legal/regulatory provisions:       [ ]  Tax earmarks. **If yes**, please provide the relevant legal/regulatory provisions:       [ ]  Tolls/User fees. **If yes**, please provide its name and website      , the relevant legal/regulatory provisions (if any):       [ ]  Other, please specify      . **If yes**, please provide the relevant legal/regulatory provisions:      * + - 1. Based on your experience, **in practice**, how often are the funding sources for the operation and maintenance of infrastructure assets (e.g., national highway) sufficient?

[ ] Always [ ] Often [ ] Occasionally [ ] Rarely [ ]  Never **Please elaborate**:       |

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| * + 1. **Of the following management mechanisms, which ones are available for the operation and maintenance of the infrastructure asset (e.g., national highway/expressway)?** *(check all that apply)*
 |
| [ ]  In-house operation and maintenance (i.e. with public employees). **If yes**, please provide the relevant legal/regulatory provisions:       [ ]  Ad hoc short-term maintenance/repair contracts. **If yes**, please provide the relevant legal/regulatory provisions:       [ ]  Long term input-based maintenance contracts. **If yes**, please provide the relevant legal/regulatory provisions:       [ ]  Long term output and performance-based maintenance contracts. **If yes**, please provide the relevant legal/regulatory provisions:       [ ]  Concession contracts. **If yes**, please provide the relevant legal/regulatory provisions:      * + - 1. If long term contracts are used (other than concessions), is there any limitation to:

[ ]  The length of the contract. **If yes**, please provide the relevant legal/regulatory provisions:       and specify the time in years      [ ]  The amount of the contract. **If yes**, please provide the relevant legal/regulatory provisions:       and specify the amount      * + - 1. Based on your experience, **in practice**, how often are output and performance-based maintenance contracts used to maintain infrastructure assets (e.g., national highways)?

[ ] Always [ ] Often [ ] Occasionally [ ] Rarely [ ]  Never **Please elaborate**:      * + - 1. Based on your experience, **in practice**, how often are concession contracts used to maintain and operate infrastructure assets (e.g., national highways)?

[ ] Always [ ] Often [ ] Occasionally [ ] Rarely [ ]  Never **Please elaborate**:      * + - 1. Based on your experience, **in practice**, how often are performance-based maintenance contracts and concessions are effective in terms of generating value for money and quality?

[ ] Always [ ] Often [ ] Occasionally [ ] Rarely [ ]  Never **Please elaborate**:       |

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| * + 1. **Please provide any additional information or comments on the answers to the question(s) above and indicate which one(s) you are referring to:**
 |
|       |

1. **Additional Information**

|  |
| --- |
| * + 1. **What are the three main areas of improvement that would enhance the participation of the private sector in TPI projects in your country? Please select three issues only from the list below.**
 |
| * + - 1. Stronger TPI regulatory framework [ ]
			2. Better enforceability of existing regulations [ ]
			3. Consistent political backing for the TPI program [ ]
			4. More efficient and transparent procurement process [ ]
			5. Adequate project preparation (capacity and funding). [ ]
			6. Development of a pipeline of well-prepared projects [ ]
			7. Availability of reliable government funding [ ]
			8. More public compliance with obligations, including timely payments [ ]
			9. Other [ ] , please specify
 |

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| * + 1. **How can we improve this survey?**
 |
|  |

## **Thank you very much for participating in this project and completing the survey. We greatly appreciate your contribution!**

## **Please note that none of your responses will be attributed directly to you or your organization. Please check the information you do not want us to publish. We do not publish mobile phone numbers.**

## **yAAP** **a0580000005PhRYAA0** **111**

## **Contributor(s) Information:** Please check the box next to information you **do not** want us to **publish**.

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| --- | --- | --- | --- | --- |
| Name | Occupation | Email | Phone | Address |
| [ ] [title] [first name][last name] | [ ]  [firm][position][profession] | [ ]  [     ] | [ ] [phone] [mobile]  | [ ]  [street][state/province][city/country] |
| [ ]  [title] [first name][last name] | [ ]  [firm][position][profession] | [ ]  [     ] | [ ]  [phone][mobile] | [ ]  [street][state/province][city/country] |
| [ ]  [title][first name][last name] | [ ]  [firm][position][profession] | [ ]  [     ] | [ ]  [phone][mobile] | [ ]  [street][state/province][city/country] |
| [ ]  [title][first name][last name] | [ ]  [firm][position][profession] | [ ]  [     ] | [ ]  [phone][mobile] | [ ]  [street][state/province][city/country] |

n   id

**Referrals:** Please help us expand our list of contributors by referring us to other TPI experts in the private sector (lawyers, academics, public officials, etc.) who could respond to the *Traditional Public Investment* indicator of the *Benchmarking Infrastructure Development initiative*.

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| --- | --- | --- | --- | --- | --- | --- |
| First name | Last name | Position | Firm | Address | Phone | E-mail |
| [      ] | [      ] | [      ] | [      ] | [      ] | [      ] | [      ] |
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1. The privately-owned firm may constitute a consortium of private firms. [↑](#footnote-ref-2)
2. Adapted from The Power of Public Investment Management: Transforming Resources into Assets for Growth at p. 10 (Anand Rajaram, Tuan Minh Le, Kai Kaiser, Jay-Hyung Kim, & Jonas Frank, eds., World Bank Publication, 2014). [↑](#footnote-ref-3)
3. If possible, please provide a link to a government–supported website where the mentioned methodology is available or provide an electronic copy of it. [↑](#footnote-ref-4)
4. Market sounding and/or assessment refers to a procedure that evaluates potential interest from contractors, providing insight into the likely level of market interest and providing the procuring authority with an opportunity to adjust the project scope if necessary to ensure private sector participation and to improve competition. [↑](#footnote-ref-5)
5. Material Adverse Government Action means any act or omission by the procuring authority or other relevant authority, which occurs during the term of the TPI Contract and which has a material adverse effect on (i) the ability of the private party to comply with any of its material obligations under this TPI Contract and/or (ii) the cost or the profits arising from such performance. [↑](#footnote-ref-6)