

Scoring Methodology

Thematic area	What is measured	How it is scored
Preparation of PPPs	The Ministry of Finance or central budgetary authority approves the PPP project before launching the procurement process.	A score of 1 if yes based on a regulatory provision. A score of 0.5 if yes based on a recognized practice.
	A second approval by the Ministry of Finance or central budgetary authority is required before signing the PPP contract.	A score of 1 if yes based on a regulatory provision. A score of 0.5 if yes based on a recognized practice.
	Fiscal treatment of PPPs (budgetary, accounting and/or reporting treatment of PPPs). ⁺	A score of 0.5 if there is a specific budgetary treatment of PPPs, based on a regulatory provision. A score of 0.25 if yes based on a recognized practice. A score of 0.5 if there is a specific accounting and/or reporting system for PPPs, based on a regulatory provision. A score of 0.25 if yes based on a recognized practice.
	Prioritization of PPP projects with all other public investment projects (for example, in the context of a national public investment system) to ensure consistency of PPPs with other public investment priorities. ^a	A score of 1 if a specific procedure is detailed in the regulatory framework. A score of 0.5 if consistency is required only as a general principle. A score of 0.25 if yes based on a recognized practice.
	Socioeconomic analysis (cost-benefit analysis of the socioeconomic impact of the project). ^a	A score of 1 if required and a specific methodology has been developed. A score of 0.5 if required but no specific methodology has been developed. A score of 0.25 if conducted according to a recognized practice but without a specific methodology developed.
	Fiscal affordability assessment, including the identification of the required long-term public commitments (explicit and implicit). ^a	A score of 1 if required and a specific methodology has been developed. A score of 0.5 if required but no specific methodology has been developed. A score of 0.25 if conducted according to a recognized practice but without a specific methodology developed.
	Risk identification, allocation, and assessment (risk matrix). ^a	A score of 1 if required and a specific methodology has been developed. A score of 0.5 if required but no specific methodology has been developed. A score of 0.25 if conducted according to a recognized practice but without a specific methodology developed.
	Comparative assessment to evaluate whether PPP is the best option as compared with other procurement strategies (value for money analysis, public sector comparator). ^a	A score of 1 if required and a specific methodology has been developed. A score of 0.5 if required but no specific methodology has been developed. A score of 0.25 if conducted according to a recognized practice but without a specific methodology developed.
	Financial viability or bankability assessment. ^a	A score of 1 if required and a specific methodology has been developed. A score of 0.5 if required but no specific methodology has been developed. A score of 0.25 if conducted according to a recognized practice but without a specific methodology developed.

Thematic area	What is measured	How it is scored
Preparation of PPPs (cont'd)	Market sounding and/or assessment (showing evidence of investors' interest in the market for the project). ^a	<p>A score of 1 if required and a specific methodology has been developed.</p> <p>A score of 0.5 if required but no specific methodology has been developed.</p> <p>A score of 0.25 if conducted according to a recognized practice but without a specific methodology developed.</p>
	Environmental impact analysis. ^{a +}	<p>A score of 1 if required and a specific methodology has been developed.</p> <p>A score of 0.5 if required but no specific methodology has been developed.</p> <p>A score of 0.25 if conducted according to a recognized practice but without a specific methodology developed.</p>
	Assessments included in the request for proposals and/or tender documents. ⁺	<p>A score of 1 if yes based on a regulatory provision.</p> <p>A score of 0.5 if yes based on a recognized practice.</p>
	Assessments published online. ^{b +}	<p>A score of 1 if yes based on a regulatory provision.</p> <p>A score of 0.5 if yes based on a recognized practice</p>
	Draft PPP contract included in the request for proposals.	<p>A score of 1 if yes based on a regulatory provision.</p> <p>A score of 0.5 if yes based on a recognized practice.</p>
	Tender documents published online. ^{b +}	<p>A score of 1 if yes based on a regulatory provision.</p> <p>A score of 0.5 if yes based on a recognized practice.</p>
	Standardized PPP model contracts and/or transaction documents developed.	A score of 1 if yes.
Procurement of PPPs	Bid evaluation committee members are required to meet specific qualifications.	<p>A score of 1 if a specific qualifications are detailed in the regulatory framework.</p> <p>A score of 0.5 if qualifications are required without specific detail.</p> <p>A score of 0.25 if yes based on a recognized practice.</p>
	The procuring authority issues a public procurement notice of the PPP.	<p>A score of 1 if yes based on a regulatory provision.</p> <p>A score of 0.5 if yes based on a recognized practice.</p>
	PPP public procurement notice is published online. ^b	A score of 1 if yes.
	Foreign companies are allowed to participate in the PPP bidding process. ⁺	<p>A score of 1 if no prohibition is in place.</p> <p>A score of 0 if foreign companies are prohibited from participating in a PPP bidding process.</p>
	The procuring authority grants potential bidders a minimum period of time to submit their bids.	<p>A score of 1 if yes based on a regulatory provision.</p> <p>A score of 0.5 if yes based on a recognized practice.</p>
	Legally required minimum period of time in calendar days.	<p>A score of 1 if the legally required minimum period of time is at least 60 calendar days.</p> <p>A score of 0.5 if the legally required minimum period of time is at least 30 calendar days.</p>
	Procurement procedures are available when procuring PPPs. ⁺	<p>A score of 0.33 if open procedure (single-stage bidding) is available.</p> <p>A score of 0.33 if restricted procedure (competitive procedure with prequalification stage) is available.</p> <p>A score of 0.33 if either Competitive dialogue or multi-stage bidding process (other than prequalification) is available.</p>

Thematic area	What is measured	How it is scored
Procurement of PPPs (cont'd)	Direct negotiation with one or more than one candidate. ⁺	A score of 1 if neither is available at the full discretion of the procuring authority.
	The tender documents detail the procedure of the procurement process, providing the same information to all the bidders.	A score of 1 if yes based on a regulatory provision. A score of 0.5 if yes based on a recognized practice.
	If applicable, the tender documents specify the prequalification/shortlisting criteria in order to make them available to all the bidders. ^a	A score of 1 if yes based on a regulatory provision. A score of 0.5 if yes based on a recognized practice.
	Interested parties/potential bidders can submit questions to clarify the public procurement notice and/or the request for proposals.	A score of 1 if yes based on a regulatory provision. A score of 0.5 if yes based on a recognized practice.
	Notwithstanding confidential information, the procuring authority discloses those questions and clarifications to all the potential bidders. ^a	A score of 1 if yes based on a regulatory provision. A score of 0.5 if yes based on a recognized practice.
	Besides questions and clarifications, the procuring authority can conduct a pre-bid conference. ⁺	A score of 1 if yes based on a regulatory provision. A score of 0.5 if yes based on a recognized practice.
	Notwithstanding confidential information, the procuring authority discloses the content and the results of the pre-bid conference to all bidders. ^a	A score of 1 if yes based on a regulatory provision. A score of 0.5 if yes based on a recognized practice.
	The procuring authority requires the bidders to prepare and present a financial model with their proposals.	A score of 1 if yes based on a regulatory provision. A score of 0.5 if yes based on a recognized practice.
	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 based on a regulatory provision. A score of 0.5 if yes based on a recognized practice.
	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. A score of 0.5 if sole proposals are considered valid as long as they meet the conditions outlined in the tender documents, based on a regulatory provision. A score of 0.25 if sole proposals are considered valid as long as they meet the conditions outlined in the tender documents, based on a recognized practice.
	The procuring authority publishes the award notice.	A score of 1 if yes based on a regulatory provision. A score of 0.5 if yes based on a recognized practice.
	The public procurement award notice is published online. ^b	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 based on a regulatory provision. A score of 0.5 if yes based on a recognized practice.
	The notification of the result of the PPP procurement process includes the grounds for the selection of the winning bid.	A score of 1 if yes based on a regulatory provision. A score of 0.5 if yes based on a recognized practice.

Thematic area	What is measured	How it is scored
Procurement of PPPs (cont'd)	There is a standstill period before contract award and before signing the contract in order to allow unsuccessful bidders to challenge the award decision. ⁺	A score of 1 if there is a standstill period. A score of 0.5 if yes based on a recognized practice.
	The standstill period is at least 10 days. ⁺	A score of 1 if yes.
	The standstill period is set out in the notice of intention to award. ⁺	A score of 1 if there is a standstill period. A score of 0.5 if yes based on a recognized practice.
	The regulatory framework restricts negotiations with the selected bidder between the award and the signature of the PPP contract. ^a	A score of 1 if yes based on a regulatory provision. A score of 0.5 if yes based on a recognized practice.
	The procuring authority publishes the PPP contract.	A score of 1 if yes based on a regulatory provision. A score of 0.5 if yes based on a recognized practice.
	The PPP contract is published online. ^b	A score of 1 if yes.
	The procuring authority also publishes any subsequent amendment made to the PPP contract. ⁺	A score of 1 if the amendments are published. A score of 0.5 if yes based on a recognized practice.
PPP contract management	The procuring or contract management authority establishes a system to manage the implementation of the PPP contract.	A score of 1 if yes based on a regulatory provision. A score of 0.5 if yes based on a recognized practice.
	PPP management tools are available.	A score of 0.2 if a regulatory provision includes the establishment of a PPP contract team. A score of 0.1 if the establishment of a PPP contract team happens as a recognized practice. A score of 0.2 if a regulatory provision includes the participation of the members of the PPP contract management team in the PPP procurement process. A score of 0.1 if such participation happens as a recognized practice. A score of 0.2 if a regulatory provision includes the elaboration of a PPP implementation manual or an equivalent document. A score of 0.1 if such manual or equivalent document is elaborated as a recognized practice. A score of 0.2 if a regulatory provision includes the adoption of a risk mitigation mechanism. A score of 0.1 if such mechanism is developed as a recognized practice. A score of 0.2 if a regulatory provision includes the establishment of personnel training programs. A score of 0.1 if such personnel training programs are done as a recognized practice.
	PPP contract management team members are required to meet specific qualifications. ⁺	A score of 1 if specific qualifications are detailed in the regulatory framework. A score of 0.5 if qualifications are required without specific detail. A score of 0.25 if yes based on a recognized practice.
	The procuring or contract management authority establishes a system for tracking progress and completion of construction works under a PPP contract. ⁺	A score of 1 if yes based on a regulatory provision. A score of 0.5 if yes based on a recognized practice.

Thematic area	What is measured	How it is scored
PPP contract management (cont'd)	The procuring or contract management authority makes PPP construction information available to the public.	A score of 1 if a regulatory provision mandates the availability of the PPP construction information to the public. A score of 0.5 if such PPP construction information is available to the public as a recognized practice.
	The PPP construction performance information is available online. ^b	A score of 1 if yes.
	The procuring or contract management authority establishes a monitoring and evaluation system of the PPP contract implementation after construction.	A score of 1 if yes based on a regulatory provision. A score of 0.5 if yes based on a recognized practice.
	Mechanisms included in the PPP contract's monitoring and evaluation system.	A score of 0.2 if the regulatory framework provides for performance to be assessed against evaluation criteria set in the tender documents and the contract. ⁺ A score of 0.1 if performance assessment against established criteria happens as a recognized practice. ⁺ A score of 0.2 if the regulatory framework establishes the possibility of abating (reducing) payments for non-performance of operating obligations. ⁺ A score of 0.1 if abatement of payments for non-performance happens as a recognized practice. ⁺ A score of 0.2 if a regulatory provision mandates the private partner to provide periodic operational and financial data. A score of 0.1 if provision of such data happens as a recognized practice. A score of 0.2 if a regulatory provision mandates the procuring or contract management authority to periodically gather information on the performance of the PPP contract. A score of 0.1 if such periodic gathering of information happens as a recognized practice. A score of 0.2 if a regulatory provision mandates the availability of the PPP contract performance information to the public. A score of 0.1 if such PPP contract performance information is available to the public as a recognized practice.
	The PPP contract performance information is available online. ^b	A score of 1 if yes.
	Foreign companies are prohibited from repatriating the income resulting from the operations of PPP contracts. ⁺	A score of 1 if no prohibition is in place. A score of 0 if foreign companies are prohibited from repatriating the income resulting from the operations of PPP contracts.
	The regulatory framework (including standard contractual clauses) expressly regulates a change in the structure (stakeholder composition) of private partner and/or assignment of the PPP contract.	A score of 1 if yes based on a regulatory provision. A score of 0.5 if yes based on a recognized practice.
	The regulatory framework (including standard contractual clauses) specifically regulates the following circumstances regarding the change in the structure (stakeholder composition) of private partner and/or assignment of the PPP contract:	A score of 0.5 if any change in private partner during an initial period is regulated (e.g. construction and first five years of operation). A score of 0.5 if a change affecting the controlling interest requires the replacing entity to meet the same technical qualifications as the original operator.
	The regulatory framework (including standard contractual clauses) expressly regulates the modification or renegotiation of the PPP contract (once the contract is signed).	A score of 1 if yes based on a regulatory provision. A score of 0.5 if yes based on a recognized practice.

Thematic area	What is measured	How it is scored
PPP contract management (cont'd)	Modification or renegotiation of the PPP contract requires approval from a government authority, other than the procuring authority is required. +	A score of 1 if yes based on a regulatory provision. A score of 0.5 if yes based on a recognized practice.
	The regulatory framework specifically regulates the following circumstances regarding modification or renegotiation of the PPP contract:	A score of 0.2 if a change in the scope and/or object of the contract is expressly regulated or a score of 0.1 if based on a recognized practice. A score of 0.2 if a change in the risk allocation of the contract is expressly regulated or a score of 0.1 if based on a recognized practice. A score of 0.2 if a change in the investment plan or duration of the contract is expressly regulated or a score of 0.1 if based on a recognized practice. A score of 0.2 if a change in the financial and/or economic balance of the contract is expressly regulated or a score of 0.1 if based on a recognized practice.+ A score of 0.2 if a change in the agreed price or tariff is expressly regulated or a score of 0.1 if based on a recognized practice.+
	The procuring authority can unilaterally modify the PPP contract.+	A score of 1 if unilateral modification without approval from a government authority other than the procuring authority is not possible.
	The regulatory framework (including standard contractual clauses) expressly regulates circumstances that may occur during the life of the PPP contract.	A score of 0.2 if force majeure is expressly regulated or a score of 0.1 if based on a recognized practice. A score of 0.2 if material adverse government action is expressly regulated or a score of 0.1 if based on a recognized practice. A score of 0.2 if change in the law is expressly regulated or a score of 0.1 if based on a recognized practice. A score of 0.2 if refinancing is expressly regulated or a score of 0.1 if based on a recognized practice. A score of 0.2 if subcontracting is expressly regulated or a score of 0.1 if based on a recognized practice. +
	The regulatory framework (including standard contractual clauses) allows for administrative and/or contractual complaint review mechanisms to address disputes arising from the implementation of PPP contracts.+	A score of 1 if yes based on a regulatory provision. A score of 0.5 if yes based on a recognized practice.
	Resolution mechanisms available for disputes arising from the implementation of PPP contracts. +	A score of 0.25 if a local administrative review body is available. A score of 0.25 if domestic arbitration is available. A score of 0.25 if international arbitration is available. A score of 0.25 if Investor-State Dispute Settlement (ISDS) is available.
	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 if the PPP contract is under threat of termination for failure to meet service obligations.	A score of 1 if yes based on a regulatory provision. A score of 0.5 if yes based on a recognized practice.
	Regulation of lender's step-in rights.	A score of 1 if they are expressly regulated by the regulatory framework. A score of 0.5 if they are expressly required to be regulated in the contract or a score of 0.25 if based on a recognized practice. A score of 0.5 if a direct agreement is expressly required to be signed with the lenders or a score of 0.25 if based on a recognized practice.

Thematic area	What is measured	How it is scored
PPP contract management (cont'd)	The regulatory framework (including standard contractual clauses) expressly establishes the grounds for termination of a PPP contract.	A score of 1 if yes based on a regulatory provision. A score of 0.5 if yes based on a recognized practice.
	The regulatory framework (including standard contractual clauses) also establishes the consequences for the termination of the PPP contract.	A score of 1 if yes based on a regulatory provision. A score of 0.5 if yes based on a recognized practice.
Unsolicited proposals	The regulatory framework prohibits unsolicited proposals (thus not requiring any regulation).	Not scored (and expressly stated) when not regulated and not used in practice and when explicitly prohibited.
	The procuring authority conducts an assessment to evaluate unsolicited proposals.	A score of 1 if yes based on a regulatory provision. A score of 0.5 if yes based on a recognized practice.
	The procuring authority conducts a vetting procedure and/or pre-feasibility analysis before fully assessing the unsolicited proposal. ⁺	A score of 1 if there is a vetting procedure. A score of 0.5 if yes based on a recognized practice.
	The evaluation assessment ensures that the unsolicited proposal is consistent with the existing government priorities.	A score of 1 if a specific procedure is detailed in the regulatory framework. A score of 0.5 if the regulatory framework sets such goal without establishing specific procedures to achieve it. A score of 0.25 if yes based on a recognized practice.
	The procuring authority initiates a competitive PPP procurement procedure when proceeding with the unsolicited proposal.	A score of 1 if yes based on a regulatory provision. A score of 0.5 if yes based on a recognized practice.
	The procuring authority grants a minimum period of time to additional prospective bidders (besides the proponent) to prepare their proposals.	A score of 1 if yes based on a regulatory provision. A score of 0.5 if yes based on a recognized practice.
	Legally required minimum period of time in calendar days.	A score of 1 if the legally required minimum period of time is at least 90 calendar days. A score of 0.5 if the legally required minimum period of time is at least 60 calendar days.

Note:

a. An additional score of 1 is given if the regulatory requirement is respected in practice, according to contributor's opinion.

b. Questions referring to online availability are not scored when, according to contributors' opinion, projects have not been developed under the assessed PPP regime.

+ New questions or reformulated question introduced in *Procuring Infrastructure PPPs 2018*.

Changes Introduced in *Procuring Infrastructure PPPs 2018*

Procuring Infrastructure PPPs 2018 is still refining its methodology. There have been significant changes in the scope of the questionnaire in comparison with last year's *Benchmarking PPP Procurement 2017*, with new questions added and several others reformulated.

These changes in the survey imply that aggregated scores at the thematic level are not comparable between *Procuring Infrastructure PPP 2018* and *Benchmarking PPP Procurement 2017*. Therefore, changes in the scores should be interpreted with caution because they may be unrelated to regulatory reforms and depend only on changes in the scope of the assessment (and minor corrections from last year's edition).

The questions reformulated or added that are scored in this edition are identified in Appendix 1 with the symbol "+". The main changes in scoring by thematic area are the following:

Preparation of PPPs: Budgeting for PPPs; accounting and/or reporting for PPPs; environmental assessment and methodology; inclusion of assessments in request for proposals/tender documents; online publication of the assessments; and online publication of the tender documents.

Procurement of PPPs: Foreign companies prohibited (negative score); availability of procurement procedures; discretionary direct negotiation possible (negative score); pre-bid conference and disclosure of information about it; standstill period and information about the standstill period in the award notification.

PPP contract management: Qualifications of the contract management team; system for tracking progress and completion of the construction works; availability of information on construction to the public and online; two new sub-questions about monitoring and evaluation (regarding performance criteria and abatement of payments); foreign companies prohibited from repatriating income (negative score); approval by an additional government authority in case of renegotiation; two new sub-questions about specific regulations for renegotiation (economic balance and change in the tariff); unilateral modification (negative score if an additional government authority is not required to approve the renegotiation); new sub-questions in the question regarding circumstances of the contract (refinancing and subcontracting); availability of alternative dispute resolution mechanisms (question reformulated).

Unsolicited proposals: Vetting/pre-feasibility analysis.

Procuring Infrastructure PPPs 2018 Transparency Scores

Considering the importance of transparency through the PPP life cycle, several questions were included in the survey instrument to assess whether economies adhere to international good practices in terms of disclosure of information to the public in the preparation, procurement, and contract management phases.

In the 2018 edition of the report, transparency scores were compiled by aggregating the scores for selected survey questions related to transparency and online publication of PPP materials in each of the three thematic areas: preparation, procurement, and contract management. The scores are presented on a range from 0 to 100, with economies with the highest scores considered to comply with international disclosure good practices.

Transparency is not an unequivocal concept and several other questions in the survey are also related to other forms of transparency. In particular, several questions refer to the transparency and fairness of the process regarding the information provided to the bidders. Those questions were not included in the transparency score.

The following questions were included and scored in calculating these cross-sectional transparency scores:



Transparency Scoring Methodology

Thematic area	What is measured	How it is scored
Preparation of PPPs	Assessments are published online. ^a	A score of 1 if yes based on a regulatory provision. A score of 0.5 if yes based on a recognized practice.
	Tender documents are published online. ^a	A score of 1 if yes based on a regulatory provision. A score of 0.5 if yes based on a recognized practice.
	Standardized PPP model contracts and/or transaction documents have been developed.	A score of 1 if yes.
Procurement of PPPs	The procuring authority issues a public procurement notice of the PPP.	A score of 1 if yes based on a regulatory provision. A score of 0.5 if yes based on a recognized practice.
	PPP public procurement notice is published online. ^a	A score of 1 if yes.
	The procuring authority publishes the award notice.	A score of 1 if yes based on a regulatory provision. A score of 0.5 if yes based on a recognized practice.
	The public procurement award notice is published online. ^a	A score of 1 if yes.
	The procuring authority publishes the PPP contract.	A score of 1 if yes based on a regulatory provision. A score of 0.5 if yes based on a recognized practice.
	The PPP contract is published online. ^a	A score of 1 if yes.
	The procuring authority also publishes any subsequent amendment made to the PPP contract.	A score of 1 if the amendments are published. A score of 0.5 if yes based on a recognized practice.
PPP contract management	The procuring or contract management authority makes PPP construction information available to the public.	A score of 1 if a regulatory provision mandates the availability of the PPP construction information to the public. A score of 0.5 if such PPP construction information is available to the public as a recognized practice.
	The PPP construction performance information is available online. ^a	A score of 1 if yes.
	The procuring or contract management authority makes PPP contract performance information available to the public.	A score of 0.2 if a regulatory provision mandates the availability of the PPP contract performance information to the public. A score of 0.1 if such PPP contract performance information is available to the public as a recognized practice.
	The PPP contract performance information is available online. ^a	A score of 1 if yes.

Note:

a. Questions referring to online availability were not scored when according to contributors' opinion, projects have not been developed under the assessed PPP regime.