

ANNEX  
REGULATION OF THE NATIONAL PUBLIC  
PROCUREMENT AGENCY OF THE REPUBLIC  
OF INDONESIA  
NUMBER 29 OF 2018  
ON  
PROCEDURES FOR IMPLEMENTING  
BUSINESS ENTITY PROCUREMENT IN  
INFRASTRUCTURE PROVISION THROUGH  
PUBLIC PRIVATE PARTNERSHIP INITIATED BY  
MINISTERS/HEADS OF AGENCIES/HEADS OF  
REGIONS

CHAPTER I  
INTRODUCTION

A. Background

In conducting the Implementing Business Entity (IBE) Procurement for a Public Private Partnership (PPP) in a manner which complies with good governance principles in order to accelerate provision of infrastructure, it is necessary to provide more detailed provisions concerning procedures for the implementation of the Procurement of IBE.

B. Purpose and Objective

1. The purpose of the issuance of this National Public Procurement Agency Regulation is to provide a reference for all stakeholders in conducting IBE Procurement in Infrastructure Provision through PPP.
2. The objective of the issuance of this National Public Procurement Agency Regulation is to ensure the good governance of the IBE Procurement for Infrastructure Provision through PPP and in accordance with the principles of efficiency, effectiveness, transparency, openness, competition, fairness/non-discrimination and accountability.

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CHAPTER II  
IMPLEMENTATION OF PROCUREMENT

A. Preparation of Procurement

Preparation of the Procurement as referred to in Article 11 of this National Public Procurement Agency Regulation consists of the following activities:

1. Confirmation of the readiness of the PPP Project for the start of the Procurement phase
  - a. The PPP Project readiness confirmation is conducted by creating a PPP Project readiness checklist of documents/data completeness.
  - b. The completeness of documents/data as referred to in point a complies with a regulation of the minister administering government affairs in national development planning.
  - c. In the event that PPP Project readiness data have not fulfilled the provisions referred to in point b, the Procurement Committee returns the documents/data to the GCA through the PPP Team for revision or completion.
  - d. The revisions and the data completion as referred to in point c must be completed before the Procurement begins.
2. Market interest confirmation If deemed necessary
  - a. If deemed necessary, the Procurement Committee may conduct market interest confirmation to ensure that there is interest from Business Entities in the PPP Project.
  - b. The market interest confirmation may be conducted in various

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forms, among others by reviewing the result of any market sounding which has been conducted by the GCA or through discussions in Business Entity forums.

3. Issuance of Prior Information Notice If deemed necessary
  - a. If deemed necessary, the Procurement Committee may issue a Prior Information Notice to give brief information on the plan of the Procurement to Business Entities. Prior Information Notice is not an official announcement of the Procurement commencement.
  - b. The Prior Information Notice may include the following:
    - 1) name of the GCA;
    - 2) name of the PPP Project;
    - 3) form and scope of the PPP Project;
    - 4) location of the PPP Project; and
    - 5) Procurement schedule.
  - c. The Prior Information Notice is issued by the Procurement Committee through printed and/or electronic media not later than 30 days before the official announcement of the Procurement.
4. The schedule arrangement of the Procurement
  - a. the schedule arrangement of the Procurement allocates sufficient time to conduct all the process of Procurement.
  - b. the Procurement Committee prepares the announcement and decides the announcement media which are able to reach prospective Participants widely.
5. Preparation and determination of Procurement Document
  - a. The Procurement Committee prepares the Procurement Document, which consists of the RfQ and the RfP.
  - b. The Procurement Document is developed based on the result of PPP Preparation and Market Sounding.
  - c. The Procurement Document is determined by the Procurement Committee after obtaining approval from the GCA.
  - d. The RfQ at least covers:
    - 1) the background and brief description of the PPP Project;
    - 2) the objectives of the PPP Project;

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- 3) the scope of the PPP project;
  - 4) the important information related to the PPP Project;
  - 5) the Participants' qualification requirements which at least cover the items described in Chapter II B. 4. f.; and
  - 6) the Pre-qualification process details which include the schedule, criteria and qualification evaluation procedures, including the matters that can result in eliminations, the forms and the formats for filling out the Qualification Document.
- e. The RfP at least covers:
- 1) For One-Stage Tender:
    - a) General information on the PPP Project;
    - b) Instructions to the Participants which covers:
      - (1) General instructions, including but not limited to:
        - (a) consortium terms of agreement, including the terms for change in consortium members;
        - (b) due diligence;
        - (c) procurement schedule;
        - (d) Data Room provision; and
        - ~~a.~~(e) PPP Contract signing.
      - (2) The preparation of Proposals, which includes:
        - (a) language to be used;
        - ~~a.~~(b) structure and the content of the Proposal.  
The content of the Proposal at least covers the items described in Chapter II C. 1. d. 5);
        - ~~(b)~~(c) financial form to be used for financial Proposal;
        - ~~(e)~~(d) Proposal validity;
        - ~~(d)~~(e) format of cover letter; and
        - ~~(e)~~(f) Participant's statement of interest.
      - (3) Submission of the Proposal, which includes:
        - ~~a.~~(a) deadline for Proposal submission; and
        - (b) actions to be taken in the case of late Proposal submission.
    - ~~a.~~(4) Matters are related to confidentiality;

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- ~~(4)~~(5) Conflict of interest and prohibition of corruption, collusion and nepotism practice (KKN) and fraud;
  - ~~(5)~~(6) Fair business competition requirement;
  - ~~(6)~~(7) Communication method with the Procurement Committee;
  - ~~(7)~~(8) Responsibilities of the Participants; and
  - ~~(8)~~(9) Consortium structure.
- c) Terms of the opening and the evaluation of the Proposals, including the weighting of evaluation criteria.
- d) Required specification for the Infrastructure Provision covering the following, but not limited to:
- (1) output-based specification accompanied by qualitative and quantitative means of performance measurement;
  - ~~(1)~~
  - (2) input-based specification, in the event that it is not practical or effective to use output-based specification;
  - (3) specifications covering the condition of assets when the assets revert to the GCA in accordance with the PPP Contract; and/or
  - (4) price and other financial requirements.
- e) Risk allocation matrix;
- f) Payment mechanisms for PPP services including provisions for incentives and penalties.
- g) Financial model including the sources of funding;
- h) Format and requirements for financial model review letter;
- ~~(1)~~i) Requirements to submit support letter(s) and term sheet(s) from potential financing institutions;
  - ~~(2)~~j) Requirements associated with legal (legislation), social, and environmental aspects;
  - ~~i)~~k) Terms, requirements, and format of bid bond and performance bond;

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- ~~j~~1) Other matters deemed necessary by the Procurement Committee to be included and required in the RfP; and
- ~~1~~m) Draft PPP Contract documents which consist of:
  - ~~2~~1) the draft PPP Contract;
  - ~~3~~2) draft agreement on utilization of State Assets and/or Regional Assets as necessary in accordance with the legislation;
  - ~~4~~3) main provisions of the guarantee agreement (if a government guarantee is required); and
  - ~~5~~4) draft consent letter between GCA, IBE and financiers which gives or confirms certain rights to the lenders to the PPP project. ~~;~~ and
- n) Other required documents.

~~6~~

- 2) For Two-Stage Tender:
  - a) General information on the PPP Project;
  - b) Instructions to the Participants which covers:
    - ~~7~~1) general instructions, including but not limited to:
      - (a) consortium terms of agreement, including the terms for change in consortium members;
      - (b) due diligence;
      - (c) Procurement schedule;
      - (d) Data Room provision; and
      - ~~a.~~e) PPP Contract signing.
    - ~~8~~2) preparation of Proposal, which includes:
      - (a) language to be used;
      - (b) structure and the content of the Proposal. The content of the Proposal at least covers the items described in Chapter II C. 2. d. 5);
      - (c) financial pro-forma to be used for financial

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Proposal;

- (d) Proposal validity;
- (e) format of cover letter; and
- (f) Participant's statement of interest.

~~(9)~~(3) Submission of the Proposal, which includes:

- ~~a.~~(a) deadline for Proposal submission; and
- (b) actions to be taken in the case of late Proposal submission.

~~(10)~~(4) Matters that are related to confidentiality;

~~(11)~~(5) Conflict of interest and prohibition of corruption, collusion and nepotism practice and fraud;

~~(12)~~(6) Communication method with the Procurement Committee;

~~(13)~~(7) Fair business competition requirement;

~~(14)~~(8) Responsibilities of the Participants; and

~~(15)~~(9) Consortium structure.

c) Terms of the opening and the evaluation of Proposals, including the weighting of evaluation criteria;

d) Maximum number of Dialogue Participant considering the need for a fair competition climate;

~~(1)~~

~~d)~~e) Explanation on Optimization Dialogue including its objective, terms and conditions;

~~e)~~f) Terms of the opening and evaluation of Optimized Proposals;

~~f)~~g) Minimum Requirements and Additional Requirements for Infrastructure Provision covering the following, but not limited to:

(1) output-based specification accompanied by qualitative and quantitative means of performance measurement;

~~a.~~(2) input-based specification, in the event it is not practical or effective to use output-based specification;

~~(2)~~(3) specifications covering the condition of assets

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when the assets revert to the GCA in accordance with the PPP Contract; and/or

- ~~(3)~~(4) price and other financial requirements.
- ~~g)~~h) Risk allocation matrix;
- ~~h)~~i) Payment mechanisms for PPP services including provisions for incentives and penalties;
- ~~i)~~j) Financial model including the sources of funding;
- ~~j)~~k) Format and requirements for financial model review letter;
- ~~k)~~l) Requirement to submit letter(s) of support and term sheet(s) from potential financing institutions;
- ~~l)~~m) Requirements associated with legal (statutory and regulatory), social, and environmental aspects;
- ~~m)~~n) Format and requirements of bid bond and performance bond;
- ~~n)~~o) Other matters deemed necessary by the Procurement Committee to be included and required in the RfP; and
- ~~(1)~~p) Draft PPP Contract documents which consist of:
  - ~~(2)~~(1) the draft PPP Contract;
  - ~~(3)~~(2) draft agreement on utilization of State Assets and/or Regional Assets as necessary in accordance with the Legislation;
  - ~~(4)~~(3) main provisions of the guarantee agreement (if a government guarantee is required);
  - ~~(5)~~(4) draft consent letter between GCA, IBE and financiers which gives or confirms certain rights to the lenders to the PPP project; and
- ~~o)~~q) Other required documents.

~~6.~~—

~~7.~~—

~~8.6.~~ Data Room Management

- a. The Participants passing Pre-qualification and having submitted the Confidentiality Letter are granted access to the Data Room.
- b. The Data Room contains:
  - 1) documents associated with the PPP Project;

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- 2) the Procurement Document and their revisions (if any); and
- 3) copies of the documents related to the Procurement which have been distributed to the Participants.

~~a.~~

B. Pre-qualification

The Pre-qualification as referred to in Article 13 of this National Public Procurement Agency Regulation consists of the following activities:

1. The Pre-qualification announcement;

- a. the Procurement Committee announces the Pre-qualification as the following terms:

~~a.1~~) announcement through invitations to potential or prospective Participants, the national print media, and the GCA's official website.

2) announcement can also be made through the national procurement portal.

~~a.3~~) announcement through the national print media is conducted at least 1 (one) time.

~~3~~)4) announcement period in the GCA's official website and/or national procurement portal is at least 7 (seven) work days.

5) for projects that are expected to attract foreign prospective Participants, the announcement is posted in the print media with an international circulation and websites that provide information on infrastructure projects at the international level.

~~a.~~

- b. the announcement at least consists of:

- 1) the name and address of the GCA conducting the Procurement.

- 2) a brief description of the PPP Project which covers:

- a) the legal basis of the PPP Project;
- b) the purpose and objective of the PPP Project;
- c) the scope of the PPP Project; and
- d) the form of the PPP Project.

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~~a.3)~~ the estimate of PPP Project investment value.

~~3)4)~~ the requirements of prospective Participants.

5) the place, date and time for collecting the RfQ.

~~a.~~

- 2. The registration and collection of the RfQ;
  - a. prospective Participants register and collect the RfQ according to the day, date, time, and place of collection determined in the announcement.
  - b. registration and collection of the RfQ start from the date of the announcement until the deadline for the Qualification Document submission.
  - c. collection of the RfQ is conducted by the representative of the prospective Participants authorized to collect the document.

~~a.d.~~ the Procurement Committee provides sufficient time for the prospective Participants to prepare the Qualification Document.

e. registration and RfQ collection may be conducted electronically.

~~b.~~

- 3. Explanation of the PPP Project, the scope of work of the PPP Project and the RfQ;

~~1)a.~~ explanation is conducted openly, transparently and non-discriminatively.

- b. explanation is conducted through:
  - 1) a direct explanation of the PPP Project and contents of the RfQ at an explanation meeting attended by the applicants; and
  - 2) the Procurement Committee providing the chance for all prospective Participants to submit written clarification questions.

~~a.~~

- c. the explanation meeting as referred to in point b point 1) is conducted at a set place and time.
- d. the explanation meeting as referred to in point b point 1) is carried out with the following terms:
  - 1) the Procurement Committee delivers the explanation directly to all prospective Participants together;
  - 2) prospective Participants may submit questions and/or give

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- comments on the RfQ and/or the PPP Project;
- 3) the absence of any prospective Participants from the explanation meeting cannot be used as the basis for eliminating/refusing the applicant's Qualification Document;
  - 4) the Procurement Committee delivers a general explanation to the prospective Participants at least on the following matters:
    - ~~a.~~a) the Pre-qualification phases;
    - b) content of the RfQ;
    - c) scope of the PPP Project;
    - ~~a.~~d) requirements at every phase of the Pre-qualification;
    - ~~d)~~e) other documents related to the PPP Project.
  - 5) the explanation meeting is recorded in the Minutes of Pre-qualification Explanation Meeting;
  - 6) the Minutes of Pre-qualification Explanation Meeting are signed by the members of the Procurement Committee and the attending prospective Participants or the representatives of the prospective Participants;
  - 7) if no prospective Participant or its representative attends or is willing to sign the Minutes of Pre-qualification Explanation Meeting, the Minutes of Pre-qualification Explanation Meeting only needs to be signed by the attending members of the Procurement Committee; and
  - 8) the Minutes of Pre-qualification Explanation meeting are sent to all prospective Participants;
- e. The explanation as referred to in point b point 2) is conducted on the following terms:
- 1) any prospective Participants may submit written questions since the collection of the RfQ until the deadline for questions submission as determined in the RfQ;
    - ~~1)~~
  - 2) the Procurement Committee promptly responds to the questions and delivers the responses to all prospective Participants; and
  - 3) all submitted clarification questions and responses as referred to in point 1) and point 2) are recorded in the List

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of Clarification Questions and Responses which will then become an attachment of the Minutes of Pre-qualification Explanation Meeting.

- f. If there are new terms/important changes need to be included in the RfQ, the Procurement Committee issues a revision to the RfQ which must include these new terms or important changes to the RfQ and notify in written to all prospective Participants by attaching the revisions to the RfQ before the deadline for Qualification Document submission;
- ~~1)g.~~ g. Revisions to the RfQ as referred to in point f are approved by the GCA. The GCA gives its approval not later than 5 (five) work days after the revisions are proposed by the Procurement Committee;
- ~~2)h.~~ h. If the GCA does not give a response within the deadline as referred to in point g, the GCA is considered to not approve the proposed revision(s) to the RfQ;
- ~~g.i.~~ i. If any of the new terms or other important changes as referred to in point f is not included in the revisions to the RfQ and has not been not notified in written to all applicants, then those new terms or other important changes are deemed non-existent and the prevailing provisions in the unrevised RfQ or previous revision will apply;
- ~~1)j.~~ j. Each revision to the RfQ is an integral part of the RfQ, and is sent to all applicants;
- k. In the event that there are revisions to the RfQ, the Procurement Committee may provide an extension of the deadline for the submission of the Qualification Document.

~~2)~~

4. Submission of Qualification Document

- a. Prospective Participants submit the Qualification Document and the power of attorney to act on behalf of the applicants (if power of attorney has been given) to the Procurement Committee according to the schedule determined in the RfQ.
- b. A person is not allowed to represent more than 1 (one) prospective Participant in submitting the Qualification Document.

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- c. In the event of any changes in the power of attorney given during the Procurement process, the Participants submit new power of attorney to the Procurement Committee.
- d. Procurement Committee makes a receipt for the Qualification Document and prepares a list of the Participants who have submitted a Qualification Document.
- e. Submission, addition, replacement, reduction or withdrawal of a Qualification Document submitted to the Procurement Committee may only be conducted before the deadline for Qualification Document submission.
- f. The Qualification Document must include the following requirements:

~~3~~1) administrative documents which comprise of:

- a) Integrity Pact, which at least covers the following:
  - (1) conflicts of interest;
  - (2) Prohibition of corruption, collusion and nepotism practice and fraud; and
  - (3) fair business competition requirement.
- b) qualification forms, covering:
  - (1) business permits;
  - (2) deed of establishment and the articles of incorporation, including any changes;
  - (3) authority to sign the Qualification Document;

~~a~~4) in the event of the Participant's form:

- ~~a~~.a) Business Entities attach the organizational structure of their board of directors, their board of commissioners and their shareholders; or
- (b) Cooperatives attach the organizational structure of their administrators, their board of supervisors and the members of the cooperative.

~~4~~5) a letter stating that the Participant is not in the process of liquidation, not to have their business license frozen, and/or in the process of litigation

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- which potentially disrupt the PPP Project implementation;
- ~~(5)~~(6) information on ongoing and/or resolved material disputes;
- ~~(6)~~(7) experience and capability to implement similar Infrastructure Provision projects to the proposed PPP Project;
- ~~(7)~~(8) experience of and capability to finance projects related to Infrastructure Provision
- ~~(8)~~(9) in the event that the Participant is a consortium:
- ~~a.~~(a) the Participant submits its consortium agreement which include the role and the responsibilities of the each consortium member;
  - ~~b.~~(b) the requirements as referred to in point (1) until point (6) above are fulfilled by each member of the consortium;
  - ~~c.~~(c) the requirement to have experience and capability to implement similar Infrastructure Provision projects as referred to in point (7) above is fulfilled by at least one of the consortium members; and
  - ~~(b)~~(d) the requirement to have experience and capability to finance projects related to Infrastructure Provision as referred to in point (8) may be fulfilled by the consortium as a whole.
- ~~(9)~~(10) in the event that the Participant is a foreign legal entity or an international institution/organization:
- (a) documents issued in other countries which will be used in Indonesia are legalized according to the provision which is regulated further in a regulation of the minister administering foreign affairs; and

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~~a.~~

~~b.~~(b) the Participant must fulfill its tax liabilities in accordance with laws and regulations applicable in the respective country.

~~4)2)~~ technical capability documents:

- a) documents that demonstrate the Participant's experience in similar Infrastructure Provision projects; and
- b) if the Participant is a Business Entity established for less than a year, it needs to submit a sponsorship letter from a shareholder (a sponsorship agreement) and attaches other requirements as determined in the RfQ in relation to that shareholder.

~~5)3)~~ financial capability:

a Participant must demonstrate financial capability to invest and have the experience to finance and/or secure finance for Infrastructure Provision project, with the following terms:

- a) the Participant fulfills the financial capability criteria as determined in the RfQ;
- b) the Participant submits the financial statements audited by a certified public accountant for the last 3 (three) years, and prepared based on the generally accepted accounting principles;
- c) the Participant submits a bank reference letter stating that the Participant has a good financial standing and has the capability of obtaining the funds required for the implementation of the project; and

d) if the Participant is a Business Entity established for less than a year and/or it cannot fulfill the required financial capability, it needs to submit a sponsorship letter from a shareholder (a sponsorship agreement) and attaches other requirements as determined in the RfQ in relation to that shareholder.

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d)

5. —

6. —

7. —

8. —

9.5. Evaluation of Qualification Document

- a. Evaluation of Qualification Document is conducted by using the pass/fail system in relation to the fulfillment of the requirements as determined in the RfQ.
- b. In conducting the evaluation, the Procurement Committee may only eliminate due to substantial matters.
- c. The Procurement Committee cannot eliminate the Participants solely for non-fulfillment of non-substantial administrative requirements which may be completed at a time set in the RfQ.
- d. Evaluation of Qualification Document covers the assessment of the administrative documents, the technical capability and the financial capability.
- e. Implementation of the Qualification Document evaluation covers:
  - 1) Examination of completeness of the Qualification Document and evaluation of the fulfillment of the qualification requirements; and
  - 2) Confirmation and clarification on the Qualification Document.
- f. In the event that a Participant provides false data or information, the Participant is disqualified and the Business Entity and/or manager or any party involved in is reported to the relevant authority.
- g. If based on the evaluation result of Qualification Document a conflict of interest is found between Participants in accordance with this National Public Procurement Agency Regulation, the Procurement Committee may send a notification letter to the Participant requesting them to solve the conflict of interest.
- h. Participants with conflicts of interest as referred to in point g

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submit the result of conflict of interest resolution accompanied by supporting documents to be considered by the Procurement Committee as part of the Qualification Document evaluation result.

~~i.~~—The implementation of the Qualification Document evaluation is recorded in the Minutes of the Qualification Document Evaluation signed by all members of the Procurement Committee.

~~j.~~i.

~~k.~~j. If the Pre-qualification process fails to result in any qualified Participant, the Procurement Committee report this matter to the GCA.

~~l.~~—Based on the report from Procurement Committee as referred to point j, the GCA declares the Pre-qualification failed and assesses the action plan on the failed Pre-qualification.

k.

~~m.~~—Based on the assessment as referred to in point k, the GCA proceeds in accordance to Article 15 section (4), section (5), and section (6) of this National Public Procurement Agency Regulation.

l.

~~n.~~

~~10.6.~~6. Determination and announcement of Pre-Qualification result

- a. The Procurement Committee determines the Pre-Qualification result based on evaluation of Participant's Qualification Document.
- b. The Procurement Committee prepares and delivers a report to the GCA which is accompanied by the Minutes of the Qualification Document Evaluation.
- c. The Procurement Committee delivers the results of the Pre-Qualification to every Participant by electronic mail and announces the list of qualified Participants according to the set schedule through the following media:

1) GCA's official website; and/or

~~a.~~—print media.

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2)

~~b.~~

~~11.7.~~ 7. Objection to the Pre-qualification result;

- a. Participants who do not qualified may address their objections on the Pre-Qualification result to the Procurement Committee accompanied by sufficient supporting evidence of the violation/breach of procedures on RfQ or Pre-Qualification process.
- b. Objection may only be submitted within the timeline as determined in the RfQ.
- c. Objection as referred to in point a may be done individually or collectively along with other Participants who have not qualified.
- d. The Procurement Committee respond to all objections in writing within the timeline as determined in the RfQ.

~~d.~~

- e. If an objection is declared valid by the Procurement Committee, the Procurement Committee report this matter to the GCA.
- f. Based on the report from Procurement Committee as referred to in point e, the GCA declares the Pre-qualification failed and asses the action plan on the failed Pre-qualification.
- g. Based on the assessment as referred to in point f, the GCA decides the follow up action in accordance to Article 15 section (4), section (5), and section (6) of this National Public Procurement Agency Regulation.

C. Tender

~~1.~~ 1. One-Stage Tender as referred to in Article 18 of this National Public Procurement Agency Regulation consists the following activities:

- ~~a.~~ a. Sending invitations to Participants passing the Pre-qualification by attaching the Confidentiality Letter.
- b. Submission of Confidentiality Letter by Participants and delivery of RfP to Participants by the Procurement Committee.
  - 1) Participants submit the signed Confidentiality Letter to obtain the RfP and access to the Data Room.
  - 2) The Confidentiality Letter must be signed by the personnel authorized to represent the Participant.

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- 3) The Procurement Committee sends the RfP to all Participants who have submitted the signed Confidentiality Letter.
- 4) Delivery of RfP may be conducted by electronic means.
- 5) If the Procurement schedule needs to be changed, the Procurement Committee may send the revised schedule to all Participants through mail, electronic mail, or the Data Room.
- 6) The revised Procurement schedule as referred to in point 5) is an integral part of the RfP.
- 7) The Procurement Committee is not allowed to change, add and/or reduce the criteria, weighting, and/or the procedure of the evaluation after the RfP is issued.
- 8) In the event that the Procurement Committee finds a mistake in the criteria, weighting, and/or the procedure of evaluation as referred to in point 7), the Procurement Committee reports this finding to the GCA.
- 9) Based on the report from the Procurement Committee as referred to in point 8), the GCA declares the Tender failed and assesses the action plan on the unsuccessful Tender.
- Based on the assessment as referred to point 9), the GCA decides the follow up action in accordance with Article 21 section (3) of this National Public Procurement Agency Regulation.
- 10)

c. Explanation of RfP (and site visit, if necessary):

- 1) Explanation is conducted openly, transparently and non-discriminatively to all Participants.
- 2) The explanation process is conducted to allow Participants to give their suggestions.
- 3) The Explanation of RfP is conducted by:
  - a) a direct explanation of the contents of the RfP at an explanation meeting attended by the Participants;
  - b) the Procurement Committee provides the chance for all Participants to submit written clarification questions;and

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- c) if deemed necessary, a site visit to the proposed project location may be conducted as part of the explanation meeting.
- 4) Explanation of RfP as referred to in point 3) point a) and point c) is conducted at a set place and time.
- 5) The explanation meeting as referred to in point 3) point a) is carried out under the following terms:
  - a) The Procurement Committee delivers the explanation directly to all Participants together;
  - b) The Participants may ask questions and/or give their comments about the RfP and/or the PPP Project;
  - c) In the event that the Participant is a consortium, it is represented by the consortium leader or other party authorized to represent the Participant through power of attorney given by the consortium leader;
  - ~~(1)~~ the absence of any Participant(s) at the explanation meeting cannot be used as the basis for eliminating/refusing the Participant(s)' Proposals;
  - ~~(2)~~d)
  - ~~d)~~e) The Procurement Committee delivers a general explanation to the Participants at least on the following matters:
    - (1) the Tender phases;
    - (2) Content of the RfP; and
    - (3) Other documents related to the PPP Project.
  - ~~e)~~f) Explanation meeting is recorded in the Minutes of Explanation Meeting which are signed by the members of the Procurement Committee and the attending Participants or the representative of Participants;
  - ~~(1)~~g) If no Participant or its representative attends or is willing to sign the Minutes of Explanation Meeting, the Minutes of Explanation Meeting are signed by the attending members of the Procurement Committee; and
  - ~~(2)~~h) Minutes of Explanation Meeting are sent to all Participants.

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- 6) Clarification questions as referred to in point 3) point b) are conducted under the following terms:
  - a) Participants may submit written clarification questions from the date of the collection of the RfP until the deadline for clarification questions submission as determined in the RfP;
  - ~~a.~~b) The Procurement Committee responds to the clarification questions and sends the responses to all Participants; and
  - ~~b~~c) All submitted clarification questions and responses as referred to in point a) and point b) are recorded in the list of clarification questions and responses which will then become the attachment of the Minutes of Explanation Meeting.
  
- 7) In the event of a site visit as referred to in point 3) point c), the site visit is conducted under the following terms:
  - a) The site visit is conducted together with all Participants at a place and time determined by the Procurement Committee;
  - b) In the event that the Participant is a consortium, it is represented by the consortium leader or other party authorized to represent the Participant through power of attorney given by the consortium leader;
  - c) the absence of any Participant(s) at the explanation meeting cannot be used as the basis for eliminating/refusing the Participant(s)' Proposals;
  - ~~a.~~d) The site visit result is recorded in the Minutes of Site Visit which is signed by the members of the Procurement Committee and the attending Participants or the representative of Participants;
  - ~~b.~~e) If no Participant/its representative attends, or is willing to sign the Minutes of Site Visit, the Minutes of Site Visit are signed by the attending members of the Procurement Committee; and
  - ~~e.~~f) Minutes of Site Visit are sent to all Participants.
  
- 8) If based on the Minutes of Explanation Meeting and/or

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Minutes of Site Visit, new terms and/or important changes need to be included in the RfP, the Procurement Committee issues a revision to the RfP which includes these new terms or important changes to the RfP before the deadline for Proposal submission.

- 9) The revisions of RfP as referred to in point 8) are approved by the GCA. The GCA gives its approval not later than 5 (five) work days after the revisions are proposed by the Procurement Committee.
  - 10) If the GCA does not give a response within the time period as referred to in point 9), the GCA is considered to not approve the proposed revisions of the RfP.
  - 11) Revisions to the RfP as referred to in point 8) are not allowed to change, add and/or reduce criteria, weighting, and/or the procedure for the evaluation.
  - 12) In the event that there are revisions to the RfP, the Procurement Committee informs Participants in writing by sending the revisions to the RfP to all Participants.
  - 13) If any of the new terms and/or other important changes as referred to in point 8) is not included in the revisions to the RfP and has not been notified in written to all Participants, then those new terms and/or other important changes are deemed non-existent and the prevailing provisions in the unrevised RfP or previous revision will apply.
  - 14) Each revision to the RfP is an integral part of the RfP, and must be sent to all Participants.
  - 15) Delivery of revisions to the RfP may be conducted through electronic mails.
  - 16) If there are revisions to the RfP, the Procurement Committee may provide an extension of the deadline for the submission of the Proposals.
- d. Submission of the Proposals (envelope I and II)
- 1) Participants submit their Proposals to the Procurement Committee according to the schedule determined in the RfP.
  - 2) The Proposal consists of 2 (two) envelopes. The Envelope I

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consists of the administrative and technical Proposal and Envelope II consists of the financial Proposal.

- 3) The Envelope I and Envelope II are submitted together in a closed cover.
- 4) Procurement Committee rejects the Proposals that are submitted after the time of the deadline for the Proposal submission.
- 5) Participants submit their Proposal in accordance with the requirements in the RfP which consist of:

a) Administrative Proposal

Participants submit the administrative Proposal as required which at least covers:

~~(3)~~(1) Cover letter which states the validity of the Proposal and confirms that the Proposal is formal and valid as an official document signed by the personnel authorized to represent the Participant;

~~(4)~~(2) Consortium agreement;

~~(5)~~(3) Confirmation of acceptance of the draft PPP Contract (with no changes)

~~(6)~~(4) Bid bond with the following requirements:

- (a) Nominal value of the bid bond is in accordance with the nominal value determined in the RfP;
- (b) The name written on the bid bond is the same as the name of the Participant. In the event the Participant is a consortium, the bid bond includes the name of the consortium according to the name written in the consortium agreement;
- (c) The PPP Project covered is the same as the PPP Project being tendered;
- (d) The bid bond is valid since the Proposal submitted until the PPP Contract has been signed in accordance with the RfP;
- (e) In the event there is a change in the Procurement schedule which causes

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determination of the winner to be delayed, Participant(s) must extend the validity of the cover letter and the bid bond to cover the extension period;

- (f) In the event the validity of the bid bond is not extended to cover the change in the Procurement schedule as referred to in point (e), the Participant(s) is deemed to have withdrawn from the Procurement and the bid bond is returned to the Participant;
- (g) The bid bond must be able to be liquidated unconditionally not later than 14 (fourteen) work days after a statement of non-performance from the Procurement Committee is received by the issuer of the bond;
- (h) The statement of non-performance is issued to the issuer of the respective bond if:
  - i. the prospective winner/winner withdraws from the Procurement process;
  - ii. a Participant withdraws their Proposal during the validity of the Proposal;
  - iii. a Proposal is found to contain false statements/information; or
  - iv. the IBE does not sign the PPP Contract within 40 (forty) work days from the establishment of the IBE.
- (i) The proceeds from the liquidated bid bond must be deposited to the State/Regional Treasury

~~(7)~~(5) Other statement letters required by the RfP.

b) Technical Proposal

Participants submit the technical Proposal which at least consists of:

- (1) technical data which consists of:

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- (a) approach and methodology to fulfil the GCA's Minimum Requirements and Additional Requirements;
  - (b) technical drawings or basic design;
  - (c) proposed performance data including the performance testing procedures which covers data and analysis related to the project and the environment, including assumptions used;
  - (d) Operational and maintenance data, including but not limited to outline operational plan and outline maintenance plan; and
  - (e) Asset transfer plans.
- (2) supporting data;
  - (3) reference sites/locations which use similar technical solutions and/or operational procedures (if required);
  - (4) PPP Project implementation schedule and plan;
  - (5) PPP Project organizational plan and implementation management plan; and
  - (6) Proposed Sub-Contract Arrangements that consist of heads of terms for the EPC Sub-Contract and the Operating and Maintenance Sub-Contract(s).

c) Financial Proposal

Participants submit the financial Proposal which at least consists of:

- (1) role and share of each member of the consortium in the case the Participant is a consortium;
- (2) latest audited financial statements of the Participant (or each member of a Consortium);
- (3) financing plan (explanation of the method to finance the proposed capital expenditure and operational expenditure, letters of support and term sheets);

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- (4) financial model in hard copy and soft copy, including:
  - (a) initial equity capitalization plan;
  - (b) capital expenditure investment plan;
  - (c) operation and maintenance expenses;
  - (d) forecast cashflows;
  - (e) forecast balance sheets;
  - (f) forecast income statements;
  - (g) return on investment and discounted cash flow analysis which shows the participant's expected investment rate of return;
  - (h) financial ratios including debt service coverage ratio (~~DSCR~~<sub>dscr</sub>) and profitability ratio;
  - (i) calculation of tariffs and/or third party revenue (if any);
  - (j) financial model data book including the assumptions used in the preparation of the financial model (which is consistent with the technical proposal) and the explanation for use of the financial model; and
  - (k) proposed government support which is consistent with the financing plan as referred to in (3) above, if required.
- (5) Financial model review letter in the format specified in the RfP;
- ~~(6)~~ Financial pro-forma in the form provided by the GCA with the RfP which is consistent with the financial model:
  - ~~(7)~~(6)
    - (a) pro-forma 1 – projected investment return (for example Availability Payments, user charges, tariffs or other form of revenue);
      - ~~(a)~~
    - (b) pro-forma 2 – projected capital expenditure

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- (nominal);
- (c) pro-forma 3 – projected maintenance expenditure (nominal);
- (d) pro-forma 4 – projected operating expenditure (nominal);
- (e) pro-forma 5 – projected Viability Gap Fund (if any);
- (f) pro-forma 6 – financing Plan;
- (g) pro-forma 7 – analysis of staffing; and
- (h) other pro-forma as required.

~~(8)~~(7) Confirmation of accounting treatment;

~~(9)~~(8) Confirmation of tax treatment; and

~~(10)~~(9) Clawback given to the Government (if any).

- 6) The Procurement Committee may allow Participants who are in the form of a consortium to change their consortium structure and/or their consortium members before the deadline for Proposal submission, as long as this change to the consortium structure and/or consortium members does not negatively impact the competition.
- 7) Change to the consortium structure and/or consortium members as referred to in point 6) is not allowed to include change of consortium leader if the consortium leader only consist of 1 (one) Business Entity. In the case of a consortium with more than 1 (one) Business Entity as the consortium leader, at least 1 (one) Business Entity must stay as the consortium leader.
- 8) Terms regarding the change in consortium structure and/or consortium members as referred to in point 6) are included in the RfP. ÷
- 9) In the event there is a change in the Procurement schedule which causes determination of the winner to be delayed, Participant(s) must extend the validity of the cover letter to cover the extension period. ÷

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9)

- 10) In the event the validity of the cover letter is not extended to cover the change in the Procurement schedule as referred to in point 9), the Participant(s) is deemed to have withdrawn from the Procurement.
  - 11) If there is no Proposal submitted by any Participant, the Procurement Committee send a report to the GCA.
  - 12) Based on the report as referred to in point 11), the GCA declares the Tender failed and asses the action plan on the failed Tender.
  - 13) Based on the assessment as referred to in point 11), the GCA decides the follow up action in accordance to Article 21 section (3) of this National Public Procurement Agency Regulation.
- e. Opening of envelope I of the Proposals (administrative Proposal and technical Proposal)
- 1) The opening of Envelope I of all Proposals is conducted by the Procurement Committee before the Participants at a set time and place.
  - 2) The Procurement Committee requests the representatives of the Participants to attend as witnesses. If no witness or only 1 (one) witness from the Participants attends, the opening of the Envelope I Proposal is postponed by the Procurement Committee for 1 (one) hour.
  - 3) If after the postponement for 1 (one) hour, no representative of any Participant attends or there is only 1 (one) participant as witness, the opening of Envelope I of the Proposals is carried out being witnessed by 2 (two) witnesses besides the Procurement Committee, as appointed in writing by the Procurement Committee.
- The Opening of Envelope I of the Proposals is recorded in the Minutes of the Opening of Envelope I and signed by all members of the Procurement Committee and the

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witnesses who attended ~~;~~ ~~and~~

- 4)
  - 5) Copies of the Minutes of the Opening of Envelope I are distributed to all Participants.
- f. Evaluation of envelope I of the Proposals
- 1) Procurement Committee conducts an evaluation of envelope I of the Proposals based on the terms and procedures determined in the RfP.
  - 2) If deemed necessary, the Procurement Committee may request any Participant to clarify envelope I of their Proposal. Participants respond to clarification questions in written to the Procurement Committee.
  - 3) If deemed necessary, the Procurement Committee may give an opportunity to each Participant to present their technical Proposal. Each Participant has to be offered an equal opportunity to present.
  - 4) Terms of the clarification questions and technical Proposal presentation as referred to in point 2) and 3) are included in the RfP.
  - 5) Evaluation of Envelope I of the Proposals consists of:
    - a) Administrative Proposal evaluation:
      - (1) administrative Proposal evaluation is conducted using pass/fail system relating to the fulfillment of the administrative requirements.
      - (2) the Procurement Committee only eliminates Participants on the basis of substantial matters.
    - b) Technical Proposal evaluation:
      - (1) The technical Proposal evaluation is conducted in respect of Participants who fulfill the administrative requirements.
      - (2) The technical Proposal evaluation is conducted by considering the compliance of the technical Proposal by referring to the

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requirements determined in the RfP.

- (3) The Procurement Committee will give score for fulfillment of technical requirements based on evaluation criterion determined in the RfP. Each evaluation criterion is weighted with a total weight of 100% (one hundred percent).
  - (4) The Procurement Committee prepares a list based on the total score of technical requirements evaluation result.
  - (5) The Proposal is considered to have passed the technical evaluation if the score for each evaluation criterion as well as aggregate of all evaluation criterion reaches the threshold as determined in the RfP.
- 6) The Procurement Committee prepares the Minutes of Envelope 1 Evaluation Result which covers the administrative and technical Proposal evaluation results.
- 7) In a case where there is no Participant who passes the Envelope 1 Evaluation:
- a) the Procurement Committee delivers a report to the GCA;
  - b) based on the report received from Procurement Committee as referred to in point a), the GCA declares the Tender failed and assesses the action plan on the failed Tender.
  - ~~a-c)~~ Based on the assessment as referred to in point b), the GCA decides the follow up action in accordance to Article 21 section (3) of this National Public Procurement Agency Regulation.
  - ~~e)d)~~ The decisions on follow up action as referred to in point c) are informed to all Participants.
- g. Announcement of envelope I Evaluation Result
- 1) The Procurement Committee announces the envelope I

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evaluation result to all Participants.

~~2)~~ To the Participants who do not have passed the evaluation of envelope I, the Procurement Committee sends the evaluation result accompanied by the reasons.

~~3)2)~~

~~4)3)~~ To the Participants who have passed the envelope I Proposal evaluation, the announcement of envelope I evaluation result as referred to in point 1) is accompanied by invitation for opening of envelope II (financial Proposal).

~~5)4)~~ The delivery of announcement of evaluation result as referred to in point 1) may be conducted through electronic means.

h. Opening of envelope II of the Proposals (Financial Proposal)

1) The Procurement Committee and the Participants who have passed the evaluation of envelope I attends the opening of envelope II of the Proposals.

2) The opening of envelope II is conducted by the Procurement Committee before the Participants who have passed the evaluation of envelope I at a set time and place.

3) The Procurement Committee requests the presence of representatives of the Participants as witnesses. If no witness or there is only 1 (one) Participant attend as the witness, the opening of the envelope II Proposal is postponed by the Procurement Committee for 1 (one) hour.

4) If after the postponement for 1 (one) hour, no Participant attends or there is only 1 (one) Participant as witness, the opening of the envelope II Proposal remains to be carried out by being witnessed by 2 (two) witnesses beside the Procurement Committee, appointed in writing by the Procurement Committee.

5) Opening of the envelope II Proposal is recorded in the

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Minutes of the Opening of the Envelope II Proposal and signed by all members of the Procurement Committee and the witnesses.

- 6) Copies of the Minutes of the Opening of the envelope II Proposal are distributed to all Participants who have passed the envelope I Proposal Evaluation.

~~i.~~

~~j.~~

~~k.i.~~ Evaluation of envelope II of the Proposals;

- 1) The Procurement Committee conducts an evaluation of the envelope II Proposal based on the terms and procedures determined in the RfP.

~~1)~~

- 2) If deemed necessary, the Procurement Committee may request the Participants to clarify their envelope II Proposal. Participants respond to the clarification request via electronic means to the Procurement Committee.

- 3) In the event that the evaluation uses the best financial proposal system, the Winner is the Participant who has passed the envelope I evaluation and in accordance with the RfP offers:

- a. lowest price;
- b. lowest tariff;
- c. lowest availability payment;
- d. lowest viability support;
- e. shortest period of PPP; or
- f. best offer in terms of other forms of monetary measures.

- 4) If the price/tariff/availability payment/other form of monetary measures in the Proposals as referred to in point 3) varies over time, the evaluation is based on the net present value of the cost to the GCA and/or to users over the period of the PPP Contract, discounted using a rate as determined in the RfP.

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- 5) In the event of evaluation using the merit point system, the evaluation is conducted as follows:
  - a) Procurement Committee awards certain scores for the degree to which the Participant has fulfilled the technical and financial requirements according to the criteria, weighting, and procedure of the evaluation as determined in the RfP.
  - b) Each element of the technical and financial criteria is weighted with a total weight of 100% (one hundred percent).
  - ~~e)~~
  - ~~d)~~c) Ranks are determined based on the sum of the combination of the technical and financial scores.
- 6) During the evaluation process, the Procurement Committee, at its discretion may request any Participant to undertake corrections of arithmetical errors or numerical inconsistencies found in their Proposal.
- 7) Participants may only make changes in respect of arithmetical errors or numerical inconsistencies identified by the Procurement Committee as stated in the Minutes of Arithmetical Corrections.
- 8) Results of the correction of arithmetical errors or numerical inconsistencies are delivered by the Participants who confirm that the corrections made become an integral part of the Proposal that is evaluated.
- 9) The Procurement Committee prepares the Minutes of the envelope II Evaluation Result which is signed by all members of the Procurement Committee.

h.i. Issuance of the Minutes of the Tender Result (BAHP)

- 1) Procurement Committee prepares the Minutes of the Tender Result.
- 2) Minutes of the Tender Result is a summary of the Tender result made by the Procurement Committee

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and signed by all members of the Procurement Committee.

- 3) Minutes of the Tender Result is confidential and only delivered to the GCA.
- 4) Minutes of the Tender Result has to include the following:
  - a) name of each Participant;
  - b) evaluation method used;
  - c) evaluation criteria used;
  - d) evaluation result of each Participant;
  - e) the estimated capital expenditure and operational expenditure proposed by each Participant;
  - f) participants' ranking;
  - g) other notes deemed necessary on the implementation of the Tender; and
  - h) date of the minutes.

~~h)~~

m.k. Determination of the Winner

- 1) The Procurement Committee prepares and delivers a report to the GCA which is accompanied by the Minutes of the Tender Result.
- 2) The Report as referred to in point 1), is accompanied by the Procurement Committee's recommendation of the prospective Winner, first and second runner-ups (if any).
- 3) If the GCA agrees with the Procurement Committee's recommendation, the GCA prepares a determination letter not later than 10 work days after the recommendation from Procurement Committee is received, which contains:
  - (a) the winner; and
  - (b) the first and second runner-ups (if any).
- 4) In the event that the GCA does not agree with the Procurement Committee's recommendation, the GCA

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discusses this matter with the Procurement Committee in order to make a decision.

- 5) The decision as a result of the discussion between the GCA and the Procurement Committee as referred to in point 4) is recorded in a Minutes of Meeting signed by the GCA and the Procurement Committee.
- 6) The decision as referred to in point 5) is either in the form of an approval of the Procurement Committee's recommendation or to repeat the evaluation process.
- 7) In the case that the decision as a result of discussion between the GCA and the Procurement Committee is an approval of the Procurement Committee's recommendation, then the GCA prepares a determination letter which contains:
  - (a) the Winner; and
  - (b) the first and second runner-ups (if any).

~~8)~~

~~9)8)~~ In the case that the decision as a result of discussion between the GCA and the Procurement Committee is to repeat the evaluation process, then the GCA instructs the Procurement Committee to conduct re-evaluation.

~~10)9)~~ In the event that to repeat the evaluation process as referred to in point 8) an extension of time to the schedule determined in the RfP is needed, the Procurement Committee announces the change of schedule to all Participants and ask for an extension to the bid bond validity period (if necessary).

~~11)10)~~ The Procurement Committee prepares and delivers a report on the repeated evaluation process result to the GCA which contains a recommendations on the winner, the first and the second runner-ups (if any).

~~12)11)~~ In the event that the GCA approves the Procurement Committee's recommendation based on the re-evaluation result as referred to in point 10), then

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the GCA prepares a determination letter which contains:

- (a) the winner; and
- (b) the first and second runner-ups (if any).

~~13)~~12) In the event that the GCA does not approve the Procurement Committee's recommendation as referred to in point 10), then the GCA declares the tender to be failed and and asses the action plan on the failed Tender.

~~14)~~13) Based on the assessment as referred to point 12), the GCA decides the follow up action in accordance with Article 21 section (3) of this National Public Procurement Agency Regulation.

~~n.l.~~n.l. Announcement of the Tender result

- 1) Based on the determination of the Winner by the GCA, the Procurement Committee:
  - a) Notifies the Tender result to each Participant through mail; and
  - b) Announces the Tender result by posting it on the GCA's official website and/or print media according to the specified schedule.
- 2) The content of the Tender result announcement as referred to in point 1) at least covers:
  - a) Name of the PPP Project;
  - b) Name of the GCA;
  - c) Ranking and evaluation result of each Proposal;
  - d) Name and address of the Winner, the first and second runner-ups (if any);
  - e) Duration of the PPP; and
  - f) Value of the capital expenditure and operational expenditure committed by the Winner.

~~e.m.~~e.m. Objection to Result of Tender (if any)

- 1) Participants who are not determined as the Winner may address their objections in writing to the result of the Tender to the GCA accompanied by sufficient

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supporting documents of any breach/violation.

- 2) Objections can only be submitted within the period determined in the RfP.
- 3) Objections as referred to in point 1) may be addressed individually or collectively.
- 4) Participants as referred to in point 1) may only submit objections in relation to the following:
  - a) Violation(s) of the terms and procedures regulated in this National Public Procurement Agency Regulation;
  - b) Violation(s) of the terms and procedures determined in the RfP;
  - c) Dishonest practices that prevent fair business competition; and/or
  - d) An abuse of authority by the Procurement Committee and/or other authorized officials in the Tender process.
- 5) The GCA must respond in writing to all objections within the time period determined in the RfP.
- ~~6)~~ If the objection is declared valid by the GCA, the GCA declares the Tender failed and assesses the action plan on the failed Tender.

~~7)6)~~

7) Based on the assessment as referred to in point 6), the GCA decides the follow up action in accordance to Article 21 section (3) of this National Public Procurement Agency Regulation.

~~8)~~

~~p-n.~~ Issuance of the Letter of Award:

- 1) The GCA issues the Letter of Award in the following conditions:
  - a) no objection has been received from Tender Participants; ~~or~~
  - b) any objection received has been found to be invalid or unproven; and

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- c) the objection period has ended.
- 2) The GCA issues the Letter of Award not later than 7 (seven) work days after the objection process ends.
- 3) When the Letter of Award is issued, the consortium members and consortium structures of the winner must be the same as the consortium members and consortium structures at the time of Determination the of Winner stage.
- 4) If the consortium members and/or consortium structures at the issuance of Letter of Award are different from the consortium members and/or consortium structures at the Determination of Winner stage, the winner is disqualified.
- 5) If the Winner is disqualified as referred to in point 4) or withdraws after the issuance of the Letter of Award with reasons that cannot be accepted by the GCA, the bid Bond is liquidated and deposited into the State/Regional Treasury and such Winner shall be imposed with penalty by a prohibition to participate in any IBE Procurement for a PPP for 2 (two) years.
- 6) If the Winner withdraws from the Tender after the issuance of the Letter of Award with reasons accepted by the GCA, the bid bond is liquidated and deposited into the State/Regional Treasury.
- 7) If the Winner withdraws or is disqualified, the GCA issues the Letter of Award to the first runner-up provided that the cover letter indicates the Proposal of such runner-up is still valid or the validity has been extended until the signing of the PPP Contract.
- ~~7)~~
- 8) If the first runner-up withdraws, the GCA may issue the Letter of Award to the second runner-up provided that the the cover letter indicates the Proposal of such runner-up is still valid or the validity has been extended until the signing of the PPP Contract.

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- 9) If all Winners withdraw, the GCA declares the Tender failed and assesses the action plan on the failed Tender.
- 10) Based on the assessment as referred to in point 9), the GCA decides the follow up action in accordance to Article 21 section (3) of this National Public Procurement Agency Regulation.

¶.o. Preparation of the PPP Contract signing

- 1) Based on the Letter of Award issued, the GCA conducts a preparation for the signing of the PPP Contract by:
  - a) The GCA and the Winner finalize the draft PPP Contract.
  - b) The finalization process as referred to in point a) is not allowed to change anything that has been competed during the Tender.
- 2) Based on the Letter of Award issued, the Winner conducts preparation of PPP Contract signing as follows:
  - a) The Winner must establish an IBE, which will sign the PPP contract.
  - b) The IBE must be legally established not later than 6 (six) months after the issuance of the Letter of Award by the GCA.
  - c) The Winner must extend the bid bond validity until the performance bond has been received by the GCA.
  - d) In the event that the winner does not extend the bid bond validity as referred to point c) with reasons that can be accepted by the GCA, the winner is deemed to have withdrawn and the bid bond of such Winner is liquidated and deposited into the State/Regional Treasury.
  - e) In the event that the winner does not extend the bid bond validity as referred to point c) with reasons that cannot be accepted by the GCA, the winner is deemed to have withdrawn and the bid bond of such Winner is liquidated and deposited

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into the State/Regional Treasury and such Winner shall be imposed with penalty by a prohibition to participate in any IBE Procurement for a PPP for 2 (two) years.

- 3) The PPP Contract is signed by the GCA and the IBE not later than 40 (forty) work days after the establishment of the IBE.
- 4) The PPP Contract will be effective after all of the conditions precedent as determined in the PPP Contract have been fulfilled by each party.
- 5) In the case of a condition which is out of the Winner's control which results in the need for a change to the consortium members, and/or change to the IBE shareholding composition, the winner must seek the GCA's approval for such changes.
- 6) If the GCA approves the changes as referred to in point 5), the winner must make the necessary adjustment to the bid bond to reflect the changes in consortium members and/or consortium structures.
- 7) Changes as referred to point 5) must not result in changes of consortium leader.
- 8) In the PPP Contract signing preparation process, the GCA may be assisted by the PPP ~~Node~~-team and/or the Procurement Committee.

~~r.p.~~ Preparation of financial close:

- 1) Financial close is not a condition precedent for the PPP Contract to become effective.
- ~~2)~~—The IBE conducts the signing of financing agreements and coordinate with the GCA in the preparation of the financing agreements signing.
- ~~2)~~—
- ~~3)~~—Based on the signed PPP Contract, the GCA, IBE and lenders conduct the signing of the consent letter which gives or confirms certain rights to the lenders to the PPP project.

~~3)~~—

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4)

2. The Two-Stage Tender as referred to in Article 19 of this National Public Procurement Agency Regulation consists the following activities:
  - a. Sending invitations to Participants passing the Pre-qualification by attaching the Confidentiality Letter.
  - b. Submission of Confidentiality Letter by Participants and delivery of RfP to Participants by the Procurement Committee.
    - 1) Participants submit the signed Confidentiality Letter to obtain the RfP and access to the Data Room.
    - 2) The Confidentiality Letter must be signed by the personnel authorized to represent the Participant.
    - 3) The Procurement Committee sends the RfP to all Participants who have submitted the signed Confidentiality Letter.
    - 4) Delivery of RfP may be conducted by electronic means.
    - 5) If the Procurement schedule needs to be changed, the Procurement Committee may send the revised schedule to all Participants through mail, electronic mail, or the Data Room.
    - 6) The revised Procurement schedule as referred to in point 5) is an integral part of the RfP.
    - 7) The Procurement Committee is not allowed to change, add and/or reduce the criteria, weighting, and/or the procedure of the evaluation after the RfP is issued.
    - 8) In the event that the Procurement Committee finds a mistake in the criteria, weighting, and/or the procedure of evaluation as referred to in point 7), the Procurement Committee reports this finding to the GCA.
    - 9) Based on the report from the Procurement Committee as referred to in point 8), the GCA declares the Tender failed and asses the action plan on the unsuccessful Tender.

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- 10) Based on the assessment as referred to point 9), the GCA decides the follow up action in accordance with Article 21 section (3) of this National Public Procurement Agency Regulation.
- c. Explanation of RfP (and site visit, if necessary):
- 1) Explanation is conducted openly, transparently and non-discriminatively to all Participants.
  - 2) The explanation process is conducted to allow Participants to give their suggestions.
  - 3) The Explanation of RfP is conducted by:
    - a) the direct explanation of the contents of the RfP at an explanation meeting attended by the Participants;
    - b) the Procurement Committee provides the chance for all Participants to submit written clarification questions; and
    - c) if deemed necessary, a site visit to the proposed project location may be conducted as part of the explanation meeting.
- ~~5)4)~~ Explanation of RfP as referred to in point 3) point a) and point c) is conducted at a set place and time.
- ~~6)5)~~ The explanation meeting as referred to in point 3) point a) is carried out under the following terms:
- a) The Procurement Committee delivers the explanation directly to all Participants together;
  - b) The Participants may ask questions and/or give their comments about the RfP and/or the PPP Project;
  - c) in the event that the Participant is a consortium, it is represented by the consortium leader or other party authorized to represent the Participant through power of attorney given by the consortium leader;
- d) the absence of any Participant(s) at the explanation meeting cannot be used as the basis

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for eliminating/refusing the Participant(s)' Proposals;

⌘

- e) The Procurement Committee delivers a general explanation to the Participants at least on the following matters:
  - (1) the Tender phases;
  - (2) content of the RfP; and
  - (3) other documents related to the PPP Project.
- f) Explanation meeting is recorded in the Minutes of Explanation Meeting which are signed by the members of the Procurement Committee and the attending Participants or the representative of Participants;
- g) If no Participant or its representative attends or is willing to sign the Minutes of Explanation Meeting, the Minutes of Explanation Meeting are signed by the attending members of the Procurement Committee; and
- h) Minutes of Explanation Meeting are sent to all Participants.

~~7)6)~~ Clarification questions as referred to in point 3) point b) are conducted under the following terms:

- a) Participants may submit written clarification questions from the date of the collection of the RfP until the deadline for clarification questions submission as determined in the RfP;
- b) The Procurement Committee responds to the clarification questions and sends the responses to all Participants; and

c) All submitted clarification questions and responses as referred to in point a) and point b) are recorded in the list of clarification questions

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and responses which will then become the attachment of the Minutes of Explanation Meeting.

e)

~~8)~~

~~9)~~

~~10)~~

~~11)~~

~~12)~~7) In the event of a site visit as referred to in point 3) point c), the site visit is conducted under the following terms:

- a) The site visit is conducted together with all Participants at a place and time determined by the Procurement Committee;
- b) In the event that the Participant is a consortium, it is represented by the consortium leader or other party authorized to represent the Participant through power of attorney given by the consortium leader;
- c) the absence of any Participant(s) at the explanation meeting cannot be used as the basis for eliminating/refusing the Participant(s)' Proposals;
- d) The site visit result is recorded in the Minutes of Site Visit which is signed by the members of the Procurement Committee and the attending Participants or the representative of Participants;
- e) If no Participant/its representative attends, or is willing to sign the Minutes of Site Visit, the Minutes of Site Visit are signed by the attending members of the Procurement Committee; and
- f) Minutes of Site Visit are sent to all Participants.

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- ~~13)~~8) If based on the Minutes of Explanation Meeting and/or Minutes of Site Visit, new terms and/or important changes need to be included in the RfP, the Procurement Committee issues a revision to the RfP which includes these new terms or important changes to the RfP before the deadline for Proposal submission.
- ~~14)~~9) The revisions of RfP as referred to in point 8) are approved by the GCA. The GCA gives its approval not later than 5 (five) work days after the revisions are proposed by the Procurement Committee.
- ~~15)~~10) If the GCA does not give a response within the time period as referred to in point 9), the GCA is considered to not approve the proposed revisions of the RfP.
- ~~16)~~11) Revisions to the RfP as referred to in point 8) are not allowed to change, add and/or reduce criteria, weighting, and/or the procedure for the evaluation.
- ~~17)~~12) In the event that there are revisions to the RfP, the Procurement Committee informs Participants in writing by sending the revisions to the RfP to all Participants.
- ~~18)~~13) If any of the new terms and/or other important changes as referred to in point 8) is not included in the revisions to the RfP and has not been notified in written to all Participants, then those new terms and/or other important changes are deemed non-existent and the prevailing provisions in the unrevised RfP or previous revision will apply.
- ~~19)~~14) Each revision to the RfP is an integral part of the RfP, and must be sent to all Participants.
- ~~20)~~15) Delivery of revisions to the RfP may be conducted through electronic mails.
- ~~21)~~16) If there are revisions to the RfP, the Procurement Committee may provide an extension of the deadline for the submission of the Proposals.

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d. Submission of the Proposals

1) Participants submit their Proposals to the Procurement Committee according to the schedule determined in the RfP.

2) The Proposal consists of ~~2 (two) envelopes. The Envelope I consists of the administrative and technical, financial Proposal and response to the Envelope II consists of the financial Proposal~~ draft PPP contract. [Rizki1]

~~a)3)~~ The Proposal as referred to in point (2) ~~The Envelope I and Envelope II~~ are submitted together in a closed cover. [Rizki2]

~~b)4)~~ Procurement Committee rejects the Proposals that are submitted after the time of the deadline for the Proposal submission.

~~3)5)~~ Participants submit their Proposal in accordance with the requirements in the RfP which consist of:

~~a) —~~

~~b) —~~

~~e)a)~~ Administrative Proposal

Participants submit the administrative Proposal as required which at least covers:

(1) Cover letter which states the validity of the Proposal and confirms that the Proposal is formal and valid as an official document signed by the personnel authorized to represent the Participant;

(2) Consortium agreement;

(3) Confirmation of acceptance of the ~~draft PPP Contract~~ Minimum Requirements;

(4) Bid bond with the following requirements:

(a) Nominal value of the bid bond is in accordance with the nominal value determined in the RfP;

(b) The name written on the bid bond is the

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same as the name of the Participant. In the event the Participant is a consortium, the bid bond includes the name of the consortium according to the name written in the consortium agreement;

- (c) The PPP Project covered is the same as the PPP Project being tendered;
- (d) The bid bond is valid since the Proposal submitted until the PPP Contract has been signed in accordance with the RfP;
- (e) In the event there is a change in the Procurement schedule which causes determination of the winner to be delayed, Participant(s) must extend the validity of the cover letter and the bid bond to cover the extension period;
- (f) In the event the validity of the bid bond is not extended to cover the change in the Procurement schedule as referred to in point (e), the Participant(s) is deemed to have withdrawn from the Procurement and the bid bond is returned to the Participant;
- (g) The bid bond must be able to be liquidated unconditionally not later than 14 (fourteen) work days after a statement of non-performance from the Procurement Committee is received by the issuer of the bond;
- (h) The statement of non-performance is issued to the issuer of the respective bond if:
  - i. the prospective winner/winner withdraws from the Procurement process;

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- ii. a Participant withdraws their Proposal during the validity of the Proposal;
  - iii. a Proposal is found to contain false statements/information; or
  - iv. The IBE does not sign the PPP Contract within 40 (forty) work days from the establishment of the IBE.
- (i) The proceeds from the liquidated bid bond must be deposited to the State/Regional Treasury.
- (5) other statement letters required by the RfP.

~~a)~~b) Technical Proposal

Participants submit the technical Proposal which at least consists of:

- (1) Technical data which consists of:
  - (a) approach and methodology to fulfil the GCA's Minimum Requirements and Additional Requirements;
  - (b) technical drawings or basic design;
  - (c) proposed performance data including the performance testing procedures which covers data and analysis related to the project and the environment, including assumptions used;
  - ~~(e)~~
  - (d) Operational and maintenance data, including but not limited to outline operational plan and outline maintenance plan; and
  - (e) Asset transfer plans.
- (2) Supporting data;
- (3) Reference sites/locations which use similar technical solutions and/or operational procedures (if required);
- (4) PPP Project implementation schedule and

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plan;

- (5) PPP Project organizational plan and implementation management plan; and
- (6) Proposed Sub-Contract Arrangements that consist of heads of terms for the EPC Sub-Contract and the Operating and Maintenance Sub-Contract(s).

e)c Financial Proposal

Participants submit the financial Proposal which at least consists of:

~~(a)~~(1) Role and share of each member of the consortium in the case the Participant is a consortium;

~~(b)~~(2) Latest audited financial statements of the Participant (or each member of a Consortium);

~~(c)~~(3) Financing plan (explanation of the method to finance the proposed capital expenditure and operational expenditure, letters of support and term sheets);

~~(2)~~(4) Financial model in hard copy and soft copy, including:

- (a) Initial equity capitalization plan;
- (b) Capital expenditure investment plan;
- (c) Operation and maintenance expenses;
- (d) Forecast cash flows;
- (e) Forecast balance sheets;
- (f) Forecast income statements;
- (g) Return on investment and discounted cash flow analysis which shows the Participant's expected investment rate of return;
- (h) Financial ratios including debt service coverage ratio (DSCR) and profitability ratio;

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- (i) Calculation of tariffs and/or third party revenue (if any);
- (j) Financial model data book including the assumptions used in the preparation of the financial model (which is consistent with the technical Proposal) and the explanation for use of the financial model; and
- (k) Proposed Government Support which is consistent with the financing plan as referred to in (3) above, if required.

~~(3)~~(5) Financial model review letter in the format specified in the RfP;

~~(a)~~(6) Financial pro-forma in the form provided by the GCA with the RfP which must be consistent with the financial model:

~~(b)~~(a) pro-forma 1 – projected investment return (for example Availability Payments, user charges, tariffs or other form of revenue);

~~(c)~~(b) pro-forma 2 – projected capital expenditure (nominal);

~~(d)~~(c) pro-forma 3 – projected maintenance expenditure (nominal);

~~(e)~~(d) pro-forma 4 – projected operating expenditure (nominal);

~~(f)~~(e) pro-forma 5 – projected Viability Gap Fund (if any);

(f) pro-forma 6 – financing Plan;

~~(g)~~

~~(h)~~(g) pro-forma 7 – analysis of staffing; and

~~(i)~~(h) other pro-forma as required.

~~(4)~~(7) Confirmation of accounting treatment;

~~(a)~~(8) Confirmation of tax treatment; and

~~(5)~~(9) Clawback given to the Government (if

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any).

- ~~f)d)~~ Response to the draft PPP Contract ~~Contract~~ at least consists of clarification and/or markup of the draft PPP Contract accompanied by explanation of the markup.
- ~~4)6)~~ The Procurement Committee may allow Participants who are in the form of a consortium to change their consortium structure and/or their consortium members before the deadline for Proposal submission, as long as this change to the consortium structure and/or consortium members does not negatively impact the competition.
- ~~5)7)~~ Change to the consortium structure and/or consortium members as referred to in point 6) is not allowed to include change of consortium leader if the consortium leader only consist of 1 (one) Business Entity. In the case of a consortium with more than 1 (one) Business Entity as the consortium leader, at least 1 (one) Business Entity must stay as the consortium leader.
- ~~1.8)~~ Terms regarding the change in consortium structure and/or consortium members as referred to in point 6) are included in the RfP.
- ~~2.9)~~ In the event there is a change in the Procurement schedule which causes determination of the winner to be delayed, Participant(s) must extend the validity of the cover letter to cover the extension period.
- ~~6)10)~~ In the event the validity of the cover letter is not extended to cover the change in the Procurement schedule as referred to in point 9), the Participant(s) is deemed to have withdrawn from the Procurement.
- ~~1.11)~~ If there is no Proposal submitted by any Participant, the Procurement Committee sends a report to GCA.
- ~~7)12)~~ Based on the report as referred to in point 11), the GCA declares the Tender failed and asses the action plan on the failed Tender.

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~~1.13)~~ Based on the assessment as referred to in point ~~124)~~, the GCA decides the follow up action in accordance to Article 21 section (3) of this National Public Procurement Agency Regulation.

e. Opening of the Proposal

1) The Opening of the Proposal is conducted by the Procurement Committee before the Participants at a set time and place.

2) The Procurement Committee requests the representatives of the Participants to attend as witnesses. If no witness or only 1 (one) witness from the Participants attends, the opening of the Proposal is postponed by the Procurement Committee for 1 (one) hour.~~If after the postponement for 1 (one) hour, no representative of any Participant attends or there is only 1 (one) participant as witness, the opening of the Proposals is carried out being witnessed by 2 (two) witnesses besides the Procurement Committee, as appointed in writing by the Procurement Committee.~~

3) If<sup>[Rizki3]</sup> after the postponement for 1 (one) hour, no representative of any Participant attends or there is only 1 (one) participant as witness, the opening of the Proposals is carried out being witnessed by 2 (two) witnesses besides the Procurement Committee, as appointed in writing by the Procurement Committee.

4) The Opening of the Proposals is recorded in the Minutes of the Opening of ~~Envelope I~~ the Proposal and signed by all members of the Procurement Committee and the witnesses who attended.

5) Copies of the Minutes of the Opening of Envelope I are distributed to all Participants.

~~5) f. Evaluation of the Proposals.~~

6) f. Evaluation of the Proposals

7) 1) Procurement Committee conducts an evaluation of the Proposals based on the terms and procedures

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determined in the RfP.

~~8)2)~~ If deemed necessary, the Procurement Committee may request any Participant to clarify ~~envelope I of~~ their Proposal. Participants respond to clarification questions in written to the Procurement Committee.

~~9)3)~~ If deemed necessary, the Procurement Committee may give an opportunity to each Participant to present their technical Proposal. Each Participant has to be offered an equal opportunity to present.

~~10)4)~~ Terms of the clarification questions and technical Proposal presentation as referred to in point 2) and 3) are included in the RfP.

~~11)5)~~ Evaluation of Proposals consists of:

~~(1)a)~~ Administrative Proposal evaluation

(1) Administrative Proposal evaluation is conducted using pass/fail system relating to the fulfillment of the administrative requirements; ~~and-~~

(2) The Procurement Committee only eliminates Participants on the basis of substantial matters.

b) Technical and financial Proposal evaluation

(1) The technical and financial Proposal evaluation is conducted in respect of Participants who fulfill the administrative requirements.

(2) The technical and financial Proposal evaluation is conducted by considering the compliance of the technical Proposal by referring to the requirements determined in the RfP.

~~(3) Evaluation of the fulfillment of Minimum Requirements is conducted by the Procurement Committee using the pass/fail method.~~

~~(4)3)~~ During the evaluation process, the

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Procurement Committee, at its discretion may request Participants to undertake corrections of arithmetical errors or numerical inconsistencies found in their Proposal.

~~(5)~~ Participants may only make changes in respect of arithmetical errors or numerical inconsistencies identified by the Procurement Committee as stated in the Minutes of Arithmetical Corrections. The correction result becomes a part of the Proposals.

(4)

(5) Results of the correction of arithmetical errors or numerical inconsistencies is delivered by the Participants who confirm that the corrections made become an integral part of the Proposal that is evaluated.

(6) Evaluation of the fulfillment of Minimum Requirements is conducted by the Procurement Committee using the pass/fail method.

(7) For the Proposals which pass the evaluation as referred to in point (6) above, the Procurement Committee evaluates the responses to Additional Requirements based on the criteria, weightings, and procedures of evaluation as determined in the RfP.

(8) If the price/tariff/Availability Payment/other form of monetary measures in the Proposals varies over time, the evaluation is based on the net present value of the cost to the GCA and/or users over the period of the PPP Contract, discounted using a rate as determined in the RfP.

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(9) The response to the draft PPP Contract will be evaluated and the impact will be considered as part of technical and financial evaluation.

(10) The Procurement Committee prepares a ranking based on the total score evaluated for the responses to Additional Requirements and the weight of each evaluation criterion.

(11) Based on the ranking as referred to in point (10) and considering the maximum number of Dialogue Participants as determined in the RfP, the Procurement Committee determines the Dialogue Participants to be invited to engage in the Optimization Dialogue.

(12) Participants who are not invited to engage in the Optimization Dialogue as referred to in point (11) above are deemed do not pass the Proposal evaluation.

~~12)~~

~~13) For the Proposals which pass the evaluation as referred to in point (6) above, the Procurement Committee evaluates the responses to Additional Requirements based on the criteria, weightings, and procedures of evaluation as determined in the RfP.~~

~~14) If the price/tariff/Availability Payment/other form of monetary measures in the Proposals varies over time, the evaluation is based on the net present value of the cost to the GCA and/or users over the period of the PPP Contract, discounted using a rate as determined in the RfP.~~

~~15) The response to the draft PPP Contract will be evaluated and the impact will be considered as part of technical and financial evaluation.;~~

~~16) The Procurement Committee prepares a ranking based~~

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~~on the total score evaluated for the responses to Additional Requirements and the weight of each evaluation criterion.~~

~~17) Based on the ranking as referred to in point (10) and considering the maximum number of Dialogue Participants as determined in the RfP, the Procurement Committee determines the Dialogue Participants to be invited to engage in the Optimization Dialogue.~~

~~18) Participants who are not invited to engage in the Optimization Dialogue as referred to in point (11) above are deemed do not pass the Proposal evaluation.~~

~~19)6) The Procurement Committee prepares the Minutes of the Proposal Evaluation Result which are signed by all members of the Procurement Committee.~~

~~20)7) If there is corrections of arithmetical errors or numerical inconsistencies, Minutes of Arithmetical Corrections are attached to the Minutes of the Proposal Evaluation Result.~~

~~21)8) If there is only one Proposal which fulfills the Minimum Requirements, the Tender proceeds to the Dialogue Optimization stage between the Procurement Committee and the Participant who qualifies in accordance to the provisions in this National Public Procurement Agency Regulation.~~

~~22)9) If no Proposal fulfills the Minimum Requirements, the Procurement Committee delivers a report to the GCA by attaching the Minutes of Proposal Evaluation Result.~~

~~23)10) After receiving the report, GCA declares the Tender failed and asses the action plan on the failed Tender.~~

~~24)11) Based on the assessment as referred to in point 101), the GCA decides the follow-up action in accordance to Article 21 section (3) of this National Public Procurement Agency Regulation.~~

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f.g. Notification of the evaluation result to each Participant.

- 1) Procurement Committee notifies the evaluation result to each Participant.
- 2) Notification as referred to in point 1) is not allowed to include score on the Proposal evaluation result.
- 3) Notification to Participant who does not pass the Proposal evaluation must be accompanied by reasons.
- 4) Notification of the evaluation result as referred to in point 1) above may be delivered through electronic mail.

g.h. Objection to the Proposal Evaluation result.

- 1) Participants that do not pass the Proposal evaluation may address their objection in writing on the result of the Proposal evaluation to the Procurement Committee accompanied by sufficient supporting documents of any abuse/violation.
- 2) Objection can only be submitted within the period as determined in the RfP.
- 3) Objections as referred to in point 1) may be addressed individually or collectively.
- 4) Participants as referred to in point 1) may only submit objections in relation to the following:
  - a) violation(s) of terms and procedures regulated by this National Public Procurement Agency Regulation;
  - b) violation(s) of terms and procedures determined in the RfP;
  - c) dishonest practices that prevent fair business competition; and/or
  - d) an abuse of authority by the Procurement Committee and/or other authorized officials in the Tender process.
- 5) Procurement Committee must respond in writing to all objections in the time period determined in the RfP;
- 6) If an objection is declared valid by the Procurement Committee, the Procurement Committee reports the

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objection to the GCA.

- 7) Based on the report from Procurement Committee, the GCA declares the Tender failed and asses the action plan on the failed Tender.
- 8) Based on the assessment as referred to in point 7), the GCA follow up the action as referred to in Article 21 section (3) of this National Public Procurement Agency Regulation.

h.i. Invitation to the Dialogue Participants.

- 1) The Procurement Committee sends an invitation to each Dialogue Participant to engage in Optimization Dialogue.
- 2) Procurement Committee sends the invitation to each Dialogue Participant by attaching an Optimization Dialogue Process Information Letter (hereinafter referred to as Process Information Letter) which explains matters as follows:
  - a) terms and conditions of the Optimization Dialogue;
  - b) objectives and topics of discussion;
  - c) time and place along with the detailed implementation schedule; and
  - d) request for any additional documents to be submitted by the Dialogue Participants in order to facilitate Optimization Dialogue.
- 3) Invitation as referred to in point 1) may be delivered through electronic mail.
- 4) The delivery of invitation as referred to in point 1) does not include any information on the evaluation result of each Participant.
- 5) The Procurement Committee may ask the Dialogue Participants to give their response to the dialogue topics listed in the Process Information Letter.
- 6) Responses as referred to in point 5) are utilized in the Optimization Dialogue which is non-binding and not to be seen as part of a Proposal.

6)

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i.j. Optimization Dialogue based on the result of Proposal evaluation.

- 1) Optimization Dialogue is conducted through a series of one-on-one meetings between Procurement Committee and Dialogue Participants to discuss the optimization of their Proposal.
- 2) Optimization Dialogue is conducted in accordance with the place, time, detail of implementation schedule, and topics as determined in the Process Information Letter.
- 3) The result of Optimization Dialogue with each Dialogue Participant is recorded in the Minutes of Optimization Dialogue and delivered to respective Dialogue Participant.
- ~~4)~~ Minutes of Optimization Dialogue and any information from the Optimization Dialogue with one Dialogue Participant is confidential and cannot be shared to any other Dialogue Participant or any other party who could impact the competition.

~~5)~~4)

~~6)~~5) Based on the Minutes of Optimization Dialogue:

- a) If deemed necessary, the Procurement Committee may schedule additional time and discussion topics through revision of Process Information Letter. Revision of Process Information Letter is delivered to each Dialogue Participant; or
- b) Each Dialogue Participant is asked to conduct optimization and adjustment for their Proposal and to submit an Optimized Proposal which fulfils the Additional Requirements. The aim of fulfillment of the Additional Requirements is to remain to give the most beneficial Proposal with the best Value for Money.

~~7)~~6) Based on the Dialogue Optimization, if deemed necessary, the Procurement Committee with approval from the GCA may make adjustments to the RfP without modifying the Minimum Requirements. The

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Procurement Committee will undertake any such adjustments to the RfP as follows:

- a) If new terms and/or important revisions need to be included in the RfP including the Draft PPP Contract, the Procurement Committee issues a revision to the RfP which includes these new terms and/or important changes to the RfP.
- b) After the Optimization Dialogue is completed, the Procurement Committee proposes the revisions of the RfP to the GCA to be approved.
- c) Revisions to the RfP as referred to in point b) are not allowed to change, add and/or reduce the criteria, weighting, and/or procedure of evaluation.
- d) The proposal for revisions of the RfP including the draft PPP Contract is accompanied by the Minutes of the Optimization Dialogue.
- e) The GCA responds to the proposal for revisions of the RfP as referred to in point b) not later than 5 (five) work days after receiving the proposal from the Procurement Committee.
- f) If the GCA does not give a response as referred to in point d), the GCA is considered to not approve the proposed revisions to the RfP.
- g) The Procurement Committee issues the revisions to the RfP which includes the draft PPP Contract to all Dialogue Participants after the letter of approval from the GCA is received. Delivery of revisions to the RfP may be conducted through electronic mails.
- h) Every revision of the RfP is deemed an integral part of the RfP and delivered to all Dialogue Participants.
- i) If the revisions to the RfP are not delivered to all Dialogue Participants, the prevailing provisions in the unrevised RfP or previous revision will apply.

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- j) In the event that there is a revision of the RfP, the Procurement Committee may extend the deadline for the submission of the Optimized Proposal.
- k) The revisions of the RfP become the basis for each Dialogue Participant to submit the Optimized Proposal.

~~j.k.~~ k. Submission of the Optimized Proposal:

- 1) Based on the Optimization Dialogue result, the Dialogue Participants submit Optimized Proposals to the Procurement Committee according to the schedule determined in the RfP and its revisions (if any).
- ~~2)~~ In the event that Dialogue Participant does not submit an Optimized Proposal and does not withdraw their Proposal, such Dialogue Participant submits a confirmation letter stating that their Proposal remains valid.

2)

- ~~3)~~ Dialogue Participants who did not submit an Optimized Proposal and did not deliver a letter which states that their Proposal remains valid before the deadline of Optimized Proposal submission are deemed withdrawn from Tender.

~~4)3)~~

- ~~5)4)~~ Letter of statement as referred to in point 2) must be delivered before the deadline of Optimized Proposal submission.

- ~~6)5)~~ The Procurement Committee rejects any Optimized Proposal or letter of statement that is submitted after the deadline for Optimized Proposal submission.

- ~~7)6)~~ Dialogue Participants submit Optimized Proposals in accordance with the requirements in the RfP and its revisions (if any), which consist of:

- a) the administrative Proposal which at least consists of:

—Optimized Proposal Cover Letter signed by the Dialogue Participant or personnel authorized

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to represent the Dialogue Participant, which contains a statement that the Optimized Proposal is valid;

~~a.~~(1)

(2) Statement letter that the Optimized Proposal does not change the fulfillment of Minimum Requirements as stated in the previous Proposal; and

(3) Other information as required.

b) Optimized technical Proposal which at least consists of:

(1) Technical data which covers the update to the documents as referred to in Chapter II C. 2. d. 5) b) of this Annex;

(2) Supporting data;

~~i.~~(3) Schedule and plan for implementing project;

~~ii.~~(4) management and organizational plan for implementing PPP project; and

(5) Proposed Sub-Contract Arrangements that consist of heads of terms for the Construction Sub-Contract and the Operating and Maintenance Sub-Contract(s).

~~iii.~~

c) Optimized Financial Proposal which at least consists of:

(1) role and share of each party in the consortium;

(2) detailed financing plan (including letters of support and term sheets);

(3) updated financial model, which consists of documents as referred to in Chapter II C. 2. d. 5) c) (4) of this Annex:

~~i.~~(4) financial model review letter in the format specified in the RfP;

~~(4)~~(5) updated financial pro-forma as referred to in Chapter II C. 2. d. 5) c) (6) of this Annex;

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- ~~i.~~(6) confirmation of accounting treatment;
- ~~ii.~~(7) confirmation of tax treatment; and
- ~~iii.~~(8) clawback given to the Government (if any).

d) Optimized Response to the PPP Contract which at least consists of mark-up of the draft PPP Contract which reflects the Dialogue Participant's technical and financial Proposals.

~~8)~~—In the RfP, the Procurement Committee may state that the Dialogue Participants need only to submit parts of their Proposal which have changed following Optimization Dialogue. In this case, the Dialogue Participants have to submit a confirm letter stating that changes have only been made to parts related to the topics discussed in Optimization Dialogue and other parts has not been changed and remain valid.

7)

~~9)8) 8)~~—If there are any discrepancies or inconsistencies between information in the Proposal and Optimized Proposal, the information in the Optimized Proposal prevails.

~~k.1.~~ Opening of the Optimized Proposal.

- 1) The Procurement Committee invites the Dialogue Participants who have submitted the Optimized Proposal to attend the opening of the Optimized Proposal at a set time and place.
- 2) Opening of the Optimized Proposal is conducted by the Procurement Committee before the Dialogue Participants who submitted Optimized Proposal at a set time and place.
- 3) Procurement Committee requests the presence of the representatives of the Dialogue Participants as witnesses. If there is no witness or there is only 1 (one) witness from the Dialogue Participants present, the opening of the Optimized Proposal is postponed by the Procurement Committee for 1 (one) hour.

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~~4)~~ If after the postponement for 1 (one) hour, no representative of any Dialogue Participant attends, the opening of the Optimized Proposal is carried out being witnessed by 2 (two) witnesses beside the Procurement Committee, appointed in writing by the Procurement Committee.

4)

~~iv.~~ Opening of the Optimized Proposals is recorded in the Minutes of the Opening of the Optimized Proposal and signed by all members of the Procurement Committee and the witnesses who attend.

5)

~~b.6)~~ Copies of the Minutes of the Optimized Proposal Opening are distributed to all Dialogue Participants who submit the Optimized Proposal.

~~l.m.~~ Evaluation of the Optimized Proposal.

1) The Procurement Committee conducts an evaluation of the Optimized Proposal based on the terms and procedures determined in the RfP;

2) If deemed necessary, the Procurement Committee may request the Dialogue Participants to clarify their Proposal via written clarifications to Dialogue Participants. Dialogue Participants respond to the clarification in writing to the Procurement Committee.

~~3)~~ If deemed necessary, the Procurement Committee may give an opportunity to each Dialogue Participant to present the technical aspects of their Optimized Proposal. Each Dialogue Participant has to be offered an equal opportunity to present.

3)

~~4)~~ Terms of the clarification questions and technical Proposal presentation as referred to in point 2) and 3) are included in the RfP.

~~5)4)~~

~~6)5)~~ Dialogue Participants are deemed to withdraw from the

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Tender in the case of:

- ~~b)~~a) The Dialogue Participant do not submit any Optimized Proposal or a confirmation letter stating that the previous Proposal remains valid; or
- ~~e)~~b) The Optimized Proposal or the confirmation letter stating that the previous Proposal remains valid submitted after the Optimized Proposal submission deadline.
- ~~7)~~6) In the event of a Dialogue Participant withdraws from the Tender with reasons that cannot be accepted by the GCA, the bid bond is liquidated and deposited into the State/Regional Treasury and such Dialogue Participant shall be imposed with penalty by a prohibition to participate in an Procurement in PPP for 2 (two) years.
- ~~8)~~7) In the event of a Dialogue Participant withdraws from the tender with reasons that can be accepted by the GCA, the bid bond is liquidated and deposited into the State/Regional Treasury.
- ~~9)~~8) Evaluation of the Optimized Proposal consists of:
  - a) Evaluation on the updated administrative Proposal
    - (1) Evaluation on the updated administrative Proposal is conducted by using pass/fail system with regard to the fulfillment of the administrative requirements determined in the RfP; and
    - (2) The Procurement Committee only eliminates on the basis of substantial matters.
  - b) Technical and financial Evaluation
    - (1) Technical and financial evaluation is conducted on the Optimized Proposals of Participants who fulfill the administrative requirements;
    - (2) The Procurement Committee ensures each

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Dialogue Participants' Optimized Proposal continues to fulfill the requirements determined in the RfP;

- (3) The Procurement Committee ensures that the Optimized Proposal does not change fulfillment of the Minimum Requirements;
- (4) The Procurement Committee evaluates the responses to Additional Requirements based on the criteria, weightings, and procedures of evaluation as determined in the RfP;
- (5) If the price/tariff/availability payment/other form of monetary measures in the Optimized Proposals varies over time, the evaluation is based on the net present value of the cost to the GCA or the user over the period of the PPP Contract, discounted using a rate as determined in the RfP;
- (6) Mark-up to the draft PPP Contract will be considered as part of technical and financial evaluation.
- (7) In evaluating, the Procurement Committee, at its discretion may request Dialogue Participants to undertake corrections of arithmetical error or numerical inconsistencies found in their Optimized Proposal as determined in the RfP.
- (8) Dialogue Participants may only make changes in respect of arithmetical errors or numerical inconsistencies identified by the Procurement Committee as stated in the Minutes of Arithmetical Corrections.
- (9) Results of the correction of arithmetical errors or numerical inconsistencies are delivered by the Dialogue Participants who confirm that the corrections made become an

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integral part of the Proposal that is evaluated.

- (10) Based on the total scores as a result of a combination of the technical and financial evaluation, the Procurement Committee ranks the result of the evaluation. The Dialogue Participant with the highest total score ranks first.
- (11) Procurement Committee prepares the Minutes of the Optimized Proposal Evaluation Result.
- (12) Minutes of the Optimized Proposal Evaluation Result are signed by all members of the Procurement Committee.
- (13) In the event that the Optimized Proposal evaluation has not resulted in the most beneficial Proposal with the best Value for Money which could be achieved or meets the objectives of the Tender as stated in the RfP, the Procurement Committee delivers a report to the GCA.
- (14) Based on the report of Optimized Proposal Evaluation Result as referred to in point (13), the GCA may instruct the Procurement Committee to repeat the Optimization Dialogue process starting from inviting the Dialogue Participant until the evaluation of Optimized Proposal as referred to in Chapter II C. 2. i. to Chapter II C. 2. m. of this Annex in order to obtain the most beneficial Proposal with the best Value for Money.

m.n. Issuance of the Minutes of the Tender Result

- 1) Procurement Committee prepares the Minutes of the Tender Result.;
- 2) Minutes of the Tender Result is a summary of the Tender result made by the Procurement Committee and signed by all members of the Procurement Committee.

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3) Minutes of the Tender Result is confidential and only delivered to the GCA.

~~3)~~

4) Minutes of the Tender Result has to include the following:

- a) name of all Participants;
- b) evaluation method used;
- c) evaluation criteria;
- d) evaluation result of each Participant in each stage;
- e) the estimated capital expenditure and operational expenditure proposed by each Participant;
- f) Participants' ranking;
- g) other notes deemed necessary on the implementation of the Tender; and
- h) date of the minutes.

~~n.o.~~ Determination of Winner;

- 1) Procurement Committee prepares and delivers a report to the GCA by attaching the Minutes of the Tender Result.
- 2) Report as referred to in point 1), is accompanied by Procurement Committee's recommendation for the prospective Winner, first and second runner-ups (if any).
- 3) In the event that the GCA agree with Procurement Committee's recommendation, the GCA may prepare a determination letter not later than 10 work days after the recommendation from Procurement Committee is received, which contains:
  - (f) the winner; and
  - (g) the first and second runner-ups (if any).
- 4) In the event that the GCA does not agree with the Procurement Committee's recommendation, the GCA discusses this matter with the Procurement Committee to make a decision.
- 5) The result of discussion between the GCA and the Procurement Committee as referred to in point 4) is

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recorded in the Minutes of Meeting signed by the GCA and the Procurement Committee.

~~6)~~ The result of discussion between the GCA and the Procurement Committee as referred to in point 5) is in the form of approval to the Procurement Committee recommendation or an instruction to the Procurement Committee to conduct a re-evaluation.

~~7)~~6)

~~8)~~7) In the event that the result of discussion between the GCA and the Procurement Committee is an approval to the Procurement Committee's recommendation, then the GCA prepares a determination letter which contains:

- (a) the winner; ~~and~~
- (b) the first and second runner-ups (if any).

~~9)~~8) In the event that that re-evaluation as referred to in point 6) requires an extension to the schedule determined in the RfP, the Procurement Committee announces the change of schedule to all Participants and ask for extension to the bid bond validity period (if necessary).

~~10)~~9) Procurement Committee prepares and delivers a report on the re-evaluation result to the GCA which contains recommendations of the winner, the first winner and the second runner-ups candidates (if any).

~~11)~~10) In the event that the GCA approves the Procurement Committee's recommendation based on the re-evaluation result as referred to in point 9), then the GCA prepares a determination letter which contains:

- (a) the winner; ~~and~~
- (b) The first and second runner-ups (if any).

~~12)~~11) In the case that the GCA does not approve the Procurement Committee's recommendation as referred to in point 10), then the GCA declares the tender to be

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failed and assesses the action plan on the failed Tender.

~~13)~~12) Based on the assessment as referred to in point 11), the GCA decides the follow-up action in accordance to Article 21 section (3) of this National Public Procurement Agency Regulation.

~~e-p.~~ Announcement of the Tender result.

1) Based on the determination of the Winner by the GCA, the Procurement Committee:

~~a.~~ notifies the Tender result to each Dialogue Participant in writing; and

~~b.~~(a)

~~e.~~(b) announces the Tender result by posting it on the GCA's official website and/or print media according to the specified schedule.

2) Content of the Tender result announcement as referred to in 1) at least covers:

a) name of the PPP project;

b) name of the GCA;

c) ranking and evaluation score of the Proposal and Optimized Proposal;

d) name and address of the winner, the first and second runner-ups (if any);

e) period of time for the PPP; and

f) value of the Project capital expenditure and operational expenditure committed by the Winner.

~~g)q.~~ Objection to result of Tender

~~3)1)~~ Dialogue Participants who are not determined as the Winner may address their objections in writing on the result of the Tender to the GCA accompanied by the sufficient preliminary evidence of any violation.

~~4)2)~~ Objection can only be submitted within the period determined in the RfP.

~~5)3)~~ Objection submission as referred to in point 1) may be addressed individually or collectively.

~~6)4)~~ Dialogue Participants as referred to in point 1) may only address their objections as follows:

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- a) violation(s) on terms and procedures regulated by this National Public Procurement Agency Regulation;
- b) violation(s) on terms and procedures determined in the RfP;
- c) dishonest practices that prevent fair business competition; and/or
- d) an abuse of authority by the Procurement Committee and/or other authorized officials in the Tender process.

~~7)5)~~ GCA must respond in writing to all objections within the time period determined in the RfP;

~~8)6)~~ If the objection is declared valid by the GCA, the GCA declares the Tender failed and assesses the action plan on the failed Tender.

~~—~~ Based on the assessment as referred to in point 6), the GCA decides the follow up action in accordance to Article 21 section (3) of this National Public Procurement Agency Regulation.

~~9)7)~~

~~p.r.~~ Issuance of the Letter of Award

- 1) GCA issues the Letter of Award with the following terms:
  - a) no objection from Participants;
  - b) any objection proven untrue; and
  - c) objection period ended ~~;~~ ~~and~~
- 2) GCA issues the Letter of Award not later than 7 (seven) work days after the objection process ends ~~;~~
- 3) When the Letter of Award is issued, the consortium members and consortium equity composition of the winner must be the same as the consortium members and consortium structures at the Determination of Winner stage.
- 4) In the event that the consortium members and/or consortium equity composition of the winner at the issuance of Letter of Award is different from the

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consortium members and/or consortium structures at the Determination of Winner stage, the winner is disqualified and the Determination of Winner is annulled.

- 5) A winner is disqualified as referred to in point 4) or withdraws after the issuance of the Letter of Award with reasons that cannot be accepted by the GCA, their bid bond is liquidated and deposited into the State/Regional Treasury and such Winner shall be imposed with penalty by a prohibition to participate in any IBE Procurement for a PPP for 2 (two) years.
- 6) If a winner withdraws from the Tender after the issuance of the Letter of Award with reasons accepted by the GCA, their bid bond is liquidated and deposited into the State/Regional Treasury.
- 7) If a winner withdraws or is disqualified, the GCA may instruct the Procurement Committee to review Optimized Proposal evaluation results of the first and second runners-up.
- 8) The GCA may issue the Letter of Award to the first runner-up provided that:
  - a) the review conducted by Procurement Committee as referred to in 7) conclude that the first runner-up's Optimized Proposal is the most beneficial Proposal with the best Value for Money; and
  - b) The cover letter indicates that the Proposal of such runner-up is still valid or the validity has been extended until the signing of the PPP Contract.
- 9) In the event that the review conducted by Procurement Committee conclude that neither the first, nor the second runner-ups Optimized Proposal are not the most beneficial proposal with the best Value for Money, Procurement Committee the Procurement Committee delivers a report to the GCA.
- 10) Based on the report as referred to in point 9), The GCA

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may declare that a repeat to the Invitation to the Dialogue Participant stage until the Evaluation of Optimized Proposal stage as referred to in Chapter II C. 2. i. to Chapter II C. 2. m. of this Annex is needed in order to obtain the most beneficial Proposal with the best Value for Money.

11) Repetition of stages as referred to in point (10) is only conducted with the first and second runner-ups.

12) In the event that the winner, first runner-up and second runner-up withdraw from the Tender, the GCA declares the Tender failed and assesses the action plan on the failed Tender.

13) Based on the assessment as referred to point 12), the GCA decides the follow up action in accordance with Article 21 section (3) of this National Public Procurement Agency Regulation.

~~13)~~

~~14)~~s. 14) Preparation of the PPP Contract signing.

~~15)~~1) Based on the Letter of Award issued, the GCA conducts a preparation for the signing of the PPP Contract under the following terms:

a) GCA and the winner finalizes the draft PPP Contract.

b) The finalization process as referred to in point a) is not allowed to change anything that has been competed during the Tender.

~~16)~~2) Based on the Letter of Award, the Winner conducts preparation to PPP Contract signing as follows:

a) The winner must establish an IBE, which will sign the PPP Contract. ~~and~~

b) The IBE must be legally established not later than 6 (six) months after the issuance of the Letter of Award by the GCA.

~~e)~~—The winner must extend the bid bond validity until the performance bond has been received by the GCA.

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~~d)~~c)

~~e)~~d) In the event that the winner does not extend the bid bond validity as referred to point c) with reasons that cannot be accepted by the GCA, the winner is deemed to have withdrawn and the bid bond of such winner is liquidated and deposited to the State/Regional Treasury and such winner shall be imposed with penalty by a prohibition to participate in any Procurement for a PPP for 2 (two) years.

~~f)~~e) In the event that the winner does not extend the bid bond validity as referred to point c) with reasons that can be accepted by the GCA, the winner is deemed to have withdrawn and the bid bond of such winner is liquidated and deposited into the State/Regional Treasury.

~~17)~~3) The PPP Contract is signed by the GCA and the IBE not later than 40 (forty) work days after the establishment of the IBE.

~~18)~~4) The PPP Contract will be effective after all of the conditions precedent as determined in the PPP Contract has been fulfilled by each party.

~~19)~~5) In the event that a condition is beyond the winner's control which results in the need of a change to the consortium members and/or a change to the IBE equity composition during the preparation of the PPP Contract signing, the winner must seek for GCA's approval for such changes.

~~20)~~6) In the event that the GCA approves changes as referred to in point 5), the winner must make the necessary adjustment to the bid bond to reflect the changes in consortium members and/or structures.

~~21)~~7) The changes of the winning consortium members and/or the IBE equity composition as referred to point 5) are prohibited in changes of the consortium leader.

~~22)~~8) In the PPP Contract signing preparation process, the

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GCA may be assisted by the PPP ~~Node~~Team and/or the Procurement Committee.

~~4.t.~~ Preparation of financial close:

- 1) Financial close is not a condition precedent for the PPP Contract to become effective.
- 2) The IBE conducts the signing of financing agreements and coordinate with the GCA in the preparation of financing agreement signing.
- 3) Based on the signed PPP Contract, the GCA, IBE and financiers conduct the signing of the consent letter which gives or confirms certain rights to the lenders to the PPP project.

3)

~~D.~~

~~E.D.~~ Direct Appointment

~~a.1.~~ Direct Appointment with certain conditions as referred to in Article 20 section (1) point a of this National Public Procurement Agency Regulation covers the following activities:

- a. Invitation to the prospective Participants fulfilling certain conditional terms, accompanied by the RfQ, the RfP and the Confidentiality Letter.
- b. Submission of the Qualification Document which consists of the administrative document, the technical and financial capabilities.
- c. Qualification evaluation which is conducted in relation to the fulfillment of the Qualification Document requirements.
- d. Announcement of the qualification evaluation result.
- e. Explanation of the PPP Project.
- f. Submission of Proposal which is submitted in 1 (one) envelope which consists of the administrative Proposal, technical Proposal and financial Proposal.
- g. Evaluation of the Proposal and clarification. The evaluation is conducted according to the terms determined in the RfP. In evaluating, the Procurement Committee may conduct technical Proposal, financial Proposal and Draft PPP Contract clarification and this clarification is recorded in minutes of meeting.

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- h. Negotiation on the technical Proposal, financial Proposal, and draft PPP Contract. The negotiation results are recorded in minutes of meeting.
- i. Delivery of the direct appointment result to obtain a determination from the GCA by attaching the Minutes of the Direct Appointment Result as the conclusion of the Proposal evaluation result, clarification and negotiation.
- j. Determination of the Direct Appointment result is conducted by the GCA and the announcement of the result is carried out by the Procurement Committee.
- k. Preparation of the PPP Contract signing. The preparation of the PPP Contract signing is conducted in accordance with Chapter II C. 1. o. of this Annex.
- l. Preparation of financial close. Preparation of financial close is conducted in accordance with Chapter II C. 1. p. of this Annex.

~~l.~~

~~b.~~2. Direct Appointment in the event of Pre-qualification results in only one Participant as referred to in Article 20 section (1) point b of this National Public Procurement Agency Regulation covers the following activities:

- ~~d.~~a. Procurement Committee submits a report on the Pre-qualification results to the GCA.
- ~~e.~~b. Based on the report as referred to in point a, the GCA determines the qualified Participant as a single Participant.
- ~~f.~~c. The Procurement Committee sends an invitation to the single Participant, with the RfP and the Confidentiality Letter.
- ~~g.~~d. Explanation of the PPP Project. If in the explanation process there are new terms and/or important changes that need to be included in the RfP, the Procurement Committee includes these new terms or important changes to the revision to the RfP.
- ~~h.~~e. Revisions to the RfP as referred to in point d are not allowed to change, add and/or reduce criteria, weighting, or procedure of evaluation.
- ~~i.~~f. Submission of Proposal which is submitted in 1 (one) envelope which consists of the administrative Proposal, technical Proposal and financial Proposal.

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- ~~j.g.~~ The evaluations of Proposal and clarification. The evaluations are conducted according to the terms determined in the RfP. In evaluating, the Procurement Committee may clarify technical Proposal, financial Proposal and Draft PPP Contract.
- ~~k.h.~~ Negotiation on the technical Proposal, financial Proposal, and draft PPP Contract. The negotiation may result in an agreement or disagreement between the Procurement Committee and the Participant. The negotiation result is recorded in the Minutes of Negotiation Result.
- ~~l.i.~~ Procurement Committee delivers a report on the negotiation result to the GCA by attaching the Minutes of the Direct Appointment Result as the conclusion of the Proposal evaluation result, clarification and negotiation;
- ~~m.j.~~ In the event that the report from the Procurement Committee states that the negotiation has resulted in a disagreement, the GCA declares the Direct Appointment failed and the Procurement Committee announces that the Direct Appointment fails.
- ~~n.k.~~ In the event that the report from the Procurement Committee states that the negotiation has resulted in an agreement, the GCA issues a Letter of Direct Appointment.
- ~~o.~~
- ~~p.m.~~ Preparation of the PPP Contract signing. The preparation of the PPP Contract signing is conducted in accordance with Chapter II C. 1. o. of this Annex.
- ~~n.~~ Preparation of financial close. Preparation of financial close is conducted in accordance with Chapter II C. 1. p. of this Annex.

HEAD OF THE NATIONAL PUBLIC  
PROCUREMENT AGENCY,

signed

<u>Paraf I</u>	<u>Paraf II</u>	
<u>Paraf I</u>	<u>Paraf II</u>	<u>Paraf III</u>

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<u>Paraf I</u>	<u>Paraf II</u>

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<u>Paraf I</u>	<u>Paraf II</u>	<u>Paraf III</u>