



Montenegrin Investment Agency

Montenegro, more than investment

Public - private partnership in Montenegro

Article 13 Law on PPP – sectors in which PPP can be implemented – FOR THE SPECIFIC PROJECT

	Article 27 - The public contracting authority is obligated to:
Step 1	a) Establish potential PPP projects
	a) Prepare PPP project proposal including: <ul style="list-style-type: none"> - Feasibility study of PPP, - Draft PPP contract
	a) Submit PPP project proposal to the Agency, Ministry and the Protector of Property-Legal Rights of Montenegro
Step 2	Article 33 – Agency and Ministry of Finance and Social Welfare should give an opinion on PPP Project proposal
Step 3	Article 34 – Register of approved Projects
Step 4	Article 35 – Annual Plan of approved PPP Projects
	a) List of approved PPP projects should be delivered to the Agency by the end of the second quarter
	b) The Agency shall subject the draft Annual plan to public consultation process for the period of minimum 30 days
	c) The Agency shall submit the proposed Annual plan of the approved PPP projects to the Government, following the public consultations process, by the end of the third quarter
	d) The Government shall adopt the annual plan of approved PPP projects for the following year by 30th November of the current year
	e) Annual plan of approved Projects the Agency will publish on its web site until the end of the year
f) The annual plan of PPP projects for the following year under the competence of local self-government, following the completed public consultation process, shall be passed by the competent local self-government authority by 30th November of the current year. The annual plan shall be submitted by the competent local self-government authority to the Agency to post it on its website	
Step 5	Article 36 - Decision on Procedure Initiation
	a) The decision on the initiation of the procedure for awarding PPP contracts shall be adopted by the public contracting authority
	b) Concurrently with the adoption of the decision on the procedure initiation the public contracting authority shall appoint a Tender Commission
Step 6	Article 40 – Tender Commission (competences)
	a) Prepares public call and tender documentation
	b) Carry out the procedure of tender opening, evaluate and verify adequacy of tenderers to take part in the call for competition, verify regularity of tenders in relation to the conditions set up in the call for competition and tender documentation, evaluate tenders and produce a ranking list of tenderers
	c) Draw up minutes on public opening of tenders and minutes on examination, appraisal and evaluation of tenders
	d) Perform other activities required for carrying out the PPP contract award procedure
Step 7	Article 47 – Tender guarantee: Public contracting authority shall determine the amount of the tender guarantee in absolute monetary amount that may not exceed 5% value of the PPP project
Step 8	Article 59 – Criteria: The criteria for selecting the best tender shall be the most economically advantageous tender
Step 9	Article 63 – Adoption of the proposed decision and PPP contract
	a) The public contracting authority shall submit the proposed decision on award of a PPP contract, the contract and the minutes to the Agency, Ministry and the Protector of Property-Legal Interests of Montenegro, for the purpose of obtaining their opinions thereon
	b) The Agency, Ministry and the Protector of Property-Legal Interests of Montenegro shall determine the conformity of the proposed decision and PPP contract with the proposed PPP project, tender documentation and this Law
	c) The Agency, Ministry and the Protector of Property-Legal Interests of Montenegro shall issue an opinion on the proposed decision and PPP contract within 20 days
Step 10	Article 65 – Notice of awarding PPP contract
	a) The notice shall be published on the Agency's website within 7 days as of the date of publication of the decision on awarding the PPP contract, at the latest
	b) The Agency shall enter the PPP contract into the Contracts Register
Step 11	Article 89 – Records of concluded contracts: The public contracting authority shall deliver a copy of the concluded PPP contract with all attachments to the Agency within 15 days of its conclusion
Step 12	Article 90 – Contents and manner of keeping the Contracts Register: The Contracts Register shall be published on the web page of the Agency
Step 13	Article 91 – Monitoring the performance of the contract
	a) The status and schedule of performing the PPP contract shall be monitored by the public contracting authority for contracts falling within its competence, as well as by the Agency
	b) Report on implementation of the PPP project shall be delivered by public contracting authority to the Agency 15 days after the first half of the year
	c) The Agency shall submit to the Government the semi-annual report on the execution of obligations from the PPP contract