

Annex O

Proposal of Law

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BILL (Proyecto de Ley)
(_____ 2000)

“BY WHICH THE REGULATORY AND INSTITUTIONAL FRAMEWORK OF SOLID
WASTE MANAGEMENT IS PRONOUNCED”

TITLE I OVERVIEW

SINGLE CHAPTER

Article 1: **Purpose.** The current law has the main purpose of setting the regulatory framework into which the solid waste management activities will be subject to, creating a national solid waste management policy as a guideline to prevent and control pollution in order to protect and recover the quality of the environment and public health.

Another objective of this Law is maximizing the use of the resources devoted to this activity through incentives or promote competition for the rendering of this public service to the population in an uninterrupted manner, with quality and economical prices.

Article 2: **Contents.** The provisions of the current law have the following aspects:

- a) **Institutional framework** that sets the functions by the main institutions of the sector: the Ministry of Health, municipalities, the regulating entity of public services and the public, private or mixed service rendering bodies;
- b) **Juridical framework** that regulates the rights, powers and obligations of the service rendering entities and the customers, the fee structure and the payment of services; and,
- c) **Participation by the private sector** to render the services.

Article 3: **Concept of services.** Public solid waste management service is understood as the collection, street and sidewalk sweeping, haulage, treatment and/or final disposal of domestic, commercial and industrial solid wastes, as well as the cleansing of public roads and areas.

This public service will be rendered by the municipalities, public, private or mixed enterprises, and a fee will be paid for rendering such service.

This public service is devoted to meet primordial collective needs in a permanent manner, reason why they are regarded as public utility services.

The rendering of this public service will be understood as solid waste management for the purposes of this law.

Article 4: **Scope of application.** The current law will be enforced throughout the territory of the Republic of El Salvador.

Article 5: **Main objectives.** The main objectives of this current law are as follows:

- a) Separate the function of defining policies and sector planning from the regulation, auditing and control functions of the service, and from the service rendering function as well;
- b) Establish a transparent and efficient institutional structure, with an appropriate and clear assignation of responsibilities and functions to the different bodies involved, which allows the accomplishment of the specific goals of the sector;
- c) Strengthen the formulation process of norms and policies that allow the achievement of appropriate quality and efficiency levels when rendering the services;
- d) Establish the principles of a single fee and subsidy system that will be applied to the services rendered, both those by public as well as private or mixed enterprises;
- e) Achieve an efficient and effective supplying of the services by the service providers, with the appropriate exercising of state powers related to public health protection, population well-being, and preservation of the environment and water, soil and air resources throughout the territory of the Republic of El Salvador;
- f) Protect the rights, obligations and powers of the customers, providers of the service and the State, by means of the bodies in charge of setting the sector's policies, regulation and auditing of the services rendered;
- g) Assure the appropriate operation and maintenance of the existing systems and facilities, and promote the expansion of the systems at the maximum pace possible, according to the quality and efficiency levels set forth in the current law;
- h) Promote participation of the private sector to render the services, according to the provisions of this current law, as well as by the selection of the modalities regarded as the most convenient ones in the future.

Article 6: **Definitions.** The following terms shall be understood for the current law:

Activity or functional categories of solid waste management:

Solid waste management consists of the following activities or functional categories: collection, sweeping, recycling, transfer, treatment and final disposal of wastes;

Accumulation of wastes: wastes amassed on public roads, especially bulky ones, and due to their weight and volume they cannot be manually collected;

Physical agent: Different forms of energy to which workers can be exposed to; such as noise, vibrations, abnormal pressure and extreme temperatures.

Chemical agent: Substances, compounds or products that can penetrate into the body through the respiratory system as dust, smoke, fogs or vapors, according to the nature of the activity people are exposed to, these can be absorbed by the body through skin or ingested.

Dead animals: any animal found dead, which has to be taken to the final disposal site;

Competent authority: the Ministry of Health and/or Ministry of Environment, the body that regulates public services or the municipality according to each case;

Manual sweeping and cleansing of public roads: sweeping and cleansing operation that encompasses pedestrian footpaths, curbsides, division stripes, parking lots and public parks performed exclusively with manual tools and/or with human force;

Mechanical sweeping: sweeping and cleaning of streets or sidewalks by using machinery and equipment;

Bags: plastic sacks designed to contain wastes, with sufficient strength to keep its physical integrity when lifted, firmly tied up at the top and not exceeding a capacity of (100) liters and a weight of (15) kilos;

Bundle: garden waste, newspapers or magazines firmly tied up and forming an easy and manageable package, such shall not exceed a length of (90) centimeters or (15) kilos in weight;

Paved streets: streets with a concrete layer, bituminous or asphalt mixtures, paving stone, flagstones or any other type of material that resists vehicle traffic;

Back load truck: solid waste collection vehicle loaded at the back;

Side load truck: solid waste collection vehicle that is loaded at the side;

Compaction truck: vehicle furnished with a solid waste compacting mechanism;

Non-compaction truck: vehicle unfurnished with a solid waste compacting mechanism;

Container-carrying truck: vehicle equipped with a haulage mechanism to lift and place a big size solid waste container on top of its platform;

Composition of solid wastes: it is determining the quality and quantity of a solid waste by identifying its contents and interesting properties with a specific purpose;

Cell of a sanitary landfill: a determined physical space in a sanitary landfill where wastes are distributed, compacted and covered every day until the cell is sealed;

Gathering centers: places where duly separated recyclable material is received, purchased or paid, in order to undergo a partial process and then it is transported to the recycling or storage facilities;

Community depot center: place where citizens dispose of on their own of several recyclable materials with no profits in their corresponding recipients;

Customers or users: Individuals or companies that receive or are in conditions of receiving the service of solid waste management from those who render the service;

Health Code (Codigo de Salud): A code created through Legislative Decree No. 955 on May 11th, 1988;

Municipal Code (Codigo Municipal): A code created through Legislative Decree No. 274 on February 5th, 1986;

Compost: Microbial-controlled degradation of organic solid wastes in order to develop a product with potential value as a soil conditioning product;

Returnable container: recipients that are returned to the customers;

Recyclable content: Materials or products whose elaboration involved raw material that can be recovered, reused or processed to turn it again into raw material or useful products;

Recycled content: Material or product whose elaboration involved raw material recovered from other materials or products;

PSP contract: Legal document that provides rights and obligations, by means of which private sector participation (PSP) is implemented to render the service after a competitive and open process;

Control by the enterprise: it is understood that control will exist by a collection enterprise or the solid waste confinement activity (dump site) when an individual or an enterprise: (i) owns more than (50%) of capital stock, be it directly or by means of a branch, subsidiary or one or more individuals or enterprises; or (ii) has the right to choose most of the people of its board of directors or stockholders' board; or (iii) has the right to veto or void the decisions by its board of directors or stockholders' board; or (iv) has the right to manage it by means of an administration contract, a proxy or similar instruments; or (v) has the right to appoint, replace or remove the manager, legal representative, chairman, secretary or treasurer of the enterprise; or (vi) has the capacity by itself or by a mediator to compromise the enterprise through an agreement or contract with any market agent, and it is unnecessary that such agreement or contract be approved by the directive board or stockholders' board;

Correction: each and every measure to be adopted in order to settle deficiencies;

Long-term marginal cost: it is the increment in the total long-term cost for providing a service, considering the increase of one unit in the amount supplied;

Total long-term cost: it is the annual constant value required to meet efficient exploitation and investment costs of an optimized project for replacement by the provider of the service, and calculated in order to meet the demand that is consistent with a current net value of such project being zero.

Waste: every solid or semisolid animal or vegetal refuse subject to putrefaction, originated from the handling, preparation and consumption of foods;

Determination of micro-routes: detailed description of the route to be followed to render the collection, mechanical or manual sweeping of solid wastes;

Applicable provisions: All the legal norms in the Sanitary code, Law No. 41 of 1999, the decrees and regulations issued by the Ministry of Health and any other legal provision applicable to the solid waste management sector that are not explicitly or implicitly derogated by this current law, as well as by the provisions applicable to the sector

and pronounced by the regulating entity, and the public contracting and private contracting norms applicable to service providers;

Final disposal: action of permanently deposit solid wastes in appropriate sites and conditions, in order to avoid damages to the environment and the public health;

Illegal solid waste disposal: it is the unauthorized discharge, deposit, injection, spill, percolation or any other means of leaving a solid waste inside or over a water body or the soil, in a way that such wastes or its pollutants can penetrate the lands, pollute the air or are discharged upon surface or underground waters;

Legal solid waste disposal: it is the deposit or processing of solid wastes in disposal facilities that meet the requirements set forth by law;

Individual protection equipment (IPE): any device for individual use during the execution of a job that protects the worker's health and physical integrity;

Technical specifications: set of norms that describe the minimum features required, the means and ways of rendering the diverse services;

Transfer station: facilities in where solid wastes are transferred by the collection vehicles to large hauling trucks, to carry those wastes to a final disposal site (sanitary landfill). The transfer station is regarded as an intermediate management site;

Recipient: any product manufactures with any given material use to hold, protect, manipulate, distribute and present merchandise, from raw materials to finished products, and from the manufacturer to the final user or consumer. All disposable items used for the same purpose will also be regarded as recipients;

Disposal facilities: installation used for the final disposal of solid wastes;

Generator: any individual or enterprise that, as a consequence of their acts or any process, operation or activity, produces solid wastes;

Impermeable liner: interposition of a layer, using natural or artificial materials, which prevents or substantially reduces the trespassing of a liquid. Usually, it means the bottom protection of a sanitary landfill against the trespassing of leachate, but also the superficial protection of the landfill against rainwater;

Incineration: process of oxidation, with the presence of free oxygen and in a high temperature;

Vertical integration: it is the control by the same individual or enterprise, or by its affiliates, of the operation of several activities or functional categories of solid waste management within the same geographical market (see enterprise control);

Horizontal integration: it is the control by the same individual or enterprise, or its affiliates, of the operation of a similar functional category or activity of solid waste management (see enterprise control);

Environmental Law (*Ley del Medio Ambiente*): Approved through Legislative Decree No. 233 dated March 2nd, 1998 and published in Official Gazette No. 339 on May 4th, 1998;

Street cleansing: a manual or mechanical process that facilitates the removal or collection of solid wastes accumulated on public roads that, due to their volume or physical features, they cannot be collected and transported along with the wastes coming from street sweeping or with domestic, commercial or industrial wastes;

Leaching: displacing of substances contained in solid wastes due to the flowing of a liquid through them;

Leachate: liquid effluent from the leaching, and induced by external humidity sources;

Post-consumer material: any type of domestic, residential, commercial or industrial generated product that has met the purpose for which it was manufactured, and such has been deviated from the solid waste flow for purposes of collection, recycling and disposal. Those solid wastes that commonly return to the industrial manufacturing process are excluded;

Recyclable material: those materials with a potential of being processed and reutilized as raw material to elaborate other products;

Recovered material: a potential recyclable material that has been removed from the rest of solid wastes for their sale, utilization or reutilization, be it by means of separation, collection or processing;

Collection market: it is a geographical duly defined where there is no exclusiveness for the collection of special wastes;

MARN: The Ministry of Environment and Natural Resources;

MSPAS: The Ministry of Public Health and Social Assistance. It is responsible for planning health policies and executing and assessing the activities related to health. It partially regulates the activities related to municipal wastes; it also establishes, regulates, oversees and partially operates, manages and finances wastes from health establishments;

Monitoring: obtaining of data indicators about the quality level of an environment, a service, a functioning or any given activity;

Municipal ordinance: These are rules of general application within the municipality on local matters. They will become valid eight days after its publication in the Official Gazette (Art. 32 of the Municipal Code);

Issuing of license for collection service: process by means of which the regulating entity grants a license to anyone who requests it, as long as it meets the technical requirements set forth by the law and its regulation. Applicants will request it by means of an application available to those interested;

Contingency plan: the global set of strategies, actions and procedures previously established in order to control and face the situations that might take place within solid waste management,

whose design has considered all the events and sources that can cause such contingent events;

Collusion price: those prices that surpass 15% of the prices estimated by the regulating entity from the costs of an efficient model company for each area and activity;

Service provider: the individual or public, private or mixed enterprise responsible of rendering the solid waste management service;

Public service provider: it is understood as the central government, public enterprises and municipalities;

Private service provider: the individual or enterprise with a proved technical and administrative experience and financial capability to become the provider of the cleansing service, by means of a private sector participation (PSP) contract granted by the municipality, in compliance with the procedures and formalities set forth in the current law;

Service rendering with regulated price: the regulated price of the service applies to long-term investment cases, a term equal or greater than 20 years. For the rendering of the confinement service (dump site), it will be conducted by means of a regulated price, for which the service provider (public or private) will show the corresponding fee study in compliance with rules set forth in this law and approved by the regulating body;

Processing: any method, system or treatment used to change the physical features or the chemical content of solid wastes, including the re-manufacturing of the products;

Process or competitive bid for market or service awarding: these are the required formalities to award a contract based on what is set forth in the current law. Such process will be conducted by means of a public tender published domestically and overseas, and at least (3) bids should exist at the moment of opening the proposal;

Reuse-recycling-reduction-respond program: it is the integral solid waste management program in which public institutions, service providers and the community in general participate;

Recycling: process by means of which solid wastes are picked up, separated, processed and reutilized as raw material or products;

Reuse: every operation in which the recipient, planned and designed to achieve a minimum number of circulation or rotations throughout its cycle of duration, is refilled or reutilized with the same purpose for which it was designed;

Reduction: it is the strategy tending to reduce the volume and the polluting load of what discharged from a productive process;

Recovery: process by means of which materials are recovered from solid wastes;

Domestic waste: these are solid wastes generated at residential real estate by the normal activities performed by the occupants, with a specific weight less than 500 kg/m³ and that can be stores in plastic bags of up to (100) liters or in containers of up to (380) liters;

Health establishment wastes: solid wastes coming from any unit that provides medical assistance to population or animals, as well as from research centers, pharmacology and health development or experiments and deteriorated and expired medications;

Wastes from a large generator: wastes generated by commercial, institutional, industrial establishments and/or services whose specific weight is less than 500 kg/m³ and their amount generated per day and per generator exceeds a volume of (120) liters or (60) kilos;

Special waste: wastes coming from civil construction works, remodeling or demolition of public or private real estate, unusable goods and wastes from pruned tree branches and garden cleansing;

Wastes from street sweeping and cleansing: wastes coming from street sweeping activities, including but not limited to, domestic, industrial or commercial wastes illegally dumped on public streets; leaves, tree branches, dust, papers, food waste, human and animal excreta, glass, packages, dead animals, cardboard, plastic and any other similar solid wastes to the previously mentioned left on public roads;

Municipal Regulation: Regulations constitute norms, provisions and mandates on the internal municipal regime and rendering of services. They will become valid eight days after being published (Art. 33 of the Municipal Code);

Regulating entity (regulator): *An entity that must be created in order to regulate the rendering of solid waste management services throughout the country.*

Sanitary landfill: it is a final disposal method of solid wastes in the ground that does not bother or endanger public health, the environment or the population's safety. It uses engineering principles to scatter wastes in thin layers and confine them within the smallest area possible, and cover them with a compacted soil layer at the end of every day of operation;

Industrial wastes: non-toxic wastes resulting from any type of industrial process, except for the processes related to the construction works of any nature;

Hazardous wastes: it is the waste that, due to its intrinsic features, specially combustibility, reactivity, corrosiveness, toxicity and pathogenicity features, represent a sensitive risk to human health or the environment, and the competent authority is in charge of setting the boundaries for the acceptance of such risk;

Reutilization: the usage, more than one occasion, of items for the purpose they were originally created, or for any other use that does not require the processing of such items;

Collection route: a zone that encompasses several solid waste collection points, which is attended by a single unit or collection truck;

Test routes: routes that have been designed with the specific purpose of testing the validity of the normal times established for each specific task;

Separation at the source: systematic classification of solid wastes at the place where they were originated;

SINAMA: National Environment Management System;

Tare calculation system: a means used to determine the weight of each truck without being loaded. As a result of the effect caused by fuel, lubricants, accumulated and unloaded wastes and other elements upon tare estimated by the manufacturer, empty trucks can be weighted several times during the same month in order to determine the mean tare. Such procedure will also be useful to determine the official weight of solid wastes collected;

Weighing system: For official calculation purposes of the weight of wastes collected, only the devices at the transfer station and in the sanitary landfill will be considered as the weighing system, which consists of weighbridges and other instruments utilized to calculate the trucks' weight, loaded or empty and the issuing of official weight certificates;

Compaction time: time required to compress solid wastes by means of the compaction mechanism of a truck;

Cost rate of debt capital: it is the profitability rate of a secure asset plus a premium for debt risk. The premium for debt risk will be equal to (2%);

Cost rate of own capital: it is equal to the profitability of the secure asset plus a premium for market risk. The premium for market risk will be (7%);

Average cost rate of capital: it is the estimated average of the debt capital cost and the cost of own capital or property;

Profitability rate of secure assets: it is the annual effective average interest rate of the 12 months prior to the date when the fee formulation was set, of the 10-year bonds issued by the government of the Republic of El Salvador;

Transfer: action of moving the wastes from collection vehicles to vehicles with a greater capacity, in order to transport a greater amount of them at a lower cost;

Treatment: process to which all solid wastes are subject to, in order to make them reusable and/or eliminate their danger, prior to their arrival to the final disposal;

Verification of effective or competitive costs: a power by the regulating entity to verify that the prices resulting from a bid or an open process are appropriate, before the contract is awarded in a definitive manner. For such verification, the regulating body will base its decision upon the parameters of an efficient model enterprise;

On-route trip: trip within a route to collect solid wastes;

Off-route trip: any trip outside the collection routes;

Collection zone of ordinary services: the geographical area inside of which the service provider has rights and obligations that are set forth by this law and in the corresponding contract. The collection zone is not exclusive, as free competition is allowed for the collection of special wastes.

TITLE II - INSTITUTIONAL FRAMEWORK

CHAPTER I - POLICY FORMULATION AND COORDINATION

Article 7: **Ministry of Health.** The executive body, by means of the Ministry of Health, will be in charge of the policy formulation and coordination of the sector and long-term planning.

Article 8: **Powers.** The Ministry of Health will have the following functions and powers upon policy formulation and coordination:

- a) Propose the objectives of the sector, compatible with national policies of global economies, public services, modernization of the State's role, social promotion or assistance, public health, preservation of hydraulic resources and environmental protection;
- b) Articulate and guide the sector's activities, according to the objectives set for public services, hydraulic resources, public health and the environment;
- c) Formulate, coordinate and implement the development policies and strategies for the solid waste management service, according to the sector's objectives;
- d) Design, establish and develop coordination mechanisms among the bodies and institutions related within the sector, in order to implement the policies established;
- e) Design, implement and keep an information system for the sector, in order to evaluate the sector's development, record the existing solid waste management systems in the country, assert the formulation of sector policies and record the allocation of financial resources to the sector;
- f) Establish coordination mechanisms with other governmental entities or NGOs that participate in the promotion, financing or execution of solid waste management services;
- g) Establish mechanisms that stimulate the service providers to operate in an entrepreneurial and efficient manner;
- h) Pronounce technical norms and regulations referred to the diverse activities of the sector related to the rendering of the cleansing service, the protection of public health and preservation of the environment;
- i) Propose policies, programs and mechanisms for the development and maintenance of services in rural areas;
- j) Coordinate technical cooperation and technological and administrative research programs, and the development of human resources of the sector;
- k) Coordinate with the national environmental authority, the Ministry of Education and any other competent institution for the design of school sanitary education programs related to solid wastes;
- l) In general terms, any other function stated by the current law or others.

Article 9: **Surveillance for the quality of the services rendered.** The Ministry of Health, executing its function of preventive health, will be able to watch the quality of the services rendered, for which it will coordinate with the regulating entity of public services and service providers. However, the regulating entity of public services will be responsible for controlling the quality of the service.

Article 10: **Obligation to supply information.** The service providers of solid waste management are obligated to deliver the technical, statistical, commercial, financial, accountable and economic information to the Ministry of Health when they require such.

CHAPTER II - REGULATING ENTITY OF SOLID WASTE MANAGEMENT SERVICES

Article 11: **Creation.** The regulating entity of public services, created by _____ of _____ 2000, hereafter called the regulating entity, will be in charge of the regulation, control, supervision and auditing of the public solid waste management services in the Republic of El Salvador, among other functions.

Article 12: **Powers.** Apart from the functions and general powers set forth in Law, the regulating entity will have the following specific functions and powers regarding the public solid waste management service:

- a) Enforce and reinforce this law and other supplementary legal norms, including technical rules, instructions and resolutions related to the rendering of the services through an efficient control and verification of the providers of the service and the service itself rendered to the customers;
- b) Pronounce regulations for the formulation of efficient investment programs for the maintenance, rehabilitation and expansion of service rendering systems, as well as verifying their fulfillment;
- c) Intervene as a high-rank administrative body in denounces by customers on the deficient rendering of services or lack of attention to complaints;
- d) Reinforce sanctions to violators within its normative scope of competence, on the basis of the powers granted by the current law;
- e) Inform the public about its actions;
- f) Watch that competition is fostered when awarding contracts for the rendering of services;
- g) Review and approve studies of tariff;
- h) Request the information required to the service providers and make it available to the public, according to what is set forth by this law.

These powers will be complemented and specified in the contracts with the service providers, if such is the case.

The regulating entity will periodically inform the Ministry of Health on the status of the quality and coverage of the services.

Article 13: **Regulation rate.** The amounts of the control, surveillance and auditing rate of the services established by Law _____, as well as the operating expenses of solid waste management will be accounted separately from other sectors regulated by the regulating entity, in order to periodically determine the need to raise or lower such rate, within the parameters set forth by the law.

The service providers will send the amount of such rate to the regulating body according to the terms and form agreed, or it will be established in the contract for rendering the services.

Article 14: **Obligation to supply information.** The service providers of solid waste management are obligated to deliver the technical, statistical,

commercial, financial, accountable and economic information to the regulating entity whenever they are required to do so.

The regulating entity will be obligated to keep the information supplied as confidential, and those officials that spread it without being duly authorized will be removed from their position, without prejudice of the corresponding civil and penal liabilities.

Any information supplied by the providers will be made public, and the regulating entity will share it to anybody that asks for it, as long as the formalities stated by this law and its regulation are met.

CHAPTER III - SERVICE PROVIDERS

Article 15: Enforcement. These provisions will be applied upon all service providers, be it public, private or mixed ones.

Article 16. Obligations and powers. The providers of collection, sweeping or disposal categories will have the following obligations and powers without prejudice of what is set forth in the contractual norms:

- a) Render the services as an obligation and in conditions that insure their quality, continuity and equality in order to guarantee an efficient provision of the service to the customers, and at the same time protect the public health, preserve the environment and natural resources;
- b) Conduct all the tasks included within the contract to render the services, in accordance with the applicable provisions;
- c) Enter agreements and contracts, with the previous approval by the regulating entity, for the fulfillment of their assignment with persons and municipal, provincial, national or international public or private entities;
- d) Agree with the providers of public services, state or private institutions the common use of the soil or subsoil whenever is necessary, for the construction and exploitation of infrastructure for the rendering of services;
- e) Show proposals related to any aspect of the rendering of services to the regulating body;
- f) Prepare the basic investment and work programs and present them to the regulating body for their approval, in the terms foreseen of the applicable provisions;
- g) Manage and efficiently keep the facilities and goods utilized for rendering the services;
- h) Publish the necessary information regularly, so that the customers have a general knowledge of the conditions for rendering the service, the fee structure and its quality parameters;
- i) Report illegal dumping sites;
- j) Set up reduction, recycling and reuse plans;
- k) Support the commercial system, if such was the case;
- l) Report health problems and provide support to the development plans by the Ministry of Health;
- m) Participate in the technical committees for environmental policies related to solid and hazardous wastes;
- n) Foster plans for cutting costs, for which pilot plans will be implemented upon request by the competent authority;

- p) Promote, keep and take care of a better relationship with its customers, the authorities and civil organizations, so that the quality parameters of the service can be achieved by means of collective interaction.

Additionally, for the collection category, containers will be provided to the customers or users at cheap and competitive prices.

Article 17: **Registry.** The service providers will present the information required by the regulating to get subscribed in the registry to be kept by regulating entity, with all the service providers in the country. The regulating entity will establish the information that providers will present in order to get subscribed in such registry, as well as the periodicity on which such registry will be updated.

Article 18: **Regional associations.** The municipalities that are provided the services will be able to get associated, in order to constitute entities in charge of rendering the services in one or more districts.

Article 19: **Regulation.** The service providers will be subject to efficiency, service quality and other norms referred to the rendering of the service stemming from this law, from the contract for participation of the private sector if such exists, and from the provisions pronounced by the regulating entity.

CHAPTER IV – INCORPORATION OF PRIVATE SECTOR PARTICIPATION

Article 20: **Private providers.** The private sector can be incorporated in the rendering of services by means of the modalities and the procedures established in Title IV of this law.