



# ECOWAS Region PPP Framework Review and Harmonization

(Client Ref: RFP Number 1266471)

## Inception Report

Prepared for:

**The World Bank**

**ECOWAS**

Prepared by:

**CPCS**

In association with:

**CPCS LAW FIRM**

## ECOWAS Region PPP Framework Review and Harmonization

Public–private partnerships (PPPs) are a means to attain the Economic Community of West African States (ECOWAS) objectives of social and economic development, and strengthening the integration of ECOWAS countries. This regional approach faces various constraints from national frameworks, which vary among Member States (MS) as well as from a regional perspective, where a vision for regional PPP projects is required. CPCS is mandated by the World Bank (WB) to support ECOWAS’ regional approach through this assignment (hereinafter the Assignment).

### Report

The Inception Report aims to confirm the methodology CPCS will follow to carry out the Assignment, as well as the work schedule with the expected deliverables; make an inventory of the documents and information collected; and establish a list of the stakeholders to be consulted for the purposes of the Assignment.

### Acknowledgements

The CPCS Team acknowledges and is thankful for the input of the WB Team, as well as the guidance and the input of representatives from ECOWAS.

### Opinions and Limitations

Unless otherwise indicated, the opinions herein are those of the authors and do not necessarily reflect the views of the World Bank Group (WBG). CPCS makes efforts to validate data obtained from third parties, but CPCS cannot warrant the accuracy of this data.

### Confidentiality Statement

This report contains material deemed commercially sensitive and/or confidential. This document may not be shared with third parties without prior written approval by Jocelyn Leclerc.

### Contact

Questions and comments on this Inception Report can be directed to

Hélène Larroque, Project Manager

T: +33 6 35 24 30 55

E : hlarroque@cpcs.ca

*Cover and below image source: Section of a 40-foot mural at CPCS headquarters in Ottawa painted by Toronto artist Mike Parsons.*



## Table of Contents

<b>Acronyms / Abbreviations</b> .....	<b>v</b>
<b>1 Introduction</b> .....	<b>1-1</b>
1.1 The Assignment.....	1-1
1.1.1 Assignment Background and Context .....	1-1
1.1.2 Assignment Objective.....	1-1
1.1.3 Expected Results.....	1-1
1.2 Structure of This Report.....	1-2
<b>2 Mobilization and Initial Activities</b> .....	<b>2-3</b>
2.1 Kick-Off Videoconference .....	2-3
2.2 Consultation with ECOWAS .....	2-4
2.2.1 Overview.....	2-4
2.2.2 Key Points Discussed .....	2-4
2.3 Initial Literature Gathering .....	2-5
2.4 Initial Stakeholder Mapping.....	2-5
<b>3 Work Plan, Schedule and Deliverables</b> .....	<b>3-1</b>
3.1 Overview .....	3-1
3.2 Implementation of the Assignment.....	3-1
3.2.1 Task 2: PPP Framework Review.....	3-1
3.2.2 Task 3: Regional PPP Policy and Guidelines .....	3-7
3.2.3 Task 4: Dissemination Strategy and Consultation Workshops.....	3-8
3.3 Work Plan Summary and Deliverables .....	3-10
<b>4 Responsibilities and Coordination</b> .....	<b>4-1</b>
4.1 CPCS Team .....	4-1
4.2 Responsibilities of CPCS, WB Team and ECOWAS.....	4-1
4.2.1 CPCS.....	4-1
4.2.2 WB Team .....	4-2
4.2.3 ECOWAS.....	4-2
4.3 Deliverable Submission, Review and Approvals.....	4-2
4.3.1 Format .....	4-2
4.3.2 Review .....	4-2
4.3.3 Language.....	4-3
4.4 Coordination .....	4-3
4.5 Progress Status Reporting.....	4-4

## Table of Figures

Figure 3-1: Assignment Task Organization .....	3-1
Figure 3-2: Task 2 Organization .....	3-2
Figure 3-3: PPP Project Cycle .....	3-6
Figure 3-4: Task 4 Organization .....	3-9
Figure 3-5: Work Schedule .....	3-11
Figure 4-1: CPCS Team Organization .....	4-1
Figure 4-2: Deliverable Review and Approval Process .....	4-3
Figure 4-3: Template of Project Status Report.....	4-4

## Table of Tables

Table 2-1: Stakeholders and Their Role in the PPP Framework Harmonization .....	2-5
Table 3-1: Review of Elements Preventing Implementation of PPP Projects in Member States National Frameworks* .....	3-4
Table 3-2: Tasks and Deliverable Schedule .....	3-10
Table 4-1: Focal Points for Assignment — Contact Information.....	4-3
Table 4-2: Regional Literature .....	4-5
Table 4-3: Literature for Member States.....	4-6

# Acronyms / Abbreviations

<b>ECOWAS</b>	Economic Community of West African States
<b>EBID</b>	ECOWAS Bank for Investment and Development
<b>ERERA</b>	ECOWAS Regional Electricity Regulatory Authority
<b>ICT</b>	Information and Communication Technology
<b>MS</b>	Member State(s)
<b>OMVG</b>	Organisation pour la Mise en Valeur du Fleuve Gambie – Gambia River Basin Development Organization
<b>OMVS</b>	Organisation pour la Mise en Valeur du Fleuve Sénégal – Organization for the Development of the Senegal River
<b>PPDU</b>	Projects Preparation and Development Unit
<b>PPIAF</b>	Public-Private Infrastructure Advisory Facility
<b>PPP</b>	Public-private partnership
<b>PSR</b>	Progress Status Report
<b>SADC</b>	Southern African Development Community
<b>ToR</b>	Terms of Reference
<b>URD-PPP</b>	Unité Régionale de Développement des PPP – Regional PPP Unit
<b>VC</b>	Video Conference
<b>WADB</b>	West African Development Bank
<b>WAEMU</b>	West African Economic and Monetary Union
<b>WAPP</b>	West African Power Pool
<b>WB</b>	World Bank

# 1 Introduction

## 1.1 The Assignment

### 1.1.1 Assignment Background and Context

According to ECOWAS, the development of infrastructure is the main catalyst to achieving the economic integration of ECOWAS MS and establishing an economic union in West Africa. Specifically, in its Community Strategic Framework 2016-2020, ECOWAS emphasizes “*Expanding and Improving Infrastructural Facilities in the Region*” with a strategic objective to ensure the “*development of Infrastructure for a competitive business environment*” as one of its goals.

In this context, the ECOWAS Commission has identified PPPs as a means to attain its objectives of social and economic development of the region, and strengthening the integration of the ECOWAS MS through a regional approach to the development of infrastructure. ECOWAS commissioned the drafting of a *Regional PPP Policy*. Works undertaken by the consultants at the time, Murty International Limited, included (i) studying and collecting data on key PPP projects in MS, (ii) documenting good practices and common challenges of PPP projects with the aim of creating an easily accessible data bank on skills and project/programme development, and (iii) to preparing a draft regional PPP policy.

This study concluded that some of the MS had made progress towards establishing an enabling environment for PPPs. This is evidenced by the publication of PPP policies, enactment of PPP legislation, establishment of PPP units, development of PPP project pipelines and successfully implementing projects. Other MS are either in the process of establishing PPP frameworks or expressed interest in starting this process with support sought from donors and development finance institutions (DFIs).

Accordingly, the status and quality of PPP frameworks varies among MS which may constitute substantial constraints to the development of national and regional PPP infrastructure projects.

### 1.1.2 Assignment Objective

As indicated in the Terms of Reference (ToR), the Assignment is designed to “understand the impediments to doing regional projects within PPP frameworks in MS and seek remedies to such impediments.” The Assignment also consists in identifying aspects favouring harmonization of national PPP frameworks over time as a means to facilitate the development of both national and regional PPP projects.

### 1.1.3 Expected Results

Based on the findings of its analysis of the national legal PPP frameworks in MS and review of the existing regional institutional framework, CPCS will elaborate regional PPP guidelines which will suggest a process, roles and responsibilities, as well as decision and management structures

for developing and implementing regional PPP projects. CPCS will also prepare a PPP Policy that will set out ECOWAS's objectives and strategy related to regional PPP projects.

## 1.2 Structure of This Report

The remainder of this report is structured as follows:

- **Chapter 2: Mobilization and Initial Activities** presents work completed by CPCS during the mobilization period, including the kick-off videoconference, initial literature gathered and stakeholders identified.
- **Chapter 3: Work Plan, Schedule and Deliverables** provides the approach in implementation of the Assignment, work plan overview, list of deliverables and Assignment schedule.
- **Chapter 4: Responsibilities and Coordination** discusses the responsibilities of CPCS and the WB Team, as well as ECOWAS, to ensure their effective coordination and successful conclusion of the Assignment.

## 2 | Mobilization and Initial Activities

Two conference calls were held during initial activities to introduce respective teams and the Assignment context and objectives:

- A virtual kick-off meeting with the WB Team, on 13 March 2020;
- A consultation call with the ECOWAS Team, on 6 April 2020.

Summaries of each discussion are described below while more detailed minutes are provided in 4.5 Appendix B.

### 2.1 Kick-Off Videoconference

A kick-off conference call with the WB Team and CPCS was held on 13 March 2020 to get to a common understanding of the Assignment's objectives.

The following key points were discussed during the kick-off call with the WB:

Overarching objectives of the Assignment:

1. Identify gaps in MS' PPP legal frameworks in order to:
  - Analyze constraints to the effectiveness of PPPs at the respective national level, and propose measures to overcome these constraints;
  - Analyze constraints in the respective national PPP framework that may have implications to the effectiveness of PPPs at a regional level, and propose measures to overcome these constraints for regional projects.
2. Translate these measures into comprehensive guidelines to identify, develop and implement regional PPP projects.

Additional key elements of the Assignment were underlined by the WB:

- Assess how ECOWAS currently undertakes regional PPP projects, and recommend changes to any identified gaps.
- Examination of experience concerning regional PPP projects in various infrastructure sectors, especially transport and energy.



## 2.2 Consultation with ECOWAS

### 2.2.1 Overview

The consultation with ECOWAS representatives aimed to gain a better understanding of ECOWAS' participation in the planning, preparation, procurement, financing, and implementation and monitoring of regional PPP projects.

To guide the discussion, CPCS gave a short presentation, describing the Assignment as well as some guiding questions. This presentation is included in Appendix A.

### 2.2.2 Key Points Discussed

#### ECOWAS Vision on Regional PPP Projects

During the consultation, ECOWAS highlighted the following key elements of its vision for regional PPP projects and expectations for the Assignment:

- To the extent possible, harmonization of PPP frameworks in all MS best on international best practice;
- Foster dissemination of best practices in all MS to allow for common understanding of good PPP project preparation and implementation;
- Provide ECOWAS with a regional strategy applicable to the development of regional PPP projects;
- To give more confidence to foreign investors and local investors, and reduce inefficiencies: this is part of the vision which is expected to be achieved through the harmonization and the guidelines lending more clarity and comfort to investors.

#### Definition of Regional Projects and PPP Regional Projects

The definition of regional projects that will be used for the purposes of this Assignment is the one used by the African Union in the context of the Programme for Infrastructure Development in Africa; i.e., “an infrastructure asset — or an infrastructure service — crossing or having impact on several countries within the same region.”

#### ECOWAS Contribution on PPP Regional Projects

- As indicated under Section 1.1.1., ECOWAS had a consultant firm prepare a *Draft Regional PPP Policy* in 2015.
- In addition, capacity-building initiatives have been undertaken, both at ECOWAS and MS levels, since 2017. For instance, several ECOWAS staff received in 2018 high-level PPP trainings.

## 2.3 Initial Literature Gathering

In terms of gathering initial literature and data relevant to the Assignment, Appendix C sets out an overview of the documentation (organized by MS and regional level) either researched by CPCS or provided by the WB or ECOWAS to the consultants.

These documents will be used to conduct the respective analyses. If any additional documentation is required during the course of the Assignment, CPCS will provide written requests to ECOWAS, the WB or any other relevant institution listed in section 2.4.

Of note, in order to avoid problems with transmissions of large files, a SharePoint platform can be set up by CPCS and accessed by the WB and/or ECOWAS.

## 2.4 Initial Stakeholder Mapping

During the inception phase, CPCS conducted an initial mapping of the regional public stakeholders relevant to this study. This list will be adjusted in cooperation with the WB and ECOWAS during the course of the Assignment. An initial view of this mapping is provided below.

Table 2-1: Stakeholders and Their Role in the PPP Framework Harmonization

No.	Organization Name	Institution
1.	ECOWAS	→ ECOWAS Commission and its departments (Infrastructure, Energy, Information and Communication Technology, etc.)
		→ ECOWAS Legal Directorate
		→ ECOWAS Bank for Investment and Development (EBID)
		→ The ECOWAS infrastructure Projects Preparation and Development Unit (PPDU)
		→ WAPP
		→ ECOWAS Regional Electricity Regulatory Authority (ERERA)
2.	WAEMU	→ WAEMU Commission
		→ Département de l'Industrie et de la Promotion du Secteur Privé
		→ West African Development Bank (WADB-BOAD) and its Regional PPP Unit (URD-PPP)
3.	Other regional and continental entities	→ African Union Commission (PIDA)
		→ African Development Bank (AfDB) as an agency in charge of project preparation
		→ Organisation for the Development of the Senegal River (OMVS)
		→ Gambia River Basin Development Organization (OMVG)
		→ Corridor authorities
4.	National PPP institutions	→ <u>Bénin</u> : Cellule d'Appui au Partenariat Public-Privé (CAPPP)
		→ <u>Burkina Faso</u> : Direction des Financements et des PPP (DFPPP)
		→ <u>Cabo Verde</u> : Unité de privatisation et de partenariats public-privé (UPPPP)
		→ <u>Cote d'Ivoire</u> : Le Comité National de Pilotage des Partenariats Public-Privé (CNAPP)
		→ <u>Gambia</u> : Directorate of Public Private Partnerships and Public Enterprises
		→ <u>Ghana</u> : PPP Advisory Unit (PAU)

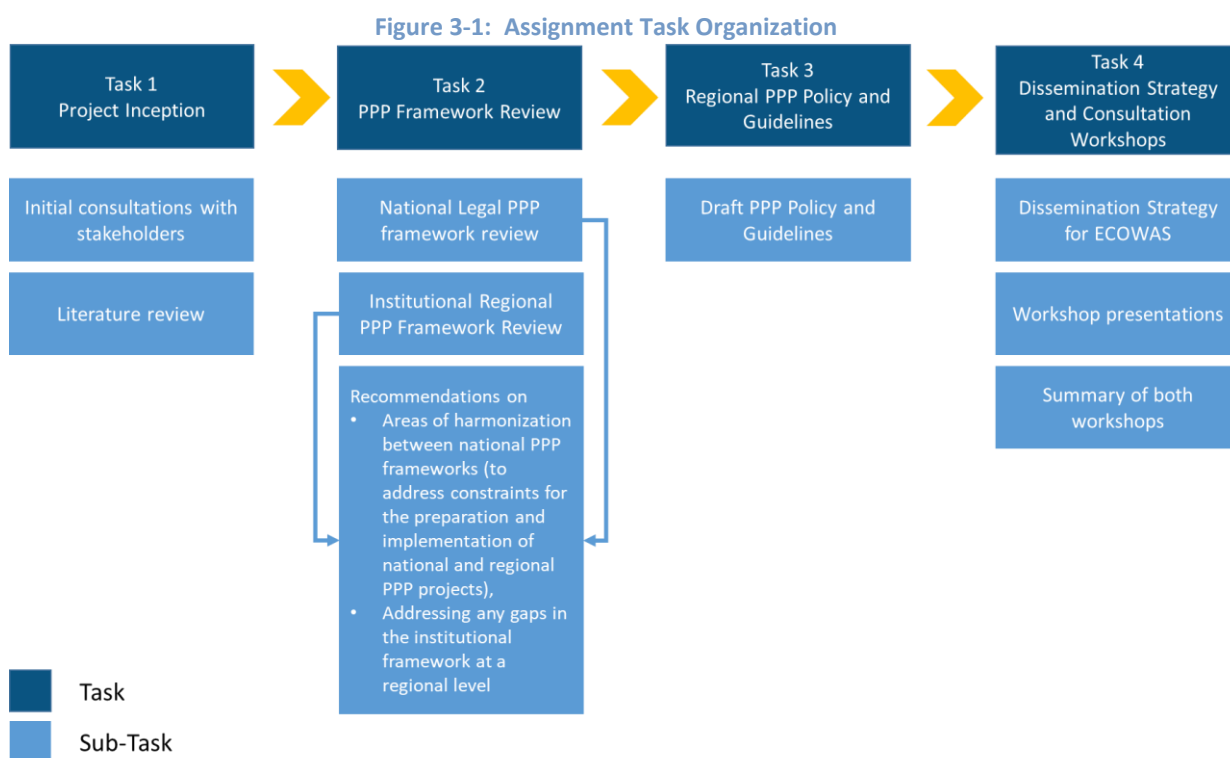
		<ul style="list-style-type: none"> <li>→ <u>Guinea Bissau</u>: Ministry of Economy and Finance</li> <li>→ <u>Guinée Conakry</u>: Direction Nationale du Patrimoine de l'État et des Investissements Privés (DNPEIP)</li> <li>→ <u>Liberia</u>: Public Procurement and Concessions Commission</li> <li>→ <u>Mali</u>: Unité de Partenariat Public-Privé</li> <li>→ <u>Niger</u>: Cellule d'appui au PPP (CAPPP)</li> <li>→ <u>Nigeria</u>: Infrastructure Concession Regulatory Commission (ICRC)</li> <li>→ <u>Sénégal</u>: Direction des Financements et des PPP (DFPPP)</li> <li>→ <u>Sierra Leone</u>: Public Private Partnership Unit</li> <li>→ <u>Togo</u>: Ministered des Finances and Togo Invest</li> </ul>
5.	Donors	<ul style="list-style-type: none"> <li>→ The World Bank Group (WBG)</li> <li>→ Agence Française de Développement (AFD)</li> <li>→ AfDB as project financier</li> <li>→ Nouveau partenariat pour le développement de l'Afrique (NEPAD) Infrastructure Project Preparation Facility (NEPAD IPPF)</li> <li>→ Others as deemed relevant during the course of the Assignment</li> </ul>
6.	Private sector stakeholders	<ul style="list-style-type: none"> <li>→ Investors</li> <li>→ Transaction advisors</li> <li>→ Lenders</li> <li>→ Insurers</li> <li>→ Others as deemed relevant during the course of the Assignment</li> </ul>

The analysis of national PPP frameworks will essentially be based on desk research and discussions and interviews with stakeholders. Should additional documentation be needed from national institutions or other stakeholders for which CPCS does not already have established contacts (through its PPP experience in West Africa), CPCS will let the WB and ECOWAS know to discuss the best process for contacting those institutions.

# 3 | Work Plan, Schedule and Deliverables

## 3.1 Overview

The following figure provides an overview of the various tasks under the Assignment in line with the ToR.



## 3.2 Implementation of the Assignment

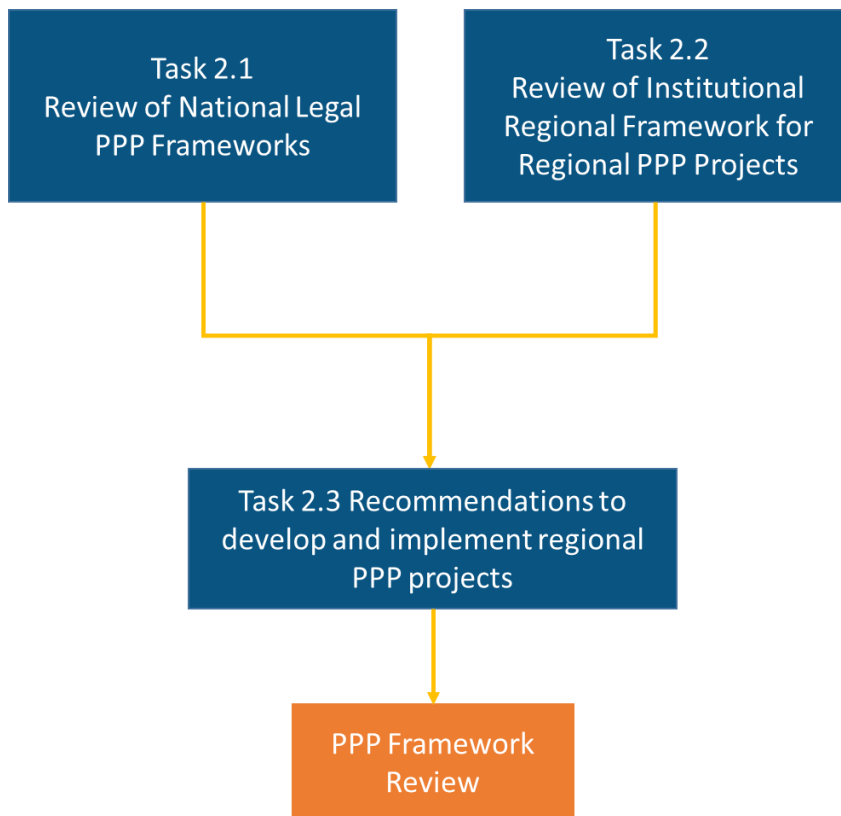
This following section presents the approach to undertaking the Assignment. It is based on CPCS’ technical proposal as adapted in accordance with guidance received from the WB and ECOWAS.

### 3.2.1 Task 2: PPP Framework Review

The aim of this task is two-fold: (i) review the national PPP legal frameworks in the 15 MS in order to identify constraints to the development of national and regional PPP projects; and (ii) assess the current institutional framework at the regional level to identify room for improvement in identifying, developing and implementing regional PPP projects.

The following figure presents an overview of this task’s components.

Figure 3-2: Task 2 Organization



Each sub-task is described in more detail below.

### Task 2.1: Review of National Legal PPP Frameworks

The first step will be to identify all laws relevant to PPPs in MS, and then review them to identify gaps and constraints that may affect:

- (i) the effectiveness of PPPs at the national level; and
- (ii) the effectiveness of PPPs at the regional level.

Gaps and constraints will be benchmarked against international best practices (based on resources such as those compiled on the WB’s PPPLRC, Knowledge Lab, etc.). For the analysis at the regional level, analysis and recommendations will be benchmarked to other existing regional frameworks (e.g., European Union and WAEMU).

The review will focus on those main elements that are listed in the ToR. To increase clarity of the analysis and comprehensiveness of its recommendation, CPCS suggests grouping these elements into key areas:

- **Definition and structure of PPP:** whether user-pays PPPs and/or government-pays PPPs are covered in the respective PPP framework; depending also on the nature of the legal framework (Civil Law VS Common Law)
- **Sectoral scope:** whether the PPP framework applies to all sectors or if specific sectors are excluded;

- **Contracting Authorities:** which type of contracting authorities are allowed to develop a PPP project (e.g., ministries, agencies, State-owned enterprises, etc.);
- **Process for PPP development:** whether provisions are made for all steps of the PPP project cycle: identification, prefeasibility and feasibility analysis, structuring, procurement, implementation and monitoring of a PPP project;
- **Financial/budgetary aspects:** whether provisions are made regarding financial and fiscal sustainability of a PPP project;
- **Procurement principles:** whether key principles of procurement rules (transparency, competition, direct negotiation, unsolicited proposals, etc.) are set out;
- **Financing modes of PPPs and public investment:** whether limitations to the use of some PPP-specific financing instruments such as public guarantees or equity transfer (BTO vs. BOT) are in place;
- **Regional dimension:** whether any special provision is made for regional PPP projects.

Based on the analysis undertaken under this sub-task, CPCS will identify major gaps and constraints to national and regional PPP project development and implementation for each national PPP legal framework.

The information collected at the MS level will be grouped into a broader table displaying the key elements preventing implementation of national and regional PPP projects within and between MS, as presented in Table 3-1. The goal is to identify gaps and constraints to national and regional PPP project development with particular attention given to the development of regional projects between MS with different legal systems (common law and civil law) and different degree of maturity in developing PPP frameworks. The findings under this task will be the building block of the recommendations to be developed under task 2.3 and translated into guidelines under task 3.

Table 3-1: Review of Elements Preventing Implementation of PPP Projects in Member States National Frameworks\*

Categories	MS1	MS2	MS3	MS4	MS5	MS6	MS7	MS8	MS9	MS10	MS11	MS12	MS13	MS14
<b>Definition of PPP and possible structure</b>	Definition does not cover Government-pays PPPs										Definition encompasses all types of PPPs			
<b>Sectoral scope</b>			Does not exclude any sector										Excludes energy and mining sectors	
<b>Contracting Authorities</b>														Only line ministries are can undertake PPP projects (no sub-national PPPs)
<b>Process for PPP development</b>						No provision for PPP project planning								
<b>Financial/ budgetary aspects</b>											No specific provisions on government’s fiscal commitments and contingent liabilities			Limited possibility for government guarantees
<b>Procurement principles</b>														No provision for

															unsolicited proposals	
<b>Financing modes of PPPs and public investment</b>	No provision on the financing of projects (rights in rem)															
<b>Regional dimension</b>																No special provision for regional projects

*\*Elements provided in the table are only assumptions to illustrate the approach that will be taken to complete this matrix. This information does not translate the reality observed.*



Compiling the necessary information to inform this analysis will represent a challenging task. A proper approach to data collection is therefore needed. CPCS proposes below a structured risk management approach.

CPCS has identified key risks that could, in its experience, challenge the successful execution of this part of the Assignment and has developed an approach to mitigating these key risks.

If other risks emerge that challenge the successful execution of this Assignment, CPCS will raise these in project status reports (see section 4.5) or in direct communication, as appropriate, along with proposed solutions and/or options for mitigating these risks.

High	Moderate	Low
<b>Timely access to data</b>	<b>Timely input from consultations</b>	<b>Quality control and oversight</b>
<ul style="list-style-type: none"> <li>We will undertake a gap analysis during the inception activities to identify and communicate all data needs early on in the Assignment.</li> </ul>	<ul style="list-style-type: none"> <li>We will develop a consultation plan at the Assignment outset so that we can start the consultation process early.</li> </ul>	<ul style="list-style-type: none"> <li>As part of CPCS's project management and quality control process, all deliverables are reviewed by the Project Director for quality and alignment with client expectations.</li> </ul>
	<b>Working efficiently in Covid-19 context</b>	<b>Language skills</b>
	<ul style="list-style-type: none"> <li>CPCS has significant experience working in complex environments and adapted well in the context of Covid-19. We have developed solutions for project implementation.</li> </ul>	<ul style="list-style-type: none"> <li>We have proposed a dedicated team including resources working in French, English and Portuguese, with experience leading and working in multi-lingual teams.</li> </ul>

### Task 2.2: Review of Regional Institutional Framework for Regional PPP Projects

Parallel to the analysis undertaken under task 2.1, CPCS will analyze the institutional framework at the regional level to identify the role of various regional institutions in planning, developing and implementing regional PPP projects.

CPCS institutional analysis at the regional level will examine which institutions intervene at each step of the PPP project cycle (as presented in the figure below), their expertise/capacity in doing so and identify any gaps in terms of coordination between these institutions.

Figure 3-3: PPP Project Cycle



The key institutions that will be analyzed at the regional level are:

- The ECOWAS Commission and its departments (Infrastructure, Energy, Information and Communication Technology, etc.);
- EBID;
- PPDU;
- ERERA;
- WAEMU;
- WADB-BOAD and URD-PPP; and
- Technical regional bodies such as the WAPP, OMVS, OMVG as well as corridor authorities.

CPCS’s approach is to develop a short survey and interview process based on the above lines of inquiry. Consultations with relevant regional institutions and stakeholders will be conducted remotely<sup>1</sup>. CPCS will propose an agenda and a presentation of the main questions to be asked ahead of the consultations.

Once this information is collected, CPCS will analyze it in comparison to existing best practices vis-à-vis regional PPP projects. The latter can be sourced both from Africa (e.g., PPP energy projects in East Africa — Ruzizi III) or beyond, such as from Europe (e.g., Trans-European Transport Network [TEN-T] projects).

The aim of this task is ultimately to recommend efficient processes and allocation of roles for the relevant institutions throughout the PPP project cycle.

### Task 2.3: Recommendations to Develop and Implement Regional PPP Projects

Task 2.3 builds on tasks 2.1 and 2.2 and their respective diagnostic of existing impediments in national PPP frameworks to the development of regional PPP projects, and constraints in the institutional process that ECOWAS undertakes to develop regional PPP projects.

CPCS will develop recommendations to be applied at the regional level to minimize obstacles to the development of regional PPP projects resulting from potential differences in national PPP frameworks. From an institutional point of view, building on the PPP project cycle described in Figure 3-3, CPCS will recommend how to fill any institutional gaps identified.

Tasks 2.1, 2.2 and 2.3 will result in delivery of the **Report on PPP Framework Review**. A first draft will be submitted for consultation with relevant stakeholders. A final version will then be submitted, taking into account comments received during this process.

### 3.2.2 Task 3: Regional PPP Policy and Guidelines

The aim of this task is to bring recommendations formulated in previous tasks into a regional PPP policy document and PPP guidelines that will unlock potential for implementation of regional PPP projects.

<sup>1</sup> A first consultation occurred on 6 April 2020 with ECOWAS Commission and ECOWAS PPDU. See section 2.2.

### Preparing a Draft ECOWAS Regional PPP Policy

Developing regional PPP projects between MS requires a regional vision, to be communicated at the regional level. CPCS will prepare a PPP policy to identify the overarching principles to be followed when developing regional PPP projects. This document is intended as succinct tool and aims at giving direction for institutions involved in the PPP space of the ECOWAS region.

A number of regional PPP policies exist internationally, such as

- ASEAN public–private partnership regional framework for technology development in the food, agriculture and forestry sectors; and
- Southern African Development Community (SADC) PPP Regional Framework — A Common Framework concerning Policy, Institutional Arrangements and Legal Frameworks in SADC.

In developing the ECOWAS regional PPP policy, CPCS will build on the above-noted existing practices as well as the result of the consultations undertaken under Task 2.2.

### Draft Guidelines for Regional PPP Projects

The purpose of developing guidelines for regional PPP projects is to suggest a process, roles and responsibilities, and decision and management structure for preparing and implementing regional PPP projects. Based on the findings of the analysis conducted under tasks 2.1, 2.2 and 2.3, stakeholder consultation, and lessons learned from best practices, CPCS will prepare an outline and the develop the contents of the PPP Guidelines. The guidelines will cover the whole life cycle of a PPP project, including:

- PPP project identification and suitability analysis;
- PPP appraisal and preparation (feasibility study);
- Structuring, draft contract and tender documents;
- Tender and award (selection and contracting of the private partner);
- PPP contract management and performance review.

CPCS will submit and present the above-noted outline of the PPP Guidelines to the WB and ECOWAS for their comments before commencing the actual drafting process to ensure agreement on the contents of the guidelines.

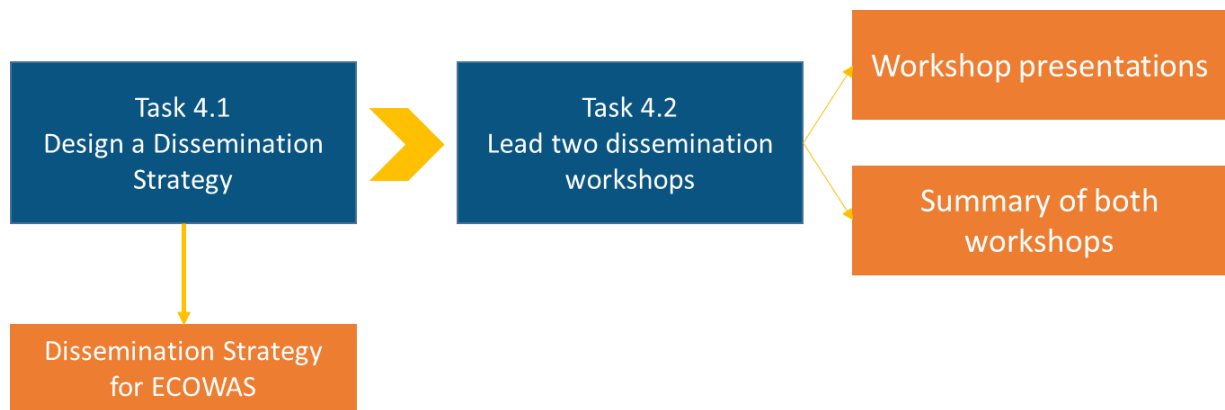
Task 3 will result in preparation of a **Draft PPP Policy and Draft PPP Guidelines** for development of regional PPP projects.

### 3.2.3 Task 4: Dissemination Strategy and Consultation Workshops

The aims of this task are two-fold: (i) design a dissemination strategy to ensure smooth implementation of the PPP Policy and Guidelines; and (ii) share lessons learned from other regions that have implemented similar reform programmes.

The following presents an overview of this task's structure.

Figure 3-4: Task 4 Organization



Each sub- task is described in more detail below.

### Design a Dissemination Strategy

CPCS will design a dissemination strategy to ensure smooth implementation of the PPP Policy and Guidelines. An effective dissemination strategy is based on detailed understanding of the relevant context, in particular the diversity of the 15 MS and their stakeholders. This context is critical to developing key actions to be taken by ECOWAS to ensure their support to the regional PPP agenda.

This strategy will propose ways for the ECOWAS Commission to ensure dialogue with key stakeholders, identify risks and roadblocks and help put in place appropriate mitigation measures. In doing so, the strategy will also incorporate lessons learned from other regions that have gone through and communicated on similar reform programmes.

### Lead Two Dissemination Workshops

Given the current travel restrictions due to Covid-19, the two dissemination workshops that are envisaged under the ToR will likely be held remotely. CPCS, the WB and ECOWAS will coordinate to find the best practicable solution.

CPCS will support ECOWAS in designing these workshops by preparing suggested outlines and invitee lists that will ensure broad representation of key stakeholders from the public and private sectors.

While ECOWAS will assume responsibility for the logistics and organization of both workshops, CPCS will be responsible for the preparation of the presentation, act as a facilitator during the workshops, and compile a summary of both workshops including all feedback provided by stakeholders. The presentation will be provided to the WB and ECOWAS in advance of the workshop to ensure agreement of all parties on its contents.

The focus of each workshop will be to consult relevant stakeholders about the review findings and the proposed recommendations, and provide an opportunity to give input into the draft reports before their finalization. CPCS will present the recommendations and work closely with stakeholders to ensure that the recommendations are well understood, generate a robust discussion on the merits of the draft Policy and Guidelines, and share experiences from other regions that have gone through similar reforms.

The possibility of an additional workshop was raised in discussions between ECOWAS and the WB. In this case, the distribution of responsibilities as between CPCS, ECOWAS and the WB will be the same as described above.

Task 4 will result in delivery of a **Dissemination Strategy for ECOWAS, workshop presentations and summary of both workshops**, including all feedback provided by stakeholders.

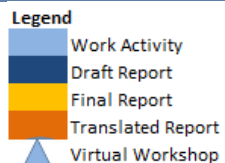
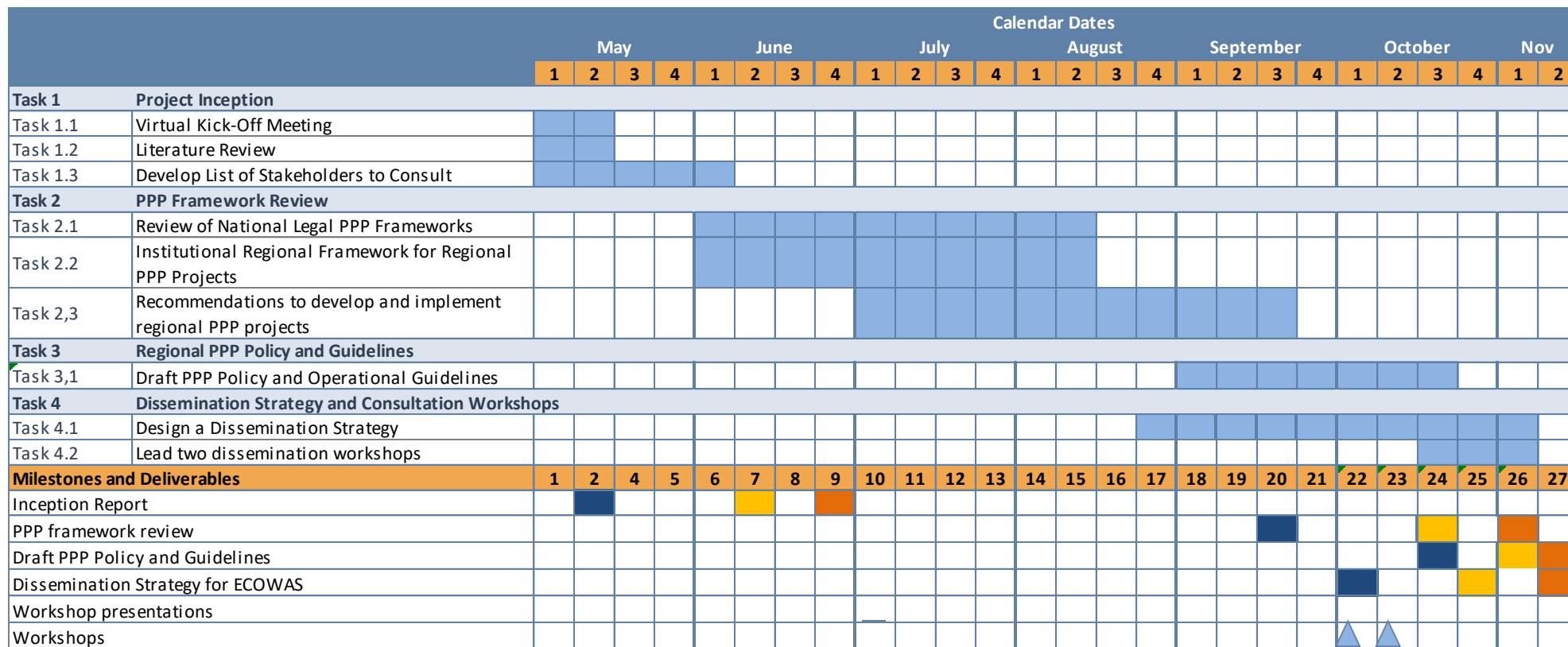
### 3.3 Work Plan Summary and Deliverables

The table below presents the summary of the work plan and the deliverables. The Gantt chart for the updated work plan is provided further below.

Table 3-2: Tasks and Deliverable Schedule

Task	Outputs	Timing	Lead
<b>1. Project Inception</b>	→ Inception report	Weeks 1–5	Team Leader
1.1 Virtual Kick-Off Meeting			
1.2 Literature Review			
1.3 Develop List of Stakeholders to Consult			
<b>2. PPP Framework Review</b>	→ PPP framework review	Weeks 6–20	Team Leader and PPP Institutional Expert
2.1 Review of National Legal and Institutional PPP Frameworks			
2.2 Institutional Regional Framework for Regional PPP projects			
2.3 Recommendations to develop and implement regional PPP projects			
<b>3. Regional PPP Policy and Guidelines</b>	→ Draft PPP policy and guidelines	Weeks 18–24	PPP Institutional Expert
<b>4. Dissemination PPP Strategy and Consultation Workshops</b>	→ Dissemination Strategy for ECOWAS	Weeks 17–26	Team Leader and PPP Institutional Expert
4.1 Design a Dissemination Strategy	→ Workshop presentations		
4.2 Lead two dissemination workshops	→ Summary of both workshops		

Figure 3-5: Work Schedule

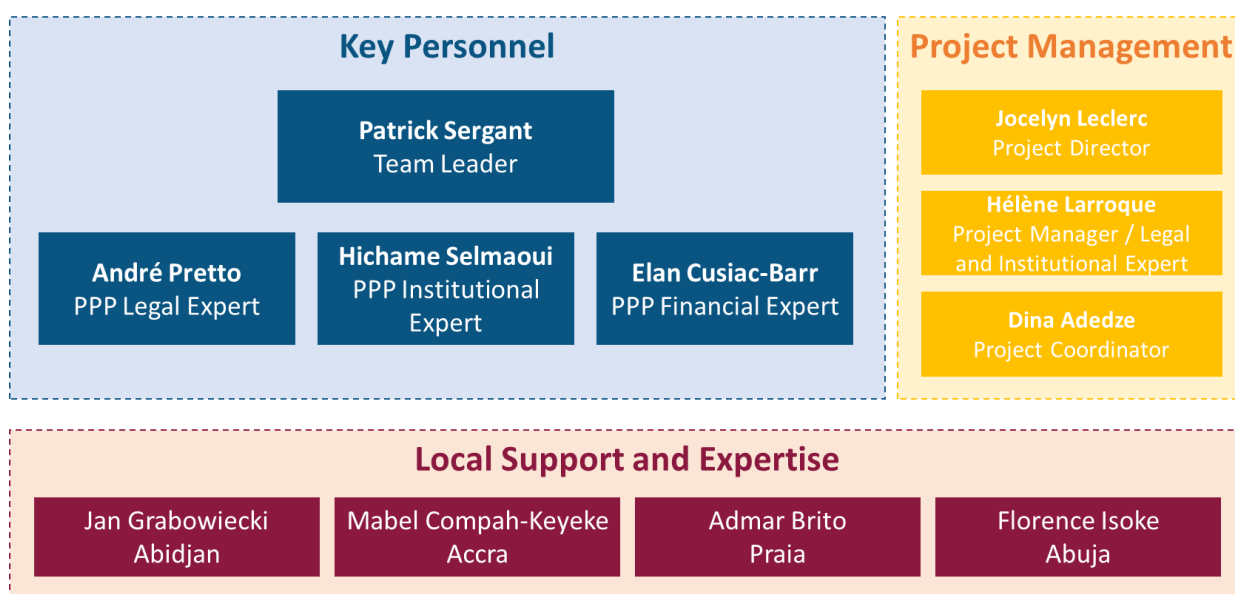


# 4 | Responsibilities and Coordination

## 4.1 CPCS Team

The CPCS Team is made up of key personnel, supported by a project management team of PPP experts. CPCS local offices in the ECOWAS region will be leveraged, in particular the Dakar office, where the Team Leader is based. The figure below presents the team’s organization.

Figure 4-1: CPCS Team Organization



## 4.2 Responsibilities of CPCS, WB Team and ECOWAS

The section below summarizes the responsibilities and respective roles of CPCS, the WB and ECOWAS. These were reaffirmed during the virtual kick-off meeting.

### 4.2.1 CPCS

- Undertake the required analysis to produce high-quality deliverables as expected by the WB and ECOWAS;
- Lead all data-gathering and stakeholder-consultation activities;
- Prepare technical content;
- Alert the WB and ECOWAS to any possible bottlenecks in the study and propose options to resolve these issues;
- Provide periodic updates to the client, including regular short progress reports and/or teleconferences.

#### 4.2.2 WB Team

- Facilitate access to key data, reports and information;
- Lead in ensuring participation by key stakeholders during virtual consultations;
- Review deliverables and provide comments in a timely manner;
- Alert CPCS and ECOWAS to possible bottlenecks in the study and participate in the resolution of these issues.

#### 4.2.3 ECOWAS

- Facilitate access to key data, reports and information;
- Lead in ensuring participation by key stakeholders during virtual consultations;
- Review deliverables and provide comments to the World Bank in a timely manner;
- Alert the WB and CPCS to possible bottlenecks in the study and participate in the resolution of these issues.

### 4.3 Deliverable Submission, Review and Approvals

#### 4.3.1 Format

All deliverables will be submitted as electronic copies, in both PDF and Word, to facilitate their review by the WB. A comments matrix template will be enclosed with each submission to centralize comments from all stakeholders, as detailed in section 4.3.2.

#### 4.3.2 Review

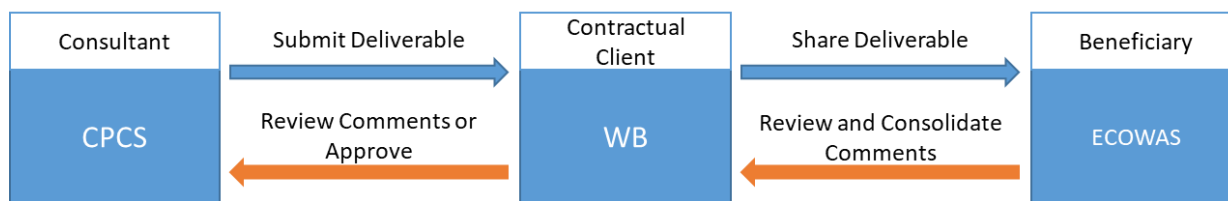
CPCS is contractually engaged by the WB and will report directly to the WB Team. However, CPCS understands that ECOWAS will be actively involved in the Assignment. Therefore, further to the discussions held during the virtual kick-off (see section 2.1), CPCS understands that the review and approval process will take place as described below and illustrated in Figure 4-2 below.

- ECOWAS consolidates comments from its internal bodies (technical departments, PPDU, WAPP, etc.) and MS;
- WB reviews ECOWAS comments and consolidates with internal WB comments;
- WB sends consolidated table of comments to CPCS;
- CPCS revises deliverables in line with the consolidated comments.

This approach is key to meeting the Assignment's timeline, as it ensures that the comments provided on CPCS's reports are comprehensive and do not include inconsistencies.



Figure 4-2: Deliverable Review and Approval Process



This process will take 15 working days between the deliverable submission to the WB and receipt of all comments by CPCS.

### 4.3.3 Language

ECOWAS is a blend of countries with various languages. As a consequence, CPCS will submit its deliverables in English. Comments will be received on those deliverables in English. Once all comments have been implemented and the WB and ECOWAS have approved the deliverable, CPCS will undertake its translation into French.

## 4.4 Coordination

The primary points of contact for the CPCS Team are Patrick Sergant (Team Leader), who is responsible for technical leadership, and H el ene Larroque (Project Manager), who will manage the Assignment on a day-to-day basis, working closely with the WB Team. Jocelyn Leclerc (Project Director) should be contacted on issues related to quality control and for contractual matters.

### Focal Points for Communications Among the Client and CPCS

As discussed during kick-off, the following individuals from the WB Team and CPCS will be the focal points for the duration of this Assignment. They should be copied on all communication related to the Assignment and should receive deliverables.

Table 4-1: Focal Points for Assignment – Contact Information


Focal Point	Email
<b>ECOWAS</b>	
Chris Appiah	E: cappiah@ecowas.int
Kebba Fye	E: kfyee@ecowas.int
<b>WB Team</b>	
Shyamala Shukla	E: sshukla2@worldbank.org
Daniel Benitez	E: dbenitez@worldbank.org
Christina Paul	E: cpaul1@worldbank.org
Bailo Diallo	E: bdiallo2@worldbank.org
Helen Mary Martin	E: hmartin@worldbank.org
<b>CPCS</b>	
H�el�ene Larroque	E: hlarroque@cpcs.ca
Patrick Sergant	E: psergant@cpcs.ca
Jocelyn Leclerc	E: jleclerc@cpcs.ca

## 4.5 Progress Status Reporting

CPCS will submit a Progress Status Report (PSR) to the WB every month by email. This is a standard practice as part of CPCS’s project management and quality control process. The PSR is a succinct document that covers work conducted during the previous month, progress to date, work planned for the following month, and any issues encountered. The regular submission of PSRs will keep all team members informed of the Assignment status. In addition, the PSR will flag any key issues in order to seek a timely and smooth resolution in consultation with the WB.

CPCS’s standard template for the PSR is provided in Figure 4-3 below.

Figure 4-3: Template of Project Status Report

		<b>Project Status Report</b>	
Project Title: XXX			
Project Phase:		Report Period:	DD/MM/YYYY- DD/MM/YYYY
Prepared by:		Distribution:	
<b>Summary of Activities During Report Period:</b>			
<b>Accomplished</b>			
<b>Planned but Not Accomplished</b>			
<b>Planned for Next Report Period</b>			
<b>Issues / Problems / Warnings Identified:</b>			
<b>Other Comments:</b>			

The progress reporting to the WB Team will be accompanied by VCs or teleconference with the CPCS Team on an as-needed basis.

# Appendix A CPCS Consultation with ECOWAS Presentation

# Appendix B Minutes of Meetings held during the inception phase

## Kick-off conference with the World Bank

The following attendees were present:

World Bank	CPCS
- Shyamala Shukla	- Jocelyn Leclerc, Project Director
- Bailo Diallo	- Patrick Sergant, Team Leader
- Daniel Benitez	- H��l��ne Larroque, Project Manager
- Christina Paul	
- Helen Martin	

### Data collection

CPCS already has relevant documentation available. WB will make available a list of documentation, in which CPCS will identify what is useful for the Assignment. This will include both national frameworks analysis (sometimes outdated) and regional studies, many having been funded by Public-Private Infrastructure Advisory Facility (PPIAF).

### Contextual information on the Assignment objectives

The Assignment has two overarching objectives:

- Identify what differences and convergences between Member States' PPP legal framework and identify measures to implement regional PPP projects within these frameworks;
- Translate these measures into comprehensive guidelines to identify, develop and implement regional PPP projects.

National frameworks will be analyzed to see how they can help or hinder regional PPP project development, in particular ECOWAS regional PPP projects.

On the institutional side, the objective is to assess how ECOWAS currently undertakes regional PPP projects, evaluation of current practices and whether they are efficient or not, and recommend associated changes. Attention should be given to PPDU and to its role in regional PPP projects.

Examining the return on experience of PPP regional projects in various infrastructure sectors, especially transport and energy, will be useful.

### Involvement of ECOWAS

ECOWAS will be included in the inception activities to guide CPCS's work. A question to ask ECOWAS is its plans to coordinate with other regional organizations.

### Consequences of Covid-19

Due to Covid-19 and the travel restrictions, the first mission will likely not be undertaken. A viable solution will be adopted by WB/CPCS to carry out the consultations remotely.

#### Validation of reports

CPCS will share the reports with the WB only. Other relevant stakeholders might be asked to comment as well, within the scheduled two weeks. The WB will consolidate comments and provide them to CPCS, which will revise the report once, based on the received comments.

Other relevant stakeholders that are not directly involved in the assignment will have a chance to provide comments and/or request clarifications during the workshops scheduled towards the end of the assignment.

#### Next steps

- A call will be organized on 31 March 2020 with ECOWAS, should they be available<sup>2</sup>.
- CPCS will submit the inception report on 10 April. A conference will be scheduled with WB, ECOWAS and other stakeholders as necessary to discuss the inception report.

---

<sup>2</sup> Call with ECOWAS took place on 6 April 2020; section 2.2 describes it.

## Consultation with ECOWAS

The participants of this call were as follows:

World Bank	ECOWAS	CPCS
- Shyamala Shukla	- Chris Appiah	- Patrick Sergant
- Bailo Diallo	- Kebba Fye	- H��l��ne Larroque
- Daniel Benitez	- Enobong Umoessien	- Hichame Selmaoui
- Christina Paul	- Abdoulaye Zonon	- Dina Adedze
- Helen Martin	- Koumoin Arkadius	
	- Mawuli Amoa	
	- Olumuyika Shokunbi	

### Presentation of the Assignment

Following CPCS’s presentation, ECOWAS participants asked questions about the Assignment schedule. ECOWAS indicated that their processes would require MS to validate and approve the work, for which an additional workshop could be required. ECOWAS and WB are to discuss this topic.

### Questions on ECOWAS participation in the planning development and implementation of regional PPP projects

#### ECOWAS Vision on Regional PPP Projects

- To have a uniform framework for all 15 countries for the different regulations;
- To have best practices of PPP frameworks;
- To proceed in harmony when it comes to PPPs in MS;
- To help MS be on the same level in terms of understanding PPP project implementation and best practices;
- To have projects that go beyond borders, on which ECOWAS can take the lead;
- To provide ECOWAS with a regional strategy, to be applicable for the development of regional PPP projects — the idea is to have guidelines that are applicable to PPP project development in a regional context;
- To have a PPP Policy and Guidelines to give more confidence to foreign investors and local investors, and to reduce inefficiencies;
- In 2015, ECOWAS conducted a Study titled *Draft Regional PPP Policy*. ECOWAS commissioned Murty International Limited to study and collect data on key PPP projects in the MS and document good practices and common challenges with the aim of creating an easily accessible data and information bank on skills and project/programme development; and provide a draft regional PPP policy.

#### Definition of Regional Projects and PPP Regional Projects

The definition of regional project that will be used in the context of this assignment will be the one used by the African Union in the context of the Programme for Infrastructure Development in Africa; i.e., “an infrastructure asset — or an infrastructure service — crossing or having impact on several countries within the same region.”

The question of Joint Ventures was raised.

As the scope of PPPs goes beyond purely infrastructure projects, ECOWAS is thinking about developing other projects, such as economic zones.

#### ECOWAS Contribution on PPP Regional Projects: What and How?

ECOWAS has prepared a PPP Policy Framework/ strategy document, to be shared with CPCS. Capacity-building initiatives have been undertaken since 2017, followed in 2018 with high-level trainings and in 2020 by an outlook study.

There is a PPP-equivalent department within the West African Economic and Monetary Union (WAEMU) called URDPPP. ECOWAS suggested that CPCS engage with them for insights and to avoid duplicating their work. ECOWAS will put CPCS and URDPPP in contact. URDPPP made some studies and has relevant documents that might be useful for CPCS. They solely promote PPP in the WAEMU region.

ECOWAS has some experience in regional projects, such as a gas pipeline. West African Power Pool (WAPP) has undertaken some regional projects which might be relevant to the Assignment.

Most projects in the ECOWAS region are not very advanced yet.

**PPP Project Preparation Stage**

For each PPP project, a general feasibility study is undertaken by ECOWAS. This informs the relevance of a PPP structure, which is then analyzed.

Generally, ECOWAS acts at the beginning and at the end of the project cycle:

- At the beginning of the process, ECOWAS produces a master plan and selected projects are then implemented;
- At the end, ECOWAS can participate in creation of the Special Purpose Vehicle (SPV).

The PPP project preparation stage includes a financial assessment and PPP-specific business case.

The analysis does not always cover specific institutional arrangements regarding the development and implementation of the PPP project, but ECOWAS has a general framework.

**PPP Project Procurement Stage**

ECOWAS supports some procurement processes in assisting MS; for instance, ECOWAS funds Transaction Advisory Services to assist MS during procurement stage. That’s the case with the Abidjan Lagos corridor, for example.

**PPP Project Financing**

ECOWAS does not finance projects per se, but invests in facilitating projects through technical assistance and capacity-building activities.

**Project Implementation and Monitoring**

At the project implementation stage, ECOWAS, in some cases, participates in the creation of the SPV. ECOWAS is also involved at the project implementation stage through project monitoring.

**Next Steps, AOB and Wrap-Up**

<b>Data Collection</b>	CPCS has a substantial amount of documentation already and is working with WB to obtain missing information. ECOWAS should share all relevant documentation with CPCS, including those mentioned today: PPP Policy Framework/strategy document, PPPURD documentation, and existing templates for implementation stage.
<b>Stakeholders</b>	CPCS is to prepare a list of stakeholders to be included in the study, and ECOWAS will amend as necessary. The list will be in the inception report.
<b>Inception Report</b>	CPCS is currently working on the inception report. Tentative date of April 16 for the inception report to be discussed through a conference call.

<b>Language of Deliverables</b>	ECOWAS uses three official languages. The Assignment provides for translation into French of final deliverables. It does not include Portuguese. WB is to come back to ECOWAS on that topic.
<b>Approval of Deliverables</b>	While relevant stakeholders should be included in the review process of deliverables, all comments will have to be obtained within two weeks to avoid delaying the Assignment.
<b>Workshop</b>	Granted the current situation, WB, ECOWAS and CPCS agreed to hold consultations virtually and to monitor the situation for the scheduled workshops. WB to check whether virtual consultation is doable considering the number of participants once that is known.



## Appendix C Litterature Gathering

Table 4-2: Regional Literature

NO	Year	Title	Author	Type of Document	Source
1.	2018	Rapport final sur le financement des projets PPP en UEMOA / UEMOA Financing Project Report	Nodalys, CEPA	Study – PPP financing	WB
2.	2018	Stratégie d’encadrement des partenairats public-privé dans l’UEMOA	UEMOA	Strategic documents	WB
3.	2015	Draft Regional PPP Policy	Murthy International, for the ECOWAS Commission	Strategic documents	WB
4.	2018	Rapport final d'analyse des cadres juridiques et institutionnels PPP	Nodalys, CEPA	Study – PPP legal and institutional	WB
5.	2010	WAPP Financial and Commercial Feasibility Report	Smart Grid Consulting Group consisting of Equity Technology Partners, Scanbi-Invest and Regulaid	Study – PPP financing in the energy sector	WB
6.	2010	WAPP Structural Legal and Regulatory report	Smart Grid Consulting Group consisting of Equity Technology Partners, Scanbi-Invest and Regulaid	Study – PPP legal and regulatory in the energy sector	WB
7.	2010	WAPP CLSG Final Report	Arthur Energy Advisors	Study – PPP legal and regulatory in the energy sector	WB
8.	2012	Draft Internatiopnal Project Agreement between Cote d’Ivoire, Liberia, Sierra Leone, Guinea (CLSG)	WAPP	International treaty	WB
9.	2012	Treaty for the construction operation and development of the CLSG interconnection line (Cote d’Ivoire, Liberia, Sierra Leone, Guinea)	Na	International treaty	WB
10.	Na	Shareholders agreement for CLSG regional transmission company	Na	International treaty	WB
11.	2018	Procuring Infrastructure PPPs 2018	World Bank	Study – PPP procurement	CPCS

ECOWAS is to share with CPCS the following documents: PPPURD documentation, and existing templates for implementation stage.

Table 4-3: Literature for Member States

No	Year	Title	Author	Type of document	Source
<b>Benin</b>					
1.	2017	Public-Private Partnership Stories	IFC	Study – PPP legal and institutional	CPCS
2.	2018	Appui au programme PPP - Rapport - Revue du cadre légal et institutionnel des PPP au Bénin	CPCS	Study – PPP legal and institutional	CPCS
3.	2018	Manuel de procédures PPP - Amélioration des infrastructures par le biais des PPP au Bénin: appui institutionnel et renforcement des capacités	CPCS	Study – PPP legal and institutional	CPCS
4.	2016	Loi n°2016-24 portant cadre juridique du partenariat public privé en République du Bénin	Benin	Legal and regulatory framework	CPCS
5.	2017	Loi n°2017-04 du 20 mars 2017 portant code des marchés publics en République du Bénin	Benin	Legal and regulatory framework	CPCS
6.	2017	Décret n°2017- 043 du 27 janvier 2017 portant attributions, composition et modalités de fonctionnement de la Cellule d'Appui au Partenariat Public-Privé en République du Bénin	Benin	Legal and regulatory framework	CPCS
7.	2017	Décret n°2017- 045 du 27 janvier 2017 portant conditions spécifiques du contrôle et de la régulation des procédures de passation et gestion des conventions du partenariat public-privé en République du Bénin	Benin	Legal and regulatory framework	CPCS
8.	2018	Décret n°2018 - 028 du 31 janvier 2018 fixant les modalités de fonctionnement des commissions ad hoc d'appel d'offres chargées des procédures de passation des contrats de partenariat public-privé en République du Bénin	Benin	Legal and regulatory framework	CPCS
9.	2018	Décret n°2018 - 039 du 31 janvier 2018 fixant conditions spécifiques du contrôle et de la régulation des procédures de passation et gestion des contrats du partenariat public privé en République du Bénin	Benin	Legal and regulatory framework	CPCS
<b>Burkina Faso</b>					
10.	2011	Stratégie de développement du Partenariat Public-Privé	Burkina Faso	Legal and regulatory framework	CPCS
11.	2017	Appui au cadre institutionnel PPP et développement du pipeline de projets PPP au Burkina Faso: rapport intérimaire 1 – Revue du cadre légal et institutionnel des PPP	CPCS	Study – PPP legal and institutional	CPCS

No	Year	Title	Author	Type of document	Source
12.	2018	Appui au cadre institutionnel PPP et développement du pipeline de projets PPP au Burkina Faso - Rapport de fin de mission	CPCS	Study – PPP legal and institutional	CPCS
13.	2020	Appui au cadre institutionnel PPP et développement du pipeline de projets PPP au Burkina Faso: Analyse du portefeuille de projets	CPCS	Study – PPP legal and institutional	CPCS
14.	2020	Appui au cadre institutionnel PPP et développement du pipeline de projets PPP au Burkina Faso: analyse du projet de pipeline de Bolgatanga-Bingo	CPCS	Study – PPP legal and institutional	CPCS
15.	2020	Appui au cadre institutionnel PPP et développement du pipeline de projets PPP au Burkina Faso: Analyse du projet d'extension du port sec de Bobo-Dioulasso	CPCS	Study – PPP legal and institutional	CPCS
16.	2020	Consultant des PPP pour le soutien des PPP au Burkina Faso – Phase 2: Rapport d'analyse de l'avant-projet de loi des PPP	CPCS	Study – PPP legal and institutional	CPCS
17.	2020	Consultant des PPP pour le soutien des PPP au Burkina Faso – Phase 2: Rapport d'analyse du projet de Plan Stratégique et de Développement du Partenariat Public Privé au Burkina Faso	CPCS	Study – PPP legal and institutional	CPCS
18.	2020	Consultant des PPP pour le soutien des PPP au Burkina Faso – Phase 2: Plan de communication relatif aux institutions des PPP	CPCS	Study – PPP legal and institutional	CPCS
19.	2014	Arrêté n°2019-113/MINEFID/SG/DGCOOP Portant fixation des limites budgétaires à la contractualisation des partenariats public-privé	Burkina Faso	Legal and regulatory framework	CPCS
20.	2014	Arrêté n°2014-0263/MEF/SG/DGCOOP portant création, attributions, composition et fonctionnement de la Commission de sélection des partenariat public-privé	Burkina Faso	Legal and regulatory framework	CPCS
21.	2018	Arrêté n°2018-407/MINEFID/SG/DGCOOP portant adoption des dossiers types d'appel à la concurrence et des contrats types de partenariat public-privé	Burkina Faso	Legal and regulatory framework	CPCS
22.	2017	Décret n°2017-0049 portant procédures de passation, d'exécution et de règlement des marchés publics et des délégations de service public	Burkina Faso	Legal and regulatory framework	CPCS
23.	2017	Décret n°2017-0049/PRES/PM/MINEFID du 1er février 2017 portant procédures de passation, d'exécution et de règlement des marchés publics et des délégations de service public Modifié par le décret n°2019-0358/PRES/PM/MINEFID du 30 avril 2019 portant modification du décret n°2017-0049/PRES/PM/MINEFID du 1er février 2017 portant procédures de passation, d'exécution et de règlement des marchés publics et des délégations de service public	Burkina Faso	Legal and regulatory framework	CPCS
24.	2014	Décret n°2014-024/PRES/PM/MEF du 03 février 2014 portant modalités d'application de la loi n° 020- 2013/AN du 23 mai 2013 portant régime juridique du partenariat public-privé au Burkina Faso. JO N°12 DU 13 MARS 2014	Burkina Faso	Legal and regulatory framework	CPCS

No	Year	Title	Author	Type of document	Source
25.	2014	Décret n°2014-628/PRES/PM/MEF portant création, attributions, composition et fonctionnement de la Commission de partenariat public-privé	Burkina Faso	Legal and regulatory framework	CPCS
26.	2016	Loi n°039-2016/AN du 02 Décembre 2016 portant réglementation générale de la commande publique	Burkina Faso	Legal and regulatory framework	CPCS
27.	2017	Loi n°042-2017/AN du 03 juillet 2017 portant allègement des procédures de contractualisation du programme des projets de partenariat public-privé	Burkina Faso	Legal and regulatory framework	CPCS
28.	2013	Loi n° 020-2013/AN du 23 mai 2013 portant régime juridique du partenariat public-privé au Burkina Faso	Burkina Faso	Legal and regulatory framework	CPCS
29.	2016	Le Partenariat Public-Privé au Burkina Faso	Burkina Faso	Legal and regulatory framework	CPCS
30.	2017	Décret n°2017-0050/PRES/PM/MINEFID portant attributions, organisation et fonctionnement de l'autorité de régulation de la commande publique	Burkina Faso	Legal and regulatory framework	CPCS
31.	2019	Arrêté n°2019-344/MINEFID/SG/DGCOOP portant mise en place d'un groupe de travail chargé de la relecture de la Loi N° 020-2013/AN portant régime juridique du partenariat public-privé au Burkina Faso	Burkina Faso	Legal and regulatory framework	CPCS
32.	2018	Arrêté n°2018-054/PM/MINEFID portant interdiction de négocier et de contractualiser des projets comportant des caractéristiques de préfinancement	Burkina Faso	Legal and regulatory framework	CPCS
<b>Cap Verde</b>					
33.	2015	Lei No. 88 / VIII / 2015 14 de Abril Aprova o Codigo da contratação Pública	Cap Verde	Legal and regulatory framework	CPCS
34.	2012	Lei No. 14 / VIII / 2012 Regime Jurídico das Entidades Reguladoras Independentes	Cap Verde	Legal and regulatory framework	CPCS
35.	2015	Decreto-lei No. 46/2015 de 21 de setembro que estabelece o Regime Juridico das Aquisições Publica o Regulamento das Unidades de Gestão das Aquisições	Cap Verde	Legal and regulatory framework	CPCS
36.	2015	Decreto-lei No. 55/2015 de 9 de Outubro que estabelece a Autoridade Reguladora des aquisições Publicas (ARAP)	Cap Verde	Legal and regulatory framework	CPCS
<b>Ivory Coast</b>					
37.	2018	Appui au programme PPP de la Côte d'Ivoire - rapport final	CPCS	Study – PPP legal and institutional	CPCS

No	Year	Title	Author	Type of document	Source
38.	2018	Évaluation des contrats PPP en Côte d'Ivoire pour identifier les risques budgétaires	CPCS	Study – PPP legal and institutional	CPCS
39.	2019	Appui au programme PPP de la Côte d'Ivoire - Mission d'évaluation des contrats PPP - rapport final	CPCS	Study – PPP legal and institutional	CPCS
40.	2018	Décret n°2018-358 du 29 mars 2018 déterminant les règles relatives aux contrats de partenariats public-privé	Côte d'Ivoire	Legal and regulatory framework	CPCS
<b>Gambia</b>					
41.	2015	Support to the Gambia's Public-Private Partnership Program Phase II — PPP Operational Guidelines	WB	Study – PPP legal and institutional	PPIAF
42.	2015	Support to the Gambia's Public-Private Partnership Program Phase II — Assessment of the Policy, Institutional, and Legal Framework for PPP	WB	Study – PPP legal and institutional	PPIAF
<b>Ghana</b>					
43.	2009	Policy Guidelines for the Implementation of Public-Private Partnerships in Ghana	Ghana	Legal and regulatory framework	CPCS
44.	2010	Ghana PPP Diagnostic Study: Establishment of a Public-Private Partnership Resource Centre (PRC) and PPP Capacity Building in Ghana	CPCS	Study – PPP legal and institutional	CPCS
45.	2008	National PPP/PFI Workshop: Financing Ghana's Infrastructure Needs: A Public-Private Partnership/ Private Finance Approach — PPP/PFI: Perspectives and Experience of Bankers and Financiers	CAL Bank	Study – PPP legal and institutional	CPCS
46.	2009	National Policy on Public Private Partnership (PPP)	Ghana	Legal and regulatory framework	CPCS
47.	2009	Institutionalizing PPP in Ghana	CPCS	Study – PPP legal and institutional	CPCS
<b>Guinea</b>					
48.		Appui au programme PPP de la Guinée: Rapport Intérimaire	IFC-CPCS	Study – PPP legal and institutional	CPCS
49.		Appui au Programme PPP de la Guinée: Opérationnalisation de l'Unité PPP	IFC-CPCS	Study – PPP legal and institutional	CPCS

No	Year	Title	Author	Type of document	Source
50.	2014	Identification de projets Partenariats Public-Privés (PPP) et renforcement de capacités en Guinée- PPP rapport final diagnostic	IFC, Nodalis	Study – PPP legal and institutional	CPCS
51.	2017	Appui au programme PPP de la Guinée — rapport Final Phase II	IFC, CPCS	Study – PPP legal and institutional	CPCS
52.	2018	Élaboration d’une Convention-Type Construire Exploiter et Transférer (CET) pour les infrastructures portuaires et ferroviaires de transport: Note relative à l’architecture générale d’une Convention de CET	CPCS	Study – PPP legal and institutional	CPCS
53.	2018	Élaboration d’une Convention-Type Construire Exploiter et Transférer (CET) pour les infrastructures portuaires et ferroviaires de transport: Note relative aux critères de choix d’un schéma contractuel de Construire Exploiter Transférer (CET) et comparaison avec des schémas contractuels voisins	CPCS	Study – PPP legal and institutional	CPCS
54.	2018	Élaboration d’une Convention — Type Construire Exploiter et Transférer (CET) pour les infrastructures portuaires et ferroviaires de transport: manuel d’analyse et de rédaction de convention CET	CPCS	Study – PPP legal and institutional	CPCS
55.	2017	Décret n°2017-278 portant promulgation de la loi 2017-032 du 4 juillet 2017	Guinea	Legal and regulatory framework	CPCS
56.	1998	Loi L/97/012/AN Autorisant le Financement, la construction, l'exploitation, l'entretien et le transfert d'infrastructures de développement par le secteur privé	Guinea	Legal and regulatory framework	CPCS
57.	2017	Loi ordinaire n°032 Portant Partenariat Public-Privé 2017	Guinea	Legal and regulatory framework	CPCS
58.	2012	Loi L/2012/020/CNT/ du 11 octobre 2012 fixant les règles régissant la passation, le contrôle et la régulation des marchés publics et des délégations de service public	Guinea	Legal and regulatory framework	CPCS
<b>Guinea Bissau</b>					
59.	2018	Strategic Engagement for Infrastructure PPP in Guinea-Bissau: Phase II PPP Project Pipeline Development and Capacity Building: PPP Prioritization Report	CPCS	Study – PPP legal and institutional	CPCS
60.	2019	Strategic Engagement for Infrastructure PPP in Guinea-Bissau: Phase II PPP Project Pipeline Development and Capacity Building PPP Pre-Feasibility Study of Solid Waste Management in Bissau	CPCS	Study – PPP legal and institutional	CPCS

No	Year	Title	Author	Type of document	Source
61.	2019	Strategic Engagement for Infrastructure PPP in Guinea-Bissau: Phase II PPP Project Pipeline Development and Capacity Building: Report: Pre-Feasibility Study for Urban Transport Improvement	CPCS	Study – PPP legal and institutional	CPCS
62.	2019	Strategic Engagement for Infrastructure PPP in Guinea-Bissau: Phase II PPP Project Pipeline Development and Capacity Building: Final Project Report	CPCS	Study – PPP legal and institutional	CPCS
63.	2012	Decreto-Lei N°1/2012 Aprovado Diploma relativo à Instituição da Autoridade de Regulação dos Concursos Públicos, doravante designada pela sigla ARCP	Guinea Bissau	Legal and regulatory framework	CPCS
64.	2010	Decreto-Lei 2010, De 29 de Março relativo ao Código dos Contratos Públicos	Guinea Bissau	Legal and regulatory framework	CPCS
65.	2012	Decreto-Lei N°2/2012 Aprovado o Decreto-Lei relativo ao Código dos Contratos Públicos	Guinea Bissau	Legal and regulatory framework	CPCS
66.	2010	Lei N.º 19/2010, Aprovado a lei relativo aos Contratos Públicos	Guinea Bissau	Legal and regulatory framework	CPCS
<b>Liberia</b>					
67.	2012	Developing Public-Private Partnerships in Liberia	World Bank	Study – PPP legal and institutional	WB
68.	2005	Public Procurement and Concessions Act, 2005	Liberia	Legal and regulatory framework	CPCS
<b>Mali</b>					
69.	2015	Consultant PPP pour le Mali — Rapport Final	CPCS	Study – PPP legal and institutional	CPCS
70.	2015	Décret n°2015-0604/P-RM du 25 septembre 2015 portant code des marchés publics et des délégations de service public	Mali	Legal and regulatory framework	CPCS
71.	2016	Loi n°2016-061 du 30 décembre 2016	Mali	Legal and regulatory framework	CPCS
<b>Niger</b>					
72.		Ordonnance n°2011-07 du 16 septembre 2011 portant régime général des contrats de partenariats public privé en République du Niger	Niger	Legal and regulatory framework	CPCS

No	Year	Title	Author	Type of document	Source
73.	2011	Décret n°2011-559/PRN/PM du 09 novembre 2011, portant modalités d'application de l'ordonnance n° 2011-07 du 16 septembre 2011 fixant le Régime général des contrats de partenariat public privé en République du Niger --	Niger	Legal and regulatory framework	CPCS
74.	2011	Décret n°2011-560/PRN/PM du 09 novembre 2011, portant organisation et fonctionnement de la Cellule d'appui au partenariat public-privé en République du Niger	Niger	Legal and regulatory framework	CPCS
75.	2013	Décret n° 2013-569/PRN/PM du 20 décembre 2013 portant Code des marchés publics et des délégations de service public	Niger	Legal and regulatory framework	CPCS
<b>Nigeria</b>					
76.	2008	National Policy on Public Private Partnership (PPP)	Nigeria	Legal and regulatory framework	CPCS
77.	2008	Nigeria Public Private Partnerships (PPP) Programme	CPCS	Study – PPP legal and institutional	CPCS
78.	2004	Private Sector Participation in Infrastructure & Federal Laws	CPCS	Study – PPP legal and institutional	CPCS
79.	2017	Infrastructure Concession Regulatory Commission (Public Private Partnership) Regulations 2017	Nigeria	Legal and regulatory framework	CPCS
80.	2017	Draft PPP Manual for Nigeria	Nigeria	Legal and regulatory framework	CPCS
<b>Senegal</b>					
81.	2020	Cadre PPP pour la participation du secteur privé dans le secteur routier au Sénégal et développement d'une stratégie d'investissement d'une stratégie d'investissement dans les transports urbains à Dakar — Rapport Final	CPCS	Study – PPP legal and institutional	CPCS
82.	2018	Analyse Cadre Légal PPP Sénégal	ALSF/PPPIRC	Study – PPP legal and institutional	CPCS
83.	2014	Loi n°2014-09 du 20 février 2014 relative aux contrats de partenariat	Senegal	Legal and regulatory framework	CPCS
84.	2015	Loi n°2015-03 du 12 février 2015 modifiant l'article 31 de la loi n° 2014-09 du 20 février 2014 relative aux contrats de partenariat	Senegal	Legal and regulatory framework	CPCS



No	Year	Title	Author	Type of document	Source
85.	2015	Décret n°2015-386 portant application de la loi n° 2014-09 du 20 du 20 février 2014 relative aux contrats de partenariat	Senegal	Legal and regulatory framework	CPCS
86.	2015	Loi n° 2004-14 du 1er mars 2004 Instituant le Conseil des infrastructures	Senegal	Legal and regulatory framework	CPCS
87.	1965	Loi n° 65-51 du 19 juillet 1965 portant Code des Obligations de l'Administration	Senegal	Legal and regulatory framework	CPCS
88.	2006	Loi n°2006-16 du 30 juin 2006 modifiant la loi n° 65-61 du 19 juillet 19965 portant Code des Obligations de l'Administration	Senegal	Legal and regulatory framework	CPCS
89.	2014	Décret n°2014-1212 du 22 septembre 2014 portant code des marchés publics	Senegal	Legal and regulatory framework	CPCS
90.	2007	Décret n° 2007-546 du 25 avril 2007 portant organisation et fonctionnement de l'Autorité de Régulation des Marchés Publics (ARMP)	Senegal	Legal and regulatory framework	CPCS
91.	2010	Décret n°2010-1396 modifiant le décret N° 2007-546 du 25 avril 2007 portant organisation et fonctionnement de l'Autorité de Régulation des Marchés Publics (ARMP)	Senegal	Legal and regulatory framework	CPCS
92.	2009	Décret n°2009-502 portant nomination des membres du Conseil de régulation de l'Autorité de régulation des marchés publics	Senegal	Legal and regulatory framework	CPCS
93.	2009	Décret n°2009-501 fixant les modalités de recrutement, le statut et les pouvoirs des agents de l'autorité de régulation des marchés publics chargés des enquêtes sur la régularité des procédures de passation et d'exécution des marchés publics, délégations de service public et contrats de partenariat	Senegal	Legal and regulatory framework	CPCS
94.	2007	Décret n2007- 547 du 25 avril 2007 portant création de la Direction centrale des Marchés publics (DCMP)	Senegal	Legal and regulatory framework	CPCS
95.	2012	Arrêté n°012787 du 26.12.2012 relatif à l'organisation et au fonctionnement des cellules de passation des marchés des autorités contractantes pris en application de l'article 35 du Code des Marchés publics	Senegal	Legal and regulatory framework	CPCS
96.	2012	Arrêté n°012787 du 26.12.2012 relatif aux commissions régionales des marchés publics dans les régions autres que Dakar pris en application de l'article 36 alinéa 6 du Code des Marchés publics	Senegal	Legal and regulatory framework	CPCS

No	Year	Title	Author	Type of document	Source
97.	2015	Arrêté n°00862 du 22.01.2015 relatif aux commissions régionales et départementales des marchés publics dans les régions autres que Dakar, pris en application de l'article 36 alinéa 7 du code des marchés publics	Senegal	Legal and regulatory framework	CPCS
<b>Sierra Leone</b>					
98.	2014	Final PPP Pipeline Report Sierra Leone	PPIAF	Study – PPP legal and institutional	WB
99.	2010	PPP Act 2010	Sierra Leone	Legal and regulatory framework	CPCS
<b>Togo</b>					
100.	2017	Réforme Institutionnelle, Mise en œuvre d'une cellule PPP, Identification d'une Pipeline de projets PPP et Renforcement de capacités	PPIAF	Study – PPP legal and institutional	WB
101.	2014	Loi n°2014-014 du 22 octobre 2014 portant modernisation de l'action publique de l'État en faveur de l'économie	Togo	Legal and regulatory framework	CPCS
102.	2009	Loi n°2009-13 du 30 juin 2009 relative aux marchés publics et délégations de service	Togo	Legal and regulatory framework	CPCS



CONTACT INFORMATION

Suite 200, 979 Bank Street  
Ottawa, Ontario, Canada K1S 5K5

P: +1 (613) 237 2500

T: +1 (613) 237 4494

[Ottawa@cpcs.ca](mailto:Ottawa@cpcs.ca)

[www.cpcs.ca](http://www.cpcs.ca)

