

GENERAL INFORMATION

Capital: Freetown	Population: 7,396 Million	GDP: USD 3,669 Billion
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LEGAL AND INSTITUTIONAL FRAMEWORK

PPP Law	- The PPP Act, 2010 (PPPA)
Other Applicable Sectoral Laws	- Investment Promotion Act, 2004 - National Electricity Act, 2011 - Public Procurement Act, 2004
PPP Unit	PPP Unit (PPPU) at the Ministry of Finance
Definition (Sect. 4.1, PPPA)	“A Public-Private Agreement (PPP Agreement) is an agreement between a contracting authority and a private partner, made in accordance with this Act in which the private partner – (a) agrees to perform or undertake any infrastructure project or social sector service project; (b) assumes financial, technical or operational risks in connection with the performance of a public function or the use of public property; and (c) receives consideration for performing a public function or utilizing public property, by way of (i) a fee from any revenue fund or budgetary fund of the Government; (ii) user levies collected by the private partner from end-users or customers for a service provided by the private partner; or (iii) a combination of the consideration paid under subparagraphs (i) and (ii)”
General Principles (Sect. 45.1, PPPA)	Principles of fairness, equitably, transparency, competitiveness and cost effectiveness.
Tendering and contracting procedures / Choice of the private partnership (Sect. 46, PPPA)	The procurement process involves the following stages: <ul style="list-style-type: none"> - Requests for expressions of interest and pre-selection bidding documents. - Evaluation of qualifications - Request for Proposals - Evaluation of Proposals

<p>Project Evaluation (Sect. 42, PPPA)</p>	<p>The evaluation process involves:</p> <ul style="list-style-type: none"> - Pre-feasibility study (<i>Section 42.2</i>) - Feasibility Study (<i>Section 42.3</i>) - Approval of Project (<i>Section 42.4</i>)
<p>Negotiation and Signature of PPP Contracts (Sect. 59, PPPA)</p>	<p>Where a PPP Project involves a financial close in addition to a commercial close, the contracting authority shall, following the achievement of the commercial close and after seeking the advice of the Unit, submit to the Council any revision to the proposed PPP Agreement proposed by the private partner as a result of discussions between the private partner and its financiers for evaluation and approval. A contracting authority shall obtain the approval of the Council before proceeding to the commercial or financial close of any proposed PPP Project.</p>
<p>Rights and Obligations of the public partner (Sect. 11-12-16, Sect.50-67, PPPA)</p>	<p>Obligations related to the selection of the private party (<i>Sect. 50-67</i>); Rights to authorize any contract transfer to third party (<i>Sect. 11</i>); Rights to consent or not for any transfer of controlling interest in private partner (<i>Sect. 12</i>); Rights to takeover of PPP project (<i>Sect. 16</i>)</p>
<p>Rights and Obligations of the private partner</p>	<p>Rights related to PPP project site (<i>Sect. 7</i>); Easement rights (<i>Sect. 8</i>); Rights to charge, receive or collect user levies for the use of a PPP Project (<i>Sect. 9</i>); Rights to create security interests over any of its assets (<i>Sect. 10</i>); Rights to compensation for specific changes in legislation or revision of PPP agreement (<i>Sect. 14-15</i>); Obligations related to bidding (<i>Sect. 47-48</i>)</p>
<p>Obligations of both public and private partners</p>	<p>Respect of confidential information (<i>Sect. 5.p</i>); Bind to international arbitration (<i>Sect. 62.2</i>)</p>
<p>Applicable Law (Sect. 5, PPPA)</p>	<p>Laws of Sierra Leone</p>
<p>Dispute resolution (Sect. 68, PPPA)</p>	<p>The dispute settlement mechanisms agreed by the parties in the PPP Agreement or, in the event of a failure of such mechanisms, in accordance with section 16 of the Investment Promotion Act, 2004.</p>

EXAMPLES OF PROJECTS STRUCTURED AS PPP

<p>Energy</p>	<p>Addax Biomass Plant</p>
<p>Port</p>	<p>Port of Freetown Container Terminal</p>