

ICPAK SUBMISSIONS ON THE PPP (PROJECT FACILITATION FUND) REGULATIONS 2015

March 2015

1. Background

The Public Private Partnerships Act 2013 provides for the participation of the private sector in the financing, construction, development, operation, or maintenance of infrastructure or development projects of the Government through concession or other contractual arrangements.

Section 68 of the Act establishes the Public Private Partnership Project Facilitation Fund to support activities of Public Private Partnership Unit; and those of the contracting authorities in the preparation phase of a project, the tendering process and project appraisal;

The objective of this position paper therefore, is to review and make various proposals on the draft Public Private Partnerships (Project Facilitation Fund) Regulations 2015, which aims at guiding the operations of the project facilitation fund as established in section 68 of the PPP Act 2013.

2. **Table: Summary of Issues raised on the PPP(Project Facilitation Fund) Regulations 2015**

Regulation		Issue of Concern	Proposal(s)	Justification
1.	Part II: Eligibility and applications	Whereas the Principal Act provides the core sources of funds for the Project Facilitation Fund, the regulations ought to have replicated and further elaborated on these sources just as they have done on the uses of the fund(Regulation 5)	<p>Include a new regulation under Part II, before Regulation 5; on the sources of funds for the òProject Facilitation Fundö</p> <p><i>The sources of funds of the Project Facilitation Fund shall be such sums of moneys appropriated by Parliament for that purpose, and any other funds mobilized from any of following sources-</i></p> <ul style="list-style-type: none"> (a) development partners, public entities, parastatal organizations and social security funds; and (b) funds previously advanced to contracting authorities wholly or partially recovered by the Project Facilitation Fund in accordance with agreements for project support (c) grants and donations; (d) such levies or tariffs as may be imposed on a project; (e) success fees paid by a 	For clarity purposes

Regulation		Issue of Concern	Proposal(s)	Justification
			<p><i>project company to the unit;</i></p> <p><i>(f) appropriations-in-aid; and</i></p> <p><i>(g) moneys from a source approved by the State department responsible for matters relating to finance</i></p>	
2.	Accounts of the Fund (26-29)	The Regulations should provide for the submission of annual financial reports and auditing of books of account for the Project Facilitation Fund	<p>The Regulations should provide for the submission of annual financial reports and auditing of books of account for the Project Facilitation Fund.</p> <p>This process should be facilitated by the Oversight Committee and Officer administering the fund</p>	Ensures prudent management of resources channelled to the Project Facilitation Fund

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