

GENERAL INFORMATION

Capital: Kampala

Population: 39,032,383

GDB (USD): 27,529 Million

LEGAL AND INSTITUTIONAL FRAMEWORK

PPP Law

- The Public Private Partnerships Act, 2015 (PPP Act)
- The Public Private Partnerships Framework Policy, 2010 (PPFP)

Other Applicable Sectoral Laws

- The Public Procurement and Disposal of Public Assets Act, 2013
- The Public Finance and Accountability Act, 2003

PPP Unit

PPP Unit (PPPU) at the Ministry of Finance, Planning and Economic Development (MFPED) composed of two complementary agencies:

- Public Private Partnerships Committee
- Public Private Partnerships Office

Definition

(Art. 4 of PPP Act, 2015)

“Public-private partnership” means a commercial transaction between a contracting authority and a private party where the private party performs a function of the contracting authority on behalf of the contracting authority, for a specified period, and

- a) Acquires the use of the property, equipment or other resource of the contracting authority for the purposes of executing the agreement;
- b) Assumes substantial financial, technical and operational risks in connection with the performance or the function or use of the property; or
- c) Receives a benefit for performing the function through payment by the contracting authority or fees collected

by the private party from the users of the infrastructure or service, or both (art. 4)

General Principles

(Art. 3 of PPP Act, 2015)

Principles of value for money, transparency, protection and respect of the rights and interest of users, accountability of the contracting authority, promotion of the participation of Ugandans as private parties in PPP, protection of the intellectual property of bidders at all stages of a project, and stimulating growth and development through harnessing private sector innovation and efficiency (art. 3)

Tendering and contracting procedures / Choice of the private partnership

(Art 31, 32, 33 and 34 of PPP Act, 2015)

- Open bidding (art. 31)
- Restricted bidding (art. 32)
- Direct procurement (art. 33)
- Unsolicited proposals are accepted under some conditions (art. 34)

Project Evaluation

(Art. 21 and 22 of PPP Act, 2015)

- Preliminary analysis of the project (art. 21) and feasibility study (art. 22)

Negotiation and Signature of PPP Contracts

No provision in the PPP Act.

Rights and Obligations of the public partner

(Art. 31, 32, 33 and 20 of PPP Act, 2015)

- Obligations related to the selection of the private party (art. 31, 32 and 33)
- Rights to approve the share transfer (art. 20 (2))

Rights and Obligations of the private partner

(Art. 20 of PPP Act, 2015)

- Obligations related to the Project company: establishment (art. 20 (1))
- Transfer of shares (art. 20 (2))
- Performance (art. 20 (3 to 4))
- Financial obligations (art. 20 (5))
- Rights to obtain any permit or document required for PPP project (art. 20 (6))

Applicable Law / Dispute Resolution (Art. 49 of PPP Act, 2015)	No provision in the PPP Act. Mechanisms agreed upon by the parties in the PPP agreement or in accordance with the Arbitration and Conciliation Act (art. 49 (1))
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EXAMPLES OF PROJECTS STRUCTURED AS PPP

Energy	Bujagali Hydro Project IPP Namanve Power Plant PPP
Infrastructure (Rail)	The Kenya-Uganda Railway Line