

GENERAL INFORMATION

Capital: Freetown	Population: 7,650 Million (2018)	GDP: USD 4,085 Billion (2018)
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LEGAL AND INSTITUTIONAL FRAMEWORK

PPP Law	- The PPP Act, 2014 (PPPA)
Other Applicable Sectoral Laws	<ul style="list-style-type: none"> - The Public Procurement Regulations, 2020 - The National Electricity (Amendment) Act, 2018 - PPP Policy 2014 - National Electricity Act, 2011 - The Sierra Leone Investment and Export Promotion Agency Act, 2007 - Investment Promotion Act, 2004 - Procurement Act, 2004 - National Revenue Authority Act, 2002
PPP Unit	PPP Unit (PPPU) at the Office of the President
Definition (Sect. 1, PPPA)	<p>“Public Private Partnership Agreement” or “PPP Agreement” means a written agreement between a contracting authority and a private partner, in relation to any activity in which the private partner–</p> <ul style="list-style-type: none"> (a) performs a public function on behalf of the public authority; (b) designs, develops, operates or uses an asset for its own commercial purposes; and / or (c) forms a joint venture with the contracting authority (by way of divestiture, new establishment or otherwise); (d) assumes financial, technical or operational risks in connection with the performance of a public function, use of an asset or running the joint venture;

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(e) receives consideration for performing a public function, utilising public asset or running the joint venture, by way of:—

(i) a fee from any revenue fund or budgetary fund of the Government;

(ii) user levies collected by the private partner or joint venture from the end users or customers for a service provided by the private partner or the joint venture or otherwise; or

(iii) a combination of the consideration paid under subparagraphs (i) and (ii).

**Procurement Principles
(Sect. 38(a), PPPA)**

The PPPA stipulates that “the procurement procedure shall be nondiscriminatory, transparent and cost effective.”

**Tendering and contracting
procedures / Choice of the
private partnership
(Sect. 39, PPPA)**

The procurement process involves the following stages:

- Requests for expressions of interest and pre-selection bidding documents.
- Publication of expressions of interest
- Evaluation of qualifications
- Preselection report
- Request for proposals
- Clarifications and revisions of the request for proposals
- Evaluation of proposals
- Preparation of the evaluation report
- Contract finalisation phase

**Project Evaluation
(Sect. 36, PPPA)**

The evaluation process involves:

- Pre-feasibility study (*Section 36.2*)
- Feasibility Study (*Section 36.3*)
- Approval of Project (*Section 36.4*)

**Negotiation and Signature
of PPP Contracts
(Sect. 52, PPPA)**

After completing the evaluation report, and after obtaining any necessary approvals required by Section 51(2), the contracting authority, in conjunction with the Unit, shall begin negotiations with the preferred bidder, and then submit the proposed negotiated PPP Agreement to the Cabinet for approval, modification or rejection.

<p>Rights and Obligations of the public partner (Sect. 11-12-16, Sect.38-60, PPPA)</p>	<p>Obligations related to the selection of the private party (Sect. 38-60); Rights to authorize any contract transfer to third party (Sect. 11); Rights to consent or not for any transfer of controlling interest in private partner (Sect. 12); Rights to takeover of PPP project (Sect. 16)</p>
<p>Rights and Obligations of the private partner</p>	<p>Rights related to PPP project site (Sect. 7); Easement rights (Sect. 8); Rights to charge, receive or collect user levies for the use of a PPP Project (Sect. 9); Rights to create security interests over any of its assets (Sect. 10); Rights to compensation for specific changes in legislation or revision of PPP agreement (Sect. 14-15); Obligations related to bidding (Sect. 40-41)</p>
<p>Obligations of both public and private partners</p>	<p>Respect of confidential information (Sect. 55); Bind to international arbitration (Sect. 61.2)</p>
<p>Applicable Law (Sect. 5, PPPA)</p>	<p>Laws of Sierra Leone</p>
<p>Dispute resolution (Sect. 61.1, PPPA)</p>	<p>Any disputes between the contracting authority and the private partner shall be settled through the dispute settlement mechanisms agreed by the parties or, in the event of a failure of such mechanisms, in accordance with the applicable Sierra Leone legislation.</p>

EXAMPLES OF PROJECTS STRUCTURED AS PPP

<p>Power</p>	<p>Addax Biomass Plant</p> <p>Western Area Power Generation Project</p> <p>GTG Freetown 15 MW Emergency Power</p>
<p>ICT</p>	<p>Sierratel Management Contract</p>
<p>Port</p>	<p>Port of Freetown Container Terminal</p>