

GENERAL INFORMATION

Capital: Dodoma/Dar es Salaam	Population: 63,59 million (2021)	GDP: USD 67,84 Billion (2021)
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LEGAL AND INSTITUTIONAL FRAMEWORK

PPP Law and other applicable texts	<ul style="list-style-type: none"> - Public Private Partnership Act No. 19 2010 (as amended in 2018) (PPP Act)) - Public Private Partnership Regulations, 2020 (PPP Regulations) - Public Private Partnership (Amendment) Act, No. 9 of 2018 - The Public Private Partnership Act (Amended), 12 May 2014 - The Public Private Partnership Regulations (Amended), 27 November 2015 - The Public Private Partnership Regulations, 2011 as amended by the PPP Amendment Act, 2014 - Public Procurement Act, 2011, as amended in 2014 - National Public-Private Partnership Policy, 2009
Other Applicable Laws	<ul style="list-style-type: none"> - The Tanzania Investment Act, 1997 - Electricity Act, 2008 - National Wealth and Resources Act 2017 - National Wealth and Resources Contracts Act 2017
PPP Unit (PPP Act, Art 4-7)	Public Private Partnership Centre
Definition (PPP Act, Art. 3)	<p>The PPP Act defines a public private partnership as:</p> <p>a contractual arrangement between a contracting authority and a private party in which the private party—</p> <ul style="list-style-type: none"> (a) undertakes to perform for contracting authority function on behalf of the contracting authority for a specified period; (b) assumes substantial financial, technical and operation risks in connection with the performance on behalf of the contracting authority function or use of government property; <p>or</p>

(c) receives a benefit for performing on behalf of contracting authority function or from utilizing the public property, either by way of:

(i) consideration to be paid by the contracting authority which derives from a revenue fund, or where the contracting authority is a central government or local government authority, from revenues of such authority;

(ii) charges or fees to be collected by a private party or its agent from users or customers; or

(iii) a combination of such consideration and such charges or fees.

General Principles

(PPP Regulations, Reg. 34)

Principles of economy and efficiency, competition, transparency and accountability, fairness and promotion of the integrity and confidence in the selection process.

Tendering and contracting procedures / Choice of the private partnership

(PPP Act, Art. 15 and 16 and PPP Regulations, Reg. 34-70)

Save as otherwise provided in the Act, methods of procurement of PPP projects and services shall be through national competitive tendering and international competitive tendering.

Procurement process (PPP Act, art. 15 (2) / PPP Regulations, reg. 34 - 70)

Unsolicited bids (PPP Act, art. 16 / Public Procurement Act, art. 80 / PPP Regulations, reg. 62-70)

Project Evaluation

(PPP Act, Art. 10 and PPP Regulations, Reg. 3-15)

Concept note; pre-feasibility and feasibility study (PPP Act, art. 10 / PPP Regulations, reg. 3-15)

Negotiation and Signature of PPP Contracts

(PPP Regulations, Reg. 89-95)

Negotiation shall commence with the preferred bidder upon the approval and announcement of the preferred and reserve bidders.

Where the negotiation with the preferred bidder is terminated, the contracting authority shall invite the reserve bidder for negotiation, and continue in that order of reserve bidders until the list is exhausted.

The contracting authority shall, after successful completion of negotiations with the preferred bidder and before signing of any contract, submit to the PPP Steering Committee through the PPP Center the project agreement for final approval.

The accounting officer shall, upon being satisfied with the contents of the agreement, sign the agreement on behalf of the contracting

authority.

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| <p>Rights and Obligations of the public partner
(PPP Act, Art 8 and 9)</p> | <ul style="list-style-type: none"> - Roles of public and private sectors (lists public and private sector parties responsibilities’) (PPP Act, art. 8) - Responsibilities of contracting authority (PPP Act, art. 9 / PPP / PPP Regulations, art. 21) - Obligations to be specified in the agreement (PPP Act, art. 11) |
| <p>Rights and Obligations of the private partner
(PPP Act, Art. 8 and 11)</p> | <ul style="list-style-type: none"> - Roles of public and private sectors (lists public and private sector parties responsibilities’) (PPP Act, art. 8) - Obligations to be specified in the agreement (PPP Act, art. 11) |

Obligations of both public and private partners No provision in the Law.

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| <p>Applicable Law</p> | <ul style="list-style-type: none"> - Every agreement entered into under this Act shall be governed and construed in accordance with the laws of Mainland Tanzania (PPP Act, art. 11 (5)) |
| <p>Dispute resolution</p> | <ul style="list-style-type: none"> - Any dispute during the course of the agreement shall be resolved through negotiation or in the case of mediation or arbitration, be adjudicated by judicial bodies or other organs established in the United Republic and in accordance with the laws of Tanzania. (PPP Act, art. 22) |

EXAMPLES OF PROJECTS STRUCTURED AS PPP

<p>Power</p>	<p>Mwenga wind farm (2,4 MW)</p> <p>PowerGen Tanzania Mini-Grids Portfolio</p> <p>Kinyerezi III and IV Gas Power Project (900 MW)</p> <p>Mkuranga Gas Power Project (250 MW)</p> <p>Ngaka Coal Power Project (200 MW)</p> <p>Singida Wind Power Project (150 MW)</p>
<p>Urban Transports</p>	<p>Bus Rapid Transit – Dar es Salaam</p>
<p>Railways</p>	<p>Tanzania Railways</p>
<p>Ports</p>	<p>Dar-es-Salaam Container Terminal</p>
<p>ICT</p>	<p>DARE submarine broadband cable</p>