

বাংলাদেশ



গেজেট

অতিরিক্ত সংখ্যা

কর্তৃপক্ষ কর্তৃক প্রকাশিত

সোমবার, জুলাই ২, ২০১২

গণপ্রজাতন্ত্রী বাংলাদেশ সরকার

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নং ০৭.০০.০০০০.১৪৬.০১.০০১.১১.৫০—গণপ্রজাতন্ত্রী বাংলাদেশ সরকার দেশের অর্থনৈতিক উন্নতি ত্বরান্বিত করার লক্ষ্যে সরকারি-বেসরকারি অংশীদারিত্ব (পিপিপি) উদ্যোগ বাস্তবায়নের জন্য ইতোমধ্যে জারীকৃত Policy and Strategy for Public-Private Partnership (PPP), 2010 এর সংস্থান মোতাবেক মন্ত্রণালয়/বিভাগ/সংস্থা কর্তৃক পিপিপি উদ্যোগে প্রকল্প প্রক্রিয়াকরণ পর্যায়ে নিবিড় প্রস্তুতি গ্রহণ, কার্যকরভাবে প্রকল্প উন্নয়ন এবং প্রকল্প বাস্তবায়ন, ব্যবস্থাপনা ও তদারকীতে বাস্তবায়নকারী সংস্থার দক্ষতা উন্নয়ন ও পিপিপি সংশ্লিষ্ট জনসচেতনতা সৃষ্টির অভিপ্রায়ে কারিগরি সহায়তা প্রদানের নিমিত্ত এতদ্বারা Guideline for Public-Private Partnership Technical Assistance Financing (PPPTAF), 2012 এবং Scheme for Public-Private Partnership Technical Assistance Financing (PPPTAF), 2012 জারী করিল।

২। ইহা জনস্বার্থে জারী করা হইল এবং অবিলম্বে কার্যকর হইবে।

রাষ্ট্রপতির আদেশক্রমে

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(১১২৩৮৫)

মূল্য : টাকা ৮.০০

Guideline for

Public-Private Partnership Technical Assistance Financing (PPPTAF)

1. Introduction

(a) The Government of Bangladesh has notified a Scheme for technical support to develop infrastructure projects that are to be undertaken through Public-Private Partnerships (PPP) within the purview of the Policy and Strategy for Public-Private Partnership (PPP) Projects 2010. A copy of the scheme is at **Annex-1**.

(b) The procedure to be followed for utilization of PPPTAF under this scheme is specified below:

2. Objectives

The PPPTAF would provide a strong instrument to improve the quality and development impact of the project. The aim of PPPTAF is to make thorough preparations for investments and to undertake infrastructure projects more effectively. It also aims at improving the capacity of the implementing agency to prepare investment operations, management and supervision of infrastructure projects. PPPTAF intends to achieve the following objectives in the planning and development of infrastructure projects:

- a. To bring more private investment in the country's infrastructure development through the provision of Technical Assistance (TA) and expert services;
- b. To assist the Line Ministries/Implementing Agencies in identifying and developing infrastructure projects;
- c. To achieve a fair risk allocation and expert contract negotiation with private sector investors;
- d. To access a pool of local and international expertise in private sector infrastructure development which Line Ministry/Implementing Agency can use as required.

3. Applicability

PPPTAF will be generally granted only to those projects that are In-Principle approved by the competent authority as per Policy & Strategy for Public-Private Partnership (PPP), 2010. This will be utilized to cover expenditure related to project development activities including (i) project identification, (ii) pre-feasibility studies, (iii) detailed feasibility studies (iv) procurement procedures, (v) documentation and evaluation, (vi) technical, financial, commercial and legal support, (vii) contractual and negotiations and other subsequent activities in relation to the project till signing the contract and achieving project financial close with the awarded tenderer. PPP Office will be able to utilize funds quickly from the PPPTAF to appoint consultants to support all project development activities that may be required.

In addition to project support, the PPPTAF may also be used to undertake the activities as stipulated in the Policy & Strategy for Public-Private Partnership (PPP), 2010.

4. Utilization of Funds

PPP Office will receive the PPPTAF Fund as initial contribution given by the Government as grant. This would be supplemented, should it become necessary, through the budgetary support by the Finance Division, Ministry of Finance from time to time.

The Public-Private Partnership Office will utilize the funds for project development activities in line with the approval process set out in this guideline.

5. Approval Process

The Implementing Agency will assess whether it can fund the costs of the development of project from its own budget. If this not possible because of budget constraints, the Implementing Agency through Line Ministry will apply to PPP Office in the prescribed format.

PPP Office will review the PPPTAF application. The main objectives of the review are:

- (a) To assess the eligibility of the project as stipulated in the Scheme of PPTA fund.
- (b) To assess Value for Money and the necessity of PPPTAF based on this review.
- (c) To assess the proportion of TA funds will be recoverable on a project from the successful tenderer.

Based on this review PPPO will prepare a PPPTAF proposition and place before the following inter ministerial committee for approval:

- | | |
|---|-------------------|
| (i) Chief Executive Officer, PPP Office | -Chairperson |
| (ii) Deputy Secretary, PPP Unit, FD | -Member |
| (iii) Deputy Secretary, LM | -Member |
| (iv) Representative from the IA | -Member |
| (v) Deputy Chief, Planning Commission | -Member |
| (vi) Deputy Manager, PPP Office | -Member Secretary |

Approval of this inter ministerial committee is final to enable the provision of PPPTAF support for any project and to permit the PPP Office to utilize the funds.

6. Appointment of Consultants

PPP Office will appoint local or foreign consultants in order to obtain service of any of the area stipulated in the Policy & Strategy for Public-Private Partnership (PPP), 2010 through competitive tendering process as per the Public Procurement Act, 2006 and the Public Procurement Rules, 2008. The consultants may be appointed on a project by project basis or be appointed from a panel of consultants as per requirement.

7. Recovery of PPPTAF

PPPTAF will be utilized to meet expenses related to project development activities. On successful completion of the tendering process, the project development expenditure will be fully or partially recovered from the successful tenderer as agreed under the PPPTAF approval process. The recovered PPPTAF from the successful tenderer shall be deposited to the PPPTAF Fund.

8. Monitoring

The PPP Office will prepare a monitoring work plan to facilitate monitoring of different individual project and thereby ensure that the pace of work is consistent with the targeted work plan. Monitoring would be made through regular reports on the progress of the work. The LM/IA shall among other things reports monthly to the PPP office and PPP Unit on:

- a. Progress in accordance with plan to identify and develop the PP Project;
- b. Deviation from the project development schedule and possible repercussion for the project;
- c. Project report complying with policies, rules and regulation.

Annex-1

**Scheme for
Public-Private Partnership Technical Assistance Financing
(PPPTAF)
to support ppp project development**

Whereas the Government of Bangladesh recognizes that there is significant deficit in the availability of physical infrastructure across different sectors and that this is hindering economic development;

Whereas the development of infrastructure requires large investments that can not be undertaken out of public financing alone, and that in order to attract private capital as well as the technology, innovation and managerial efficiencies associated with it, the Government is committed to promoting Public-Private Partnerships (PPPs) in Infrastructure development;

Whereas the Government of Bangladesh has notified the Strategy and Policy for Public-Private Partnerships (PPP), 2010;

Whereas lack of credible projects to offer to Private investors has been identified as one of the major constraints in promoting PPPs. Therefore, a more aggressive approach is needed for preparing a pipeline of credible bankable projects that can be offered to the private sector through competitive Tendering process;

Whereas the Government of Bangladesh recognizes that upfront infrastructure project development facility is an important and often needed tool for catalyzing professional and inevitable development of complex infrastructure project; and

Now, therefore, the Government of Bangladesh has decided to put into effect the following Scheme for providing fund for financing project development costs to overcome budget constraints in financing project development including cost of engaging consultants, PPP capacity and awareness building.

1. Short Title and Extent

This Scheme will be called the Public-Private Partnership Technical Assistance Financing (PPPTAF). It will be a Scheme to be Administered by the Public-Private Partnership office.

The Scheme shall come into force with immediate effect.

2. Eligibility

In order to be eligible for financing under this Scheme, a PPP project shall meet the following criteria:

(a) PPPTAF will be generally granted only to those projects that are in-Principle approved by the competent authority as per Policy & Strategy for Public-Private Partnership (PPP), 2010;

(b) The project shall be implemented by the Line Ministry/Implementing Agency and to be developed, financed, constructed, maintained and operated by a Private Partner to be selected by the Government or its Agency through a Competitive Tendering Process;

(c) The project shall be from the sector as stipulated in the Policy and Strategy for Public-Private Partnership (PPP), 2010;

- (d) The project will primarily be reflected in the Implementing Agency's Strategic Priority;
- (e) The capacity and appetite shall be there to attract the private sector to participate in the project;
- (f) The PPP project Procurement history shall reflect adequate commitment to the project on the part of implementing Agency with adequate policy and regulatory support.

3. PPPTAF Fund

A fund will be created under the name of Public-Private Partnership Technical Assistance Financing (PPPTAF) Fund and will be managed and administered by the Public-Private Partnership Office. PPPTAF Fund will be revolving by its nature.

The Public-Private Partnership Office shall spend funds as per a approved guideline and sent utilization report to the Finance Division periodically as decided by the Finance Division.

4. Funding Sources

Public-Private Partnership Technical Assistance Financing (PPPTAF) Fund will be created with initial contribution of BDT 100 (Taka One Hundred Crore) Crore by the Government as grant. It is envisaged as revolving fund and would get replenished by the reimbursement through assistance recovered from successful tenderer. If there would be any need it can be supplemented in subsequent years through the budget support. PPPTAF may also be financed from the Development Partners when possible.

5. Recovery of PPPTAF

On successful completion of the process, Public-Private Partnership Technical Assistance Financing (PPPTAF) will be fully or partially recovered from the successful tenderer as agreed.

6. Guidelines

Finance Division will issue Public-Private Partnership Technical Assistance Financing (PPPTAF) Guidelines with the approval by the CCEA to operationalize Public-Private Partnership Technical Assistance Financing (PPPTAF) Scheme.