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## **OECD training course in collaboration with the IMF-Middle East Center for Economics and Finance**

*“Bringing Success to you PPP Project”*

**PPPs Training Seminar Draft Agenda**

### ***Venue***

IMF-Middle East Center for Economics and Finance

The Symphony Building

Salem Al Mubarak St.

Salmiya, Block 71

Kuwait City

**1-3 September, 2015**

# BACKGROUND

## Challenges around PPPs

The complexity of Public-Private Partnerships (PPPs) requires a number of capacities in government both in terms of skills, institutional structures and legal framework. There needs to be a robust system of planning and prioritisation of infrastructure service projects where various type of PPP may be considered and then selected over other delivery methods. For this purpose new tools for assessing value for money are necessary together with and transparent and consistent guidelines regarding non-quantifiable socio – economics elements in the value for money judgement. It is also necessary to prepare state of the art bidding documents and often to develop innovative and transparent procurement procedures. It is equally important to classify, measure and contractually defuse, share or allocate risk to the party best able to manage it having in mind the general interest of the beneficiaries throughout the project life cycle. Ability to monitor and adapt if necessary the PPP contract is another challenge which requires inter alia sound accounting and budgeting practices.

PPP's are contractual agreements between governments or public authorities and a private partner where the service delivery objectives of the government toward the public are best fulfilled by requiring the private partner to finance, design, build or rehabilitate an infrastructure which is the basis of a public service, then to operate the infrastructure or render full service to the public during a period permitting it to recover its investment and make a reasonable profit. Depending of the type of PPP family the recovery comes from public budget, from user's fees or a combination of both. One key element is the bundling of the construction and operation and maintenance of the underlying infrastructure or facility over the life of the contract. Another one is the requirement to fulfill the general interest requirements of the public partner over the lifetime of the agreement which necessitate in many situations important generic contractual provisions and underlying legal concepts comprising "partnership clauses" and project finance techniques specific to the majority of future and affordable PPP's.

## Objectives of the training course

The goal of the training course is to offer the participants an overview of Public-Private Partnerships in terms of rationale, decision making tools, process and institutional issues. The course will be conducted by OECD in cooperation with IMF, and will use both theory and case studies based on the experiences of the OECD and its members, and will draw extensively on the experiences of the participants. The main focus of the training will be to introduce and put emphasis on the respective roles and specific strategies of the 3 categories of stakeholders which represent the driving forces of a PPP project: the Public contracting authority, the private sector, and the financiers.

The speakers have an in-depth and diversified knowledge of the topic from both the public and private side and from a number of OECD and MENA countries. Importantly, all the trainers will be present throughout the course and will continuously contribute to each session in a way which intend to encourage general participation and lively discussion.

## Benefits of the Course

This course is aimed at professionals who have confirmed experience with infrastructure projects and wish to improve their knowledge and decision-making capacity to enact policies related to PPPs. Led by instructors who are leaders in their field, the course aims that participants:

- ✓ Gain in-depth knowledge of PPPs in order to better develop policy frameworks and manage projects

- ✓ Be armed with multiple, concrete examples of projects and how to maximize their success while addressing problems that might cause them to fail;
- ✓ Expand their professional networks;
- ✓ Gain specific tools and strategies for reforming institutions and creating new ones to facilitate PPPs in their home countries.

### **Meeting Documentation**

Relevant documentation will be made available in the training room and can be found on the CEF website. There will be simultaneous translation in English and Arabic.

# AGENDA (DRAFT)

**Tuesday, 01 September 2015**

8:30 – 18:30	Day 1 OVERVIEW OF THE PPP POLICY FRAMEWORK AND INSTRUMENTS
<b>8:30-9:00</b>	<b>Registration</b>
<b>9:00-9:30</b>	<p><b>Opening remarks and introduction to the seminar</b></p> <ul style="list-style-type: none"> <li>• Structure, organisation, content</li> <li>• Introduction of speakers and participants</li> </ul> <p><b>Speakers: Mr. Oussama Kanaan, IMF CEF Director, Mr. Olivier de Saint-Lager, Senior Counsellor, Middle East and Africa Division, OECD and co-chair of the OECD-ISMED (investment security in the Mediterranean region) working group.</b></p>
<b>9:30-11:00</b>	<p><b>Basic Notions</b></p> <p><b>Session 1: Outlook of the infrastructure challenges in MENA countries and role of the public sector</b></p> <p><b>Speaker: Mr. Olivier De Saint-Lager</b></p> <p><b>Discussant: Mr Atter Hannoura, Chief of PPP Unit, Ministry of Finance, Egypt</b></p> <p>Questions and answers with participants (Q &amp; A)</p> <p><b>Session 2: Basic notions on PPPs</b></p> <ul style="list-style-type: none"> <li>• What are we talking about?</li> <li>• Distinctive features of PPP:               <ul style="list-style-type: none"> <li>- PPP different from Public Procurement</li> <li>- PPP different from privatization</li> <li>- The two families of PPPs : public payment, users fees</li> </ul> </li> <li>• Underlying conditions for pipelines of successful PPPs :               <ul style="list-style-type: none"> <li>- The need of innovative legal and contractual framework</li> <li>- Which PPP to promote in the region and why?</li> </ul> </li> </ul> <p><b>Speaker: Mr. Marc Frilet, attorney-at-law, co-promoter of the UNECE International Centre of Excellence PPP Policy, Law and Institutions</b></p> <p><b>Discussant: Mr Luigi De Pierris, senior advisor, African Bank of Development</b></p> <p>Q &amp; A</p>

<b>11:00-11:30</b>	<b>Coffee Break</b>
<b>11:30-13:00</b>	<p><b>The Public Policy Instruments</b></p> <p><b>Session 3: The national enabling framework</b></p> <ul style="list-style-type: none"> <li>• Business climate; national, legal, financial and pro-investment framework</li> <li>• Reliability, accountability, and integrity</li> </ul> <p><b>Speaker: Mr Atter Hannoura</b></p> <p><b>Discussant: Mr Selim Guedouar, Policy Analyst, OECD</b></p> <p>Q &amp; A</p> <p><b>Session 4: The public contracting Authority’s responsibilities and instruments</b></p> <ul style="list-style-type: none"> <li>• Planning and prioritization of infrastructure public services</li> <li>• The decision making process</li> <li>• Needs and roles of PPP Units</li> <li>• The selection of project partners, the procurement or tender process</li> <li>• Needs and roles of an independent regulatory Authority</li> </ul> <p><b>Speaker: Mr Atter Hannoura</b></p> <p><b>Discussant: Mr Marc Frilet and Mr. Selim Guedouar</b></p> <p>Q &amp; A</p>
<b>13:00-14:00</b>	<b>Lunch Break</b>
<b>14:00-15:30</b>	<p><b>Session 5: The Private Partner expectations</b></p> <ul style="list-style-type: none"> <li>• Project evaluation and decisions to bid</li> <li>• International and local alliance strategies</li> <li>• Structural procurement conditions and transparency</li> <li>• Contract content and project implementation: decreasing the risks: allocation or sharing of risks and rewards, public service obligations, contract variation, dispute avoidance and dispute resolution</li> <li>• Equity commitment and financing consideration</li> <li>• Anti-bribery OECD’s Convention and law enforcement: practical issues to address</li> </ul> <p><b>Speaker: Mr Marc Frilet</b></p> <p><b>Discussant: Mr Luigi De Pierris</b></p> <p>Q &amp; A</p>

	<p><b>Session 6: The Banking Partners</b></p> <ul style="list-style-type: none"> <li>• Funding sources: multilateral financial institutions, long term investors (infrastructure funds, pension funds, and national development agencies), commercial bank loans, private international and domestic investor, donor funds, concession loans, grants and subsidies.</li> <li>• Syndication of loan providers (senior debt, subordinated debts, mezzanine), blending</li> <li>• Political guarantees, insurances, securitization of cash flows an assets</li> <li>• Conventional and Islamic finance</li> <li>• Legal recourses</li> </ul> <p><b>Speaker: Mr Luigi de Pierris</b></p> <p>Q &amp; A</p>
<b>15:30</b>	<b>End of Plenary Session</b>
<b>15:30-17:30</b>	<p><b>Personal Preparation of Play Roles 1 with Case Study (Case Selected by Speakers)</b></p> <ul style="list-style-type: none"> <li>• Constitution of sub-groups</li> <li>• Presentation of the case</li> <li>• Work within the sub-group</li> <li>• <b>Co-ordinator of Play Roles 1: Marc Frilet</b></li> </ul>

### Wednesday, 02 September 2015

<b>9:00-18:30</b>	<b>Day 2 STAKEHOLDERS POLICIES AND CASE STUDIES</b>
<b>8:30-11:00</b>	<p><b>Presentation of Results and Debriefing of Role Play 1</b></p> <p><b>Speakers:</b> Representatives from every sub-group</p> <p><b>Discussants: Mr Marc Frilet</b></p> <p>Q &amp; A</p>
<b>11:00-11:30</b>	<b>Coffee Break</b>
<b>11:30-13:00</b>	<p><b>Session 7: The Public Policy's Main Objective: optimizing public service delivery: planning, project prioritization and analytic tools (evaluating socio economic externalities, Value for Money, public sector comparator, etc.)</b></p>

	<p><b>Speaker: Mr Atter Hannoura</b></p> <p><b>Discussant: Mr Selim Guedouar</b></p> <p>Q &amp; A</p>
<b>13:00-14:00</b>	<b>Lunch Break</b>
<b>14:00 -15:00</b>	<p><b>Session 8: The Private Sector’s Main Objective: “a well prepared and workable Project based on long term economic equilibrium” (with reference to practical cases)</b></p> <p><b>Speaker: Mr Emrey Aykar</b></p> <p><b>Discussants: Mr Marc Frilet</b></p> <p>Questions and answers with the participants</p>
<b>15:00-15:30</b>	<p><b>Session 9: The Financing Requirements: “A Bankable Project” (with reference to practical cases)</b></p> <p><b>Speaker: Luigi De Pierris</b></p> <p><b>Discussant: Mr Emre Aykar</b></p> <p>Q &amp; A</p>
<b>15:30</b>	<b>End of plenary session</b>
<b>15:30-17:30</b>	<p><b>Personal preparation of Play Roles 2 with case study (cases selected by participants)</b></p> <ul style="list-style-type: none"> <li>• Constitution of sub-groups</li> <li>• Presentation of the case-study by participants</li> <li>• Work within the sub-groups</li> <li>• <b>Co-ordinator of Play roles 2: Luigi De Pierris</b></li> </ul>

### Thursday, 03 September 2015

<b>8:30 – 15:30</b>	<b>Day 3 MASTERING OPPORTUNITIES AND CHALLENGES</b>
<b>8:30-11:00</b>	<b>Presentation of the results and debriefing of Role-play 2</b>

	<p><b>Speaker: Representatives of sub-groups</b></p> <p><b>Discussants: Mr Atter Hannoura; Mr Luigi De Pierris;</b></p> <p>Q &amp; A</p>
<b>11:00-11:30</b>	<b>Coffee Break</b>
<b>11:30-13:00</b>	<p><b>Session 10: Risk Mitigation Instruments</b></p> <ul style="list-style-type: none"> <li>• Rating of projects</li> <li>• Guarantees, export credit agencies, private insurances</li> <li>• Innovative risk mitigation instruments</li> </ul> <p><b>Speaker: Mr Luigi de Pierris</b></p> <p><b>Discussants: Olivier De Saint-Lager</b></p> <p>Q &amp; A</p>
<b>13:00-14:00</b>	<b>Lunch Break</b>
<b>14:00-14:30</b>	<p><b>Session 11 : Settlement of disputes</b></p> <ul style="list-style-type: none"> <li>• Negotiation, expertise, regulatory board's role</li> <li>• Amicable settlement of disputes (mediation, Disputes review board)</li> <li>• Litigation (national courts) or international arbitration</li> </ul> <p><b>Speaker: Mr Olivier de Saint-Lager</b></p> <p><b>Discussant :Mr Atter Hannoura</b></p> <p>Q &amp; A</p>
<b>14:30-15:30</b>	<p><b>Session 12: Multilateral existing PPPs guidelines references and presentation of a PPP knowledge kit</b></p> <ul style="list-style-type: none"> <li>• OECD, World Bank and UN Guidelines</li> <li>• Presentation of the OECD-ISMED knowledge kit</li> </ul> <p><b>Speaker: Olivier de Saint-Lager</b></p>



	<b>Discussants: Mr Atter Hannoura, Mr Luigi De Pierris</b> Q & A
<b>15:30</b>	<b>End of Training course</b>
	<b>Conclusions and Wrap-up Session</b>