

GENERAL INFORMATION

Capital : Khartoum	Population : 45,66 million (2021)	GDP (USD) : 34,33 billions (2021)
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LEGAL AND INSTITUTIONAL FRAMEWORK

PPP Law and other applicable texts	The Public and Private Sector Partnership Act 2021 (PPP Act, 2021);
Other Applicable Sectoral Law	Public Procurement, Contracting and Disposal of Public Assets Act, 2011
PPP Unit (PPP Act, 2021, Art. 8)	The PPP Act provides for the establishment of the Central Unit, which will be subordinated to and under the direct supervision of the Ministry of Finance and Economic Planning.
Definition (PPP Act, 2021, Art. 3)	“Partnership” or “Contract” means a partnership contract or a long-term contract concluded in accordance with the provisions of this Act, by and between a contracting body and the private sector, or a project company, as the case may be, for the development or management of assets or public services, under which the private party shall take the highest rate of risks relating to finance, management and maintenance, throughout the period of validity of the contract, and under which the financial benefits of the private party shall closely be correlated with levels of performance and volume of demand for the provided goods or services, or on the degree of the use of such assets or public services by the public;
General principles (PPP Act, 2021, Art. 5)	Justice; transparency; respecting contractual obligations; planning and realization of the feasibility development objectives.
Tendering and contracting procedures/ Choice of the private partnership (PPP Act, 2021, Art. 19)	The partnership project competition shall be offered through one of the following methods: <ul style="list-style-type: none"> - one phase open competition; - two phase competition;

- limited competition;
- competitive dialogue;
- any other method as may be prescribed by the regulations, or a decision made thereof, by the Council.

Project Evaluation

(PPP Act, 2021, Art. 12 and 14)

Every government body desirous to propose a project falling within the scope of its specialty, may on its own, or upon proposal by the private sector, apply to the Central Unit, supported by an initial feasibility study of the project, in accordance with the rules and procedures, as the regulations may specify.

The Central Unit may, after approval of the Council, propose a partnership project, and for this purpose, shall prepare an initial feasibility study of the proposed partnership project, in cooperation and coordination with a government body.

The government bodies, with the approval of the Central Unit shall form a committee for every individual partnership project to be known as the "Project Committee".

The Project Committee shall assume the preparation of a comprehensive feasibility study on the partnership project addressing the technical, economic, environmental, marketing, social, legal and financial aspects including the qualification standards, and the extent of investors interest of the partnership project and the possibility of attracting the necessary funding, in accordance with the rules and procedures, as may be specified by the regulations.

Negotiation and Signature of PPP Contracts

(PPP Act 2021, Art 33(2))

No provision in the law with regards to the negotiation of the partnership contract.

Any government body shall be competent to conclude a partnership contract that falls within its competence.

Rights and Obligations of the public partner

(PPP Act, 2021, Art. 28)

The government body is obliged to respect a ten days cessation period during which the award decision may not be approved in order to enable bidders whose bids have not been accepted to object against the award decision.

<p>Rights and Obligations of the private partner (PPP Act, 2021, Art. 30)</p>	<p>Without prejudice to the obligations provided by the partnership contract, the project company is to comply with the obligations listed under Art. 30 including periodic reporting requirements; not to sell or mortgage the land on which the partnership project is established; not to sell or mortgage the shares owned by the project company and a commitment to transfer expertise, technology and knowledge to the contracting body.</p>
<p>(PPP Act, 2021, Art. 32)</p>	<p>The private sector or the project company may collect fees or realize revenues or financial returns from the project in accordance with the provisions of the partnership contract after the issuance by the contracting body of a certificate level of acceptance of the quality of the products or the services offered.</p>
<p>Obligations of both public and private partners</p>	<p>No provision in the PPP Law.</p>

<p>Applicable Law (PPP Act 2021, Art. 39)</p>	<p>The partnership contract shall be subject to the provisions of the Sudanese Law.</p>
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<p>Dispute Resolution (PPP Act 2021, Art 39-40)</p>	<p>The Sudanese Courts shall have jurisdiction to hear disputes arising between the parties.</p> <p>The Council may constitute an independent committee to be know as “the Committee for consideration and adjudication of complaints and grievances” to consider and adjudicate complaints, objections and grievances relating to the bidding and award of the partnership project.</p>
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EXAMPLES OF PROJECTS STRUCTURED AS PPP

<p>Ports</p>	<p>South Port Container Terminal Concession</p> <p>Juba Port Concession</p>
<p>Water</p>	<p>Omduman Water Treatment Plant</p>
<p>Information and communication technology</p>	<p>Kanartel</p>