

GENERAL INFORMATION

Capital: Victoria	Population: 99, 258 million (2021)	GDP: USD 1,454 billion (2021)
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LEGAL AND INSTITUTIONAL FRAMEWORK

PPP Law and other applicable texts	<ul style="list-style-type: none"> - Public Procurement Act (2008) (as amended) (PPA) - Seychelles Investment Act, 2010 (SIA, 2010) - Public-Private Partnership Act, 2017 (proposed) (PPPA 2017)
Other Applicable Sectoral Laws	<ul style="list-style-type: none"> - Energy Act, 2012 (EA, 2012)
PPP Unit (PPPA 2017, Part I, Section 2)	A Project Investment Management Unit (PIMU) is established as a unit within the Ministry of Finance and is mandated to oversee and support the development of PPPs by contracting authorities.
Definition (PPPA 2017, Part I, Section 2)	<p>“Public-private partnership”, or “PPP”, means a public investment project between a contracting authority and a private party in terms of which the private party:</p> <ul style="list-style-type: none"> (a) performs a public function on behalf of the contracting authority; and (b) where relevant, acquires the use of public property for its own commercial purposes; and (c) assumes substantial financial, technical and operational risks in connection with the performance of the public function and/or use of public property; and (d) receives a benefit for performing the public function or from utilising the public property, either by way of - (i) consideration to be paid by the contracting authority which derives from the Consolidated Fund or, where the contracting authority is a public enterprise, from the revenues of such enterprise; or (ii) charges or fees to be collected by the private party from users or customers of a service provided to them; or (iii) a combination of such consideration and such charges or fees.
General Principles (SIA, 2010, Art 4-9)	Any investment in Seychelles shall be in accordance with (i) the principle of fair and equitable treatment of investor, (ii) the protection of property, (iii) the principle of transparency, (iv) the principle of the continuation of activities and the protection of the transfers of the investor’s profits (<i>Part II, Investment Protection</i>)

Tendering and contracting procedures / Choice of the private partnership
(PPPA 2017 Part IV Section 11)
(PPA, Part V, Section 42)

The Public Procurement Act applies to the procurement of public private partnerships.

Under the Public Procurement Act, the procurement methods include:

- Open tendering;
- Limited bidding
- Direct bidding; and
- Emergency procurement.

Out of the processes listed above, the open tendering method is to be used on every tendering process unless an alternative procurement procedure is specifically allowed under Part VII of the Public Procurement Act.

Project Evaluation
(PPPA 2017, Part III, Section 7)

In the initial screening phase of the PPP project cycle, a contracting authority shall be responsible for the completion of –

The project proposal documentation, and, where applicable, a pre-feasibility study, in the form prescribed in the PIMM; and

A legal opinion from a duly qualified expert confirming that the public investment project complies with the requirements of a PPP as defined in the PPP Act.

If the Development Committee approves the project proposal, the contracting authority shall advance to preparing a feasibility study subject to any conditions set down in the Development Committee’s approval.

Negotiation and Signature of PPP Contracts
(PPPA 2017, Part II, Section 4)

The contracting authority, through the accounting officer, signs the PPP agreement.

Rights and Obligations of the public partner
(PPPA 2017, Part II, Section 6)

Contracting authorities identify, develop, procure and monitor PPPs. The full list of responsibilities’ of contracting authorities appear at Section 6 of the PPP Act.

Rights and Obligations of the private partner

No provision in the Act

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

Applicable Law
(PPPA 2017 Part IV, Section 12) Every PPP agreement shall be governed and construed in accordance with the laws of Seychelles.

Dispute resolution
(PPPA 2017 Part IV, Section 12) Every PPP agreement shall provide for disputes between the private party and the contracting authority to be settled by arbitration, according to the rules defined in the PPP agreement.

EXAMPLES OF PROJECTS STRUCTURED AS PPP

Port	Victoria Port
ICT	Telecom Seychelles Ltd