

## GENERAL INFORMATION

**Capital:** Mogadishu

**Population:** 10,787,104

**GDP (USD):** 5,925 Million

## LEGAL AND INSTITUTIONAL FRAMEWORK

### PPP Law

- Public Procurement, Concessions and Disposal Act, 2014 (PPCDA)

### PPP Unit

- No PPP Unit; PPP are launched, implemented and governed by relevant line Ministries depending of the sectors.

### Definition

(Art. 3 of PPCDA, 2014)

“Concession” means the grant of an interest in a public asset by a Procuring Entity to a non-public entity for a specified period during which the asset may be operated, managed, utilized, or improved by the non-public entity for a fee or royalties or other consideration under the conditions specified in the concession agreement. (Art. 3)

### General Principles

(Foreword of PPCDA, 2014)

- Maximize economy and efficiency in procurement and obtain best value for public expenditures;
- Promote economic development;
- Build capacity of officials and institutions in public procurement processes;
- Promote competition and foster participation in all procurement proceedings and agreements by qualified suppliers, consultants, business people and contractors;
- Promote integrity, fairness, accountability, public confidence and transparency;
- Give equal access without discrimination to all eligible

and qualified suppliers of services, goods and works;

- Promote the growth of local business people (indigenous);
- Eradicate corruption, monopolies and promote competitiveness in the concession of procurement process.

### **Tendering and contracting procedures / Choice of the private partnership**

**(Art. 69 to 87 of PPCDA, 2014)**

- Competitive Bidding (art. 69 to art. 83)
- Limited or Restricted Competitive Bidding (art. 84)
- Use of government construction team (art. 85)
- Request for quotations (art. 86)
- Direct contracting (art. 87)
- Certificate for concession

### **Project Evaluation**

**(Art 116 to 130 of PPCDA, 2014)**

Every concession implementation process shall commence with the issue of a Certificate for Concession and no concession shall be implemented unless the proposed project has been issued with a Certificate for Concession. The Ministry responsible for Economic Affairs shall have the sole responsibility to issue the Certificate for Concession (art. 116).

- Public Consultation

A concession Entity shall pursuant to the receipt of the Certificate for Concession undertake public stakeholder consultations as part of the concession implementation process. (art. 118); Contents and records of public consultation detailed under art. 122

- Feasibility Study

A Concession Entity shall undertake preliminary or prefeasibility studies to determine the feasibility of a proposed project and the prefeasibility studies may be carried out in consultation with the Minister responsible for Economic Affairs and other experts whether from the private or public sector as appropriate (art. 130)

<b>Negotiation and Signature of PPP Contracts</b> <b>(Art. 141 and 143 of PPCDA, 2014)</b>	<p>The Form of contract for each Concession Agreement shall be developed by the Concession Entity in collaboration with the Ministry of Justice and endorsed by the Inter-Ministerial Concessions Committee prior to Negotiations (art. 141).</p> <p>The Negotiation Team shall negotiate each contract by taking into account the factors listed under art. 142 and issues listed under art. 143.</p>
<b>Rights and Obligations of the public partner</b>	No provision in the law.
<b>Rights and Obligations of the private partner</b>	No provision in the law.
<b>Obligations of both public and private partners</b>	No provision in the law.
<b>Applicable Law / Dispute resolution</b>	No provision in the law.

## EXAMPLES OF PROJECTS STRUCTURED AS PPP

<b>Airport</b>	Aden Adle Airport
<b>Information and Communication Technology</b>	DARE submarine broadband cable NationLink Telecom