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Municipal Public-Private Partnership Framework

02

The Municipal Public-Private Partnership Framework can be found at www.thegpsc.org and www.worldbank.org/ppplrc

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1.0

Introduction to and Instructions for the Project Concept Assessment Tool

Project selection is critical to ensuring that limited municipal government resources are invested to their maximum effect. This entails obtaining and evaluating data on a project's technical, financial, and legal viability. At the same time, completing a full feasibility study can be costly, such that it is beneficial to undertake a preliminary assessment of a project's potential based on more limited information before conducting such a study.

This module is intended to help practitioners make an initial assessment of project feasibility as a PPP, based on core project characteristics set forth in Module 3: Project Concept Note. Within each section, there are a series of positive statements that, if true, indicate that the project may be suited for delivery as a PPP. Linked to each of these statements are a series of questions designed to help practitioners identify key pieces of information about the project that need to be known and, depending on the response, determine if it is realistic and desirable to proceed with the project. It is not expected that detailed information on all of the topics covered will be available at this early stage but rather that considering the type of information a feasibility study would need to produce, and the foreseeable or likely results will help practitioners determine if it is reasonable to undertake a feasibility study.

This project assessment tool has been influenced by the following sources, which will also be helpful for any municipality in evaluating projects for PPP viability and preparing PPP projects:

- Global Infrastructure Hub, Reference Tool on Governmental Processes Facilitating Infrastructure Project Preparation (Global Infrastructure Hub January 2019), available at: <https://www.gihub.org/project-preparation>. Infrastructure Working Group, G20 Principles for the Infrastructure Project Preparation Phase (July 2018), available at: http://www.g20.utoronto.ca/2018/principles_for_infrastructure_project_preparation.pdf.
- Infrastructure and Projects Authority, Project Initiation Routemap (HM Government June 15, 2016), available at: <https://www.gov.uk/government/publications/improving-infrastructure-delivery-project-initiation-routemap>.
- The World Bank Group, Success Stories and Lessons Learned: Country, Sector and Project Examples of Overcoming Constraints to Financing Infrastructure (prepared by the World Bank Group for the G20 Investment and Infrastructure Working Group January 2014), available at: http://www.g20.utoronto.ca/2014/WBG_IIWG_Success_Stories_Overcoming_Constraints_to_the_Financing_of_Infrastructure.pdf.
- The World Bank Group, A Checklist for Public-Private Partnership Projects (prepared by the World Bank Group for the G20 Investment and Infrastructure Working Group August 22, 2014), available at: <https://ppp.worldbank.org/public-private-partnership/library/checklist-public-private-partnership-projects-submitted-world-bank-g20-investment-and-infras>.

2.0

The Project Concept Assessment Tool

Section 1. Preliminary Considerations

This section addresses threshold issues designed to screen projects for fundamental viability as a PPP. Negative responses indicate that the project is not a good candidate for a PPP, or that further information needs to be obtained before considering delivery as a PPP.

		Strongly Agree	Somewhat Agree	Somewhat Disagree	Strongly Disagree
1. The development rationale for the project is clear.	• Has a project concept note and/or a study been completed for the project?	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
	• Does the project have direct social, economic, and/or environmental benefits that are likely to greatly exceed the project cost?	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
	• Is the project included in, or clearly in line with, an official development plan or strategy?	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
2. Delivery of the project as a PPP is within the municipality's legal mandate.	• Do the applicable laws clearly define the institution or institutions responsible for this type of infrastructure or service?	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
	• Is provision of this type of infrastructure or service the exclusive responsibility of the municipality, or the shared responsibility of the municipality and one or more other readily identifiable entities?	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
	• Do applicable laws permit private participation in this type of infrastructure or service?	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
3. The estimated investment cost (capital expenditure) is known, or can be reasonably approximated, and is suitable for a PPP.	• Is the approximate investment cost known or reasonably estimable? o For example, there are comparable projects in this or similar jurisdictions, a technical study has estimated the cost	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
	• Is the investment cost reasonably predictable? o For example, unlikely to change significantly as engineering designs are completed and construction is under way	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
	• Does the estimated investment cost exceed US\$1 million?	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
4. The proposed duration of the project (for example, PPP agreement term) is suitable for a PPP.	• Does the project entail delivery of public infrastructure and continuous service, and so involvement by the PSP (PPP), for at least five years?	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>

Preliminary Considerations

	Strongly Agree	Somewhat Agree	Somewhat Disagree	Strongly Disagree
5. Funding is or will be available for project preparation. <ul style="list-style-type: none"> • Has the municipality or other government authority budgeted funds, or does it have access to funds, to complete project preparation? <ul style="list-style-type: none"> o For example, preparing feasibility studies, acquiring land, environmental and social impact cost mitigation 	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>

Section 2. Financial Considerations

This section addresses fundamental aspects of a project's financial viability, that is, whether project revenues are sufficient to cover costs and provide a reasonable rate of return. Positive responses, or reasonable expectations that a feasibility study will provide positive responses, generally indicate that a project may have sufficient commercial appeal for delivery as a PPP.

Financial Considerations

	Strongly Agree	Somewhat Agree	Somewhat Disagree	Strongly Disagree
1. There is clear demand for the project. <ul style="list-style-type: none"> • Does the project deliver public infrastructure or service for which there is an obvious need? <ul style="list-style-type: none"> o That is, have end users expressed a demand for the infrastructure or service to be provided? • Is there a clear and measurable demand for the infrastructure or service? <ul style="list-style-type: none"> o For example, location, target population, and offtaker • Can the demand for the infrastructure service be reasonably and credibly forecast over the proposed term of the project? 	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
2. The project will generate predictable and sustainable revenues. <ul style="list-style-type: none"> • Do end users or offtakers pay for the infrastructure or service provided by the project? <ul style="list-style-type: none"> o For example, tolls, parking fees, ticket fares, housing rental payments, and supply of clean water to a distributor • If end users pay, are projected end user fees likely to be reasonably within the target population's ability and willingness to pay? • Are there additional market-based revenue streams? <ul style="list-style-type: none"> o For example, advertising and lease of commercial space o See Module 16 on Harnessing Land Value Capture and Module 17 on Capturing Commercial Value • Can revenues from end users and other market-based sources be reasonably estimated and reliably forecasted? <ul style="list-style-type: none"> o For example, offtake charge or user charge and volume assumptions backed by surveys or forecasting from historical data, market value of lease space 	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>

Financial Considerations

		Strongly Agree	Somewhat Agree	Somewhat Disagree	Strongly Disagree
	<ul style="list-style-type: none"> Are government (national, state/provincial, and/or municipal) funds, payments, or subsidies available to help pay for the project? 	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
3. The approximate cost of operation and maintenance/service delivery is known, or can reasonably be approximated, and might be reduced by the PSP.	<ul style="list-style-type: none"> Is the approximate cost of operation and maintenance/service delivery over the term of the project known or reasonably estimable? <ul style="list-style-type: none"> For example, there are comparable projects in this or similar jurisdictions; a technical study has estimated the cost Is the estimated cost of operation and maintenance/service delivery predictable? <ul style="list-style-type: none"> For example, unlikely to vary significantly as the project develops and over the term of the PPP agreement Is there potential for the PSP to operate and manage the project more efficiently than the public sector? 	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
4. The cost of financing can be reasonably approximated and is likely to be affordable.	<ul style="list-style-type: none"> Have comparable projects reached financial close in the region or country? Is long-term, non-recourse financing for infrastructure likely to be accessible for the project? Is there an indicative or preferred type of financing? <ul style="list-style-type: none"> For example, private equity, commercial bank loan, multilateral, bilateral or national development bank loan, or bond issuance Can financing assumptions be made based on similar projects, prevailing rates, or general practices of indicative or preferred lenders? <ul style="list-style-type: none"> For example, debt-to-equity ratio, interest rate and tenure of debt, and cost of equity If foreign financing may be sought, are there any restrictions on foreign exchange or capital movements that may limit the project's access to finance? <ul style="list-style-type: none"> For example, restrictions on repatriating profits and lack of foreign exchange risk hedging tools 	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>

Section 3. Technical Considerations

This section addresses core technical aspects of the project, such as those related to land acquisition, engineering design, construction, and operation. Positive responses, or reasonable expectations that a feasibility study will provide positive responses, generally indicate that the project may be technologically feasible as a PPP or otherwise.

Note: For certain questions about environmental and social aspects of the project, a negative response indicates agreement with the positive statement. This should be clear from context and these questions have been identified with underlined font.

Technical Considerations

		Strongly Agree	Somewhat Agree	Somewhat Disagree	Strongly Disagree
1. There is a clear idea of the project's location, scope, design, and outcomes.	• Has an intended site for the project been identified?	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
	• Is there a clear conceptual vision for the project? o For example, facilities to be constructed or services to be delivered	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
	• Are project outcomes identifiable, definable, and measurable? o For example, number of people/ households served, amount of clean water supplied, and size of facility constructed	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
	• Does the project include a mechanism to involve poor communities near to or affected by the project?	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
	• Does the project include a strategy that allows women to receive information and share their views and concerns about the project?	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
2. The project concept is realistic and the preferred solution to the identified deficiency.	• Is the intended project site readily available and likely to be suitable for the project? o For example, necessary land has been obtained, is easily or reasonably accessible, can be used for the intended purpose, and is free of all encumbrances (for example, liens, easements, rights-of-way) that could impede the project	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
	• If the land for the project site has not been obtained, can it be realistically obtained, free of all encumbrances that could impede the project, before tendering bids for the PPP?	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
	• Has this type of project been done before, in this or comparable jurisdictions?	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
	• Is the project likely to rely on available, proven, and tested technology?	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
	• Has there or will there be an assessment of all reasonable technical solutions to address the need fulfilled by the project?	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
	• Is the proposed technical solution likely to address the need in a cost-effective and affordable manner?	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>

Technical Considerations

		Strongly Agree	Somewhat Agree	Somewhat Disagree	Strongly Disagree
3. There are no substantial environmental risks, or any such risks are likely to be manageable in an effective and cost-efficient manner.	• <u>Does the project present a significant risk to any natural resources or protected lands?</u>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
	• Is the project operation likely to be net carbon negative or neutral, in terms of greenhouse gas emissions?	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
	• Can the project design suitably address the impact of potential natural or human-induced hazards in the region?	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
	• Is the project design likely to be resilient and adaptive to evolving conditions resulting from climate change or other significant long-term changes in operational or environmental conditions?	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
	• Is the preparation of an environmental management strategy, or obtaining related approvals, likely to result in uncertainties or delays that could impede the project?	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
4. There are no substantial social risks, or any such risks are likely to be manageable in an effective and cost-efficient manner.	• Does the project present any significant risk to the health or quality of life of users, workers, or the local population?	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
	• Does the project require resettlement?	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
	• Is there or will there be a plan for communicating with and involving affected communities and key stakeholders during preparation of the project?	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
	• Is there known, or likely to be, opposition to the project from affected communities and/or key stakeholders?	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
	• Is addressing community or stakeholder opposition likely to result in uncertainties or delays that could impede the project?	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>

Section 4. Legal Considerations

This section addresses some of the key legal issues for delivering the project as a PPP, such as the municipality's authority to execute the PPP agreement, prerequisites and approvals, and legal restrictions on the PSP's participation in the sector. Positive responses generally indicate that there are likely no significant legal barriers to implementing the project as a PPP.

Legal Considerations

		Strongly Agree	Somewhat Agree	Somewhat Disagree	Strongly Disagree
1. The existing legal/regulatory framework for the project's sector is supportive of PPPs.	• Is there a generally applicable PPP law/regulation that applies to this sector?	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
	• Is there an infrastructure- or sector-specific law/regulation that addresses private participation in this sector?	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
	• Is there a procurement law/regulation that applies to PPPs?	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>

Legal Considerations

		Strongly Agree	Somewhat Agree	Somewhat Disagree	Strongly Disagree
2. The municipality has clear legal authority to enter into a long-term PPP agreement for the project.	<ul style="list-style-type: none"> Does the municipality have a clear legal basis for entering into long-term contracts? <ul style="list-style-type: none"> For example, contracts that extend past the term of office of the municipality's chief officer 	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
	<ul style="list-style-type: none"> Is it clear which officials need to sign the actual PPP agreement on behalf of the municipality to create a legally binding contract? 	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
	<ul style="list-style-type: none"> If the PSP will be involved in service delivery (for example, clean water supply), does the municipality have explicit authority to delegate responsibility for providing this service to the PSP? 	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
3. Legal prerequisites are known or identifiable and unlikely to present a significant barrier to the project.	<ul style="list-style-type: none"> Is the municipality aware of the legal requirements, if any, that need to be met or fulfilled in preparing, procuring, and/or implementing the project? <ul style="list-style-type: none"> For example, required contents of feasibility studies, competitive procurement, review and approval by a national or state/provincial authority 	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
	<ul style="list-style-type: none"> Can the project proceed without approval from any legislative body? 	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
	<ul style="list-style-type: none"> Is the municipality aware of the requirements and processes for obtaining all necessary licenses, approvals, and permits for the project? 	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
4. The municipality has clear legal authority over tariffs paid by end users, if any, consistent with the project concept.	<ul style="list-style-type: none"> Is there a legal and institutional framework for charging tariffs, with transparent and well-defined methodologies for tariff adjustment? 	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
	<ul style="list-style-type: none"> Does the municipality or offtaker have clear and exclusive authority to collect, keep, and adjust the price of fees charged to end users? 	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
	<ul style="list-style-type: none"> If appropriate in view of the project concept, can the municipality delegate the collection of fees paid by end users to the PSP? 	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
	<ul style="list-style-type: none"> If appropriate in view of the project concept, can the municipality delegate to the PSP some repricing authority? <ul style="list-style-type: none"> For example, in case of delays in demand growth, can the PSP be given some flexibility in repricing to offset demand shortfalls 	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
	<ul style="list-style-type: none"> Can the municipality lawfully promise to share all or a portion of revenues collected from end users with a third party in the future? 	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>

Legal Considerations

		Strongly Agree	Somewhat Agree	Somewhat Disagree	Strongly Disagree
5. Applicable laws confer rights that enable a lender to recover outstanding loan amounts in case of default.	<ul style="list-style-type: none"> Does the municipality have clear authority to enter into a direct agreement with the lender that includes rights of substitution, step-in rights, or other applicable remedies? 	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>

Section 5. Miscellaneous Considerations

This section addresses topics that do not directly fall within the financial, legal, or technical assessment of the project but nonetheless bear on whether the project is suitable for delivery as a PPP. Positive responses generally indicate that the project may have promise for implementation as a PPP.

Note: For one question regarding contingent implications, a negative response indicates agreement with the positive statement. This should be clear from context and this question has been identified with underlined font.

Miscellaneous Considerations

		Strongly Agree	Somewhat Agree	Somewhat Disagree	Strongly Disagree
1. It is reasonable to expect that private investors will be interested in the project.	<ul style="list-style-type: none"> Have similar PPP projects achieved financial close locally, regionally, or nationally? 	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
	<ul style="list-style-type: none"> Is there reason to expect a favorable response from the private sector toward the project? <ul style="list-style-type: none"> That is, have private investors expressed an interest in the project and does the municipality expect that there will be multiple bids for the project submitted by credible bidders? For example, based on known market actors, preliminary market consultations or similar investor interactions 	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
	<ul style="list-style-type: none"> Have there been any discussions or other interactions involving parties with an interest in implementing the project, whether within the government or between government officials and private parties, that might discourage bidders from participating in the tender process or otherwise undermine an open and competitive bidding process. 	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
	<ul style="list-style-type: none"> Is the proposed public partner (that is, the municipality, publicly owned utility or other offtaker) creditworthy? 	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
	<ul style="list-style-type: none"> Are credit enhancements available to compensate for any poor creditworthiness? <ul style="list-style-type: none"> For example, insurance, guarantees 	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
2. The fiscal and contingent implications for the municipality are understood, limited and manageable.	<ul style="list-style-type: none"> Are any payments required by the municipality as envisioned in the project concept able to be adequately planned, budgeted, and accounted for in advance? 	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
	<ul style="list-style-type: none"> Are there other significant projects or activities that will depend on this project, or on which this project will depend? 	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>

Miscellaneous Considerations

	Strongly Agree	Somewhat Agree	Somewhat Disagree	Strongly Disagree
<ul style="list-style-type: none">• If this is a brownfield project, does the municipality anticipate how it will compensate for any foregone revenue, if any?	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
<ul style="list-style-type: none">• Are the contingent liabilities created by the project understood and likely to be manageable?	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>

