

## GENERAL INFORMATION

**Capital:** Mogadishu

**Population:** 15,01million (2018)

**GDP (USD):** 7,70 billion (2019)

## LEGAL AND INSTITUTIONAL FRAMEWORK

### PPP Law

- Public Procurement, Concessions and Disposal Act, 2015 (PPCDA)

### PPP Unit

- Every Procuring Entity shall establish a Procurement Unit under the Act (art. 61).
- A Concession Technical Unit was also established within the Ministry of Finance (art. 121).

### Definition

(Art. 3 of PPCDA)

“Concession” means the grant of an interest in a public asset by a Contracting Authority 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.

### General Principles

(Art. 2 of PPCDA)

- Maximize economy and efficiency in procurement and obtain best value for money;
- Promote transparency and competition by providing equal access to bidding opportunities and information.
- Promote integrity, fairness, proficiency, and accountability in order to increase public confidence in the procurement system.
- Facilitate promotion of local industry and economic development.

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

(Art. 69 to 88, 111 of PPCDA)

- Competitive Bidding (art. 70 to art. 85)
- Limited or Restricted Competitive Bidding (art. 86)
- Use of government construction team (art. 87)
- Request for quotations (art. 88)
- Direct contracting (art. 89)
- Certificate for concession (art. 111)

### Project Evaluation

Every concession implementation process shall commence with the issue of a Certificate for Concession and no concession shall

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## (Art 126 to 130 of PPCDA)

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. 126).

- 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. 128); Records of public consultation detailed under art. 130.

- 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. 141)

## Negotiation and Signature of PPP Contracts

### (Art. 141 and 143 of PPCDA)

The Form of contract for each Concession Agreement shall be developed by the Concession Entity in collaboration with the Attorney General and endorsed by the Inter-Ministerial Concessions Committee prior to Negotiations (art. 155).

The Negotiation Team shall negotiate each contract by taking into account the issues listed under art. 157.

## Rights and Obligations of the public partner

No provision in the law.

## Rights and Obligations of the private partner

No provision in the law.

## Obligations of both public and private partners

No provision in the law.

## Applicable Law / Dispute resolution

No provision in the law.

Any dispute in a procurement process shall be handled according to dispute procedure set in the bidding documents. (art. 36)

## EXAMPLES OF PROJECTS STRUCTURED AS PPP

### Transport

Aden Adde Airport

Mogadishu Port

### Information and Communication Technology

DARE submarine broadband cable

NationLink Telecom