DISCLOSURE IN PUBLIC-PRIVATE PARTNERSHIPS: GOOD PRACTICE CASES

REPORT AUGUST 2015
# Table of Contents

1. Introduction.................................................................................................................. 3  
2. Pre-Procurement Information Disclosure..................................................................... 6  
3. Translating Contracts into Project Summaries.............................................................. 18  
4. Ongoing Publication of Performance Information......................................................... 22  
5. Disclosure of Contingent Liabilities............................................................................. 27  
6. Evolution of Transparency in Public-Private Partnerships............................................ 30  
7. Disclosure in Unsolicited Proposals............................................................................ 33  
8. Use of Video to Disclose Information......................................................................... 38  
9. Use of Statutory Audit................................................................................................. 40  
10. Strong Institutions Promoting Disclosure............................................................... 42  
11. Disclosure through Post-Implementation Reviews..................................................... 47  
12. Disclosure at the Subnational Level.......................................................................... 49  
13. Post-Procurement Disclosure.................................................................................... 51
1. Introduction

This volume presents case studies that highlight elements of good practice for 11 of the 13 jurisdictions studied as part of the research and analysis carried out under the Disclosure in Public-Private Partnerships (PPP) project (table 1.1) The project is being implemented jointly by the World Bank Group’s Public-Private Partnerships Cross-Cutting Solution Area (WBG PPP CCSA), Governance Global Practice (GGP), Construction Sector Transparency Initiative (COST), and Public-Private Infrastructure Advisory Facility (PPIAF), and jointly funded by the WBG PPP CCSA and the PPIAF. The WBG PPP CCSA commissioned Cambridge Economic Policy Associates (in association with Palmer Development Group) to compile the case studies.

This work was led by Shyamala Shukla, Senior Consultant, PPP CCSA. Petter Matthews and Christiaan Poortman, of COST, and Victoria Lemieux and Michael Jarvis, Senior Governance Specialists, GGP, World Bank, provided valuable inputs. Laurence Carter, Senior Director, PPP CCSA; Robert Hunja, Director, GGP; Clive Harris, Practice Manager, PPP CCSA; and Francois Bergere, Program Manager, PPIAF, provided guidance.

Each of the case studies provides one of the following:

- Detailed consideration of the information disclosed for a particular project in a jurisdiction, and comments on actual practice in relation to disclosure during procurement and following procurement
- Focus on a particular issue of interest, such as the treatment of unsolicited proposals, disclosure of operational information, etc., which emerged from development of the jurisdiction study.

This volume of case studies and the volume titled *PPP Disclosure: Jurisdictional Studies* serve as companion volumes for reference for users of the Framework for Disclosure in Public-Private Partnership Projects prepared by the PPP CCSA.
TABLE 1: CASE STUDY SUMMARY

<table>
<thead>
<tr>
<th>CASE STUDY</th>
<th>JURISDICTION</th>
<th>EXAMPLES OF GOOD/BAD PRACTICE</th>
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</thead>
<tbody>
<tr>
<td>PRE-PROCUREMENT INFORMATION DISCLOSURE</td>
<td>British Columbia</td>
<td>Publishing materials surrounding call for competition is considered key to good disclosure at the pre-procurement phase. This case study looks at how this has been delivered in practice for a recent hospital project in British Columbia.</td>
</tr>
<tr>
<td></td>
<td>Victoria</td>
<td>Publishing materials surrounding calls for competition is considered key for good disclosure. This case study provides an example of additional information being published at this stage, including why the preferred bidder was successful, as well as information on the governance structure for the tender process.</td>
</tr>
<tr>
<td></td>
<td>Honduras</td>
<td>This case study looks at pre-procurement disclosure for a recent road project in Honduras.</td>
</tr>
<tr>
<td></td>
<td>Karnataka</td>
<td>This project illustrates recent good practice in India in disclosure during procurement, the publication of contracts, and the disclosure of fiscal commitments.</td>
</tr>
<tr>
<td></td>
<td>Philippines</td>
<td>This case considers good practice at the pre-procurement stage (where detailed information is available) and poor practice at the post-procurement stage, where limited information is made available.</td>
</tr>
<tr>
<td></td>
<td>Philippines</td>
<td>As above.</td>
</tr>
<tr>
<td>DEVELOPING CONTRACT SUMMARIES</td>
<td>British Columbia</td>
<td>The publication of project summaries emerges as good practice—the summaries are burdensome to produce, but much more accessible than full contracts. This case study describes the information British Columbia provides in its summaries.</td>
</tr>
<tr>
<td>ONGOING PUBLICATION OF PERFORMANCE INFORMATION</td>
<td>Chile</td>
<td>Public and wider bidder interests are likely to be served by the ongoing publication of performance information. Chile is one of the few jurisdictions that routinely publish such information. Here we analyze what is made available once the project is operational.</td>
</tr>
<tr>
<td></td>
<td>United Kingdom</td>
<td>The United Kingdom is moving toward a regime (Private Finance 2, PF2) of requiring significant publication of ongoing information post financial close. This case study provides a summary of the performance information that the special purpose vehicle publishes each year on this project pre-PF2.</td>
</tr>
<tr>
<td>DISCLOSURE OF CONTINGENT LIABILITIES</td>
<td>United Kingdom</td>
<td>In this case study, we consider the first PF2 project to benefit from the UK government’s new infrastructure guarantees.</td>
</tr>
<tr>
<td>EVOLUTION OF TRANSPARENCY</td>
<td>Colombia</td>
<td>Consistent publication of information and a single source of such data are important for good disclosure. In this case study, we consider how legislation governing public procurement has evolved over time and how it is implemented by a strong central procurement body.</td>
</tr>
<tr>
<td>DISCLOSURE IN UNSOLICITED PROPOSALS</td>
<td>Colombia</td>
<td>Unsolicited projects can lead to innovative projects, but they risk corruption and poor value for money. In this study, we consider how Colombia’s institutions have created a disclosure process to overcome these risks.</td>
</tr>
<tr>
<td></td>
<td>Victoria</td>
<td>Unsolicited projects can lead to innovative public-private partnership projects, but they are also a risk for corruption and poor value for money. In this case study, we consider</td>
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</tbody>
</table>
how Victoria’s strong institutions have created an information disclosure process to try to overcome these risks.

<table>
<thead>
<tr>
<th>DISCLOSURE BY VIDEO</th>
<th>Honduras</th>
<th>Materials published as part of a call for competition are key for good disclosure at the pre-procurement phase, as is recognized in all the jurisdictions studied. This case study looks at a novel approach: the use of video to make information available.</th>
</tr>
</thead>
<tbody>
<tr>
<td>STATUTORY AUDIT OF PROJECTS</td>
<td>India</td>
<td>This study considers how the Comptroller and Auditor General of India is making the case for auditing private companies that provide public services.</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>STRONG INSTITUTIONS DRIVING DISCLOSURE</th>
<th>New South Wales</th>
<th>Strong institutions that value disclosure drive good practice. This case study shows how the New South Wales Treasury took lessons from this project to improve its disclosure processes more generally.</th>
</tr>
</thead>
<tbody>
<tr>
<td>India</td>
<td>In this case study, we consider how the National Highways Authority of India has delivered innovation in information disclosure in India and is an example of a strong institution supporting disclosure.</td>
<td></td>
</tr>
<tr>
<td>South Africa</td>
<td>Strong institutions drive good disclosure. This study shows that in South Africa the engagement of officials has been key in reducing misperceptions about public-private partnerships and ensuring all technical and legal processes are undertaken.</td>
<td></td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>PUBLICATION OF POST-IMPLEMENTATION REVIEWS</th>
<th>New South Wales</th>
<th>In a limited number of jurisdictions, there is now a greater focus on post-procurement reporting, for example of performance in the implementation phase. This case study looks at the publication of post-implementation reviews and reports by the Auditor General.</th>
</tr>
</thead>
<tbody>
<tr>
<td>DISCLOSURE IN SUBNATIONAL PROJECTS</td>
<td>South Africa</td>
<td>This case study reviews the requirements for municipalities to publish public-private partnership contracts in South Africa. Although this is good practice, we investigate the pressures this places on the project cycle in municipal public-private partnerships.</td>
</tr>
<tr>
<td>POST-PROCUREMENT DISCLOSURE</td>
<td>United Kingdom</td>
<td>This case study shows how public pressure led London Underground to publish contracts and contract summaries and provide more information than was required at the time. This advanced good practice in UK public-private partnerships has led to the provision of similar information as a matter of course.</td>
</tr>
</tbody>
</table>
2. Pre-Procurement Information Disclosure

North Island Hospitals Project in British Columbia

Overview

Publishing materials surrounding the call for competition is key for good disclosure at the pre-procurement phase. This case study looks at the application of this practice for a recent hospitals project in British Columbia.

The project is to build two new hospitals in British Columbia—a 153-bed hospital for the Comox Valley and a 95-bed hospital for Campbell River—at an estimated cost of Can$600 million (US$532 million). Further information is provided on the dedicated project website.¹

The procurement process started in 2012 and has almost been completed. Although the contract has not yet been awarded, a proponent has been chosen for the delivery of the project.

Transparency and systematic disclosure during procurement

Table 2.1 shows whether information has been disclosed in accordance with legislation under the Budget Transparency and Accountability Act.

<table>
<thead>
<tr>
<th>INFORMATION</th>
<th>LEGISLATION</th>
<th>ACTUAL PRACTICE</th>
<th>COMPLAINT?</th>
</tr>
</thead>
<tbody>
<tr>
<td>STATEMENT OF CONTRIBUTIONS</td>
<td>Disclosure to Parliament (Legislative Assembly) is required at the same time as fiscal estimates are presented</td>
<td>Unable to find any transcripts or minutes from the Legislative Assembly</td>
<td>Unsure</td>
</tr>
<tr>
<td>MAJOR CAPITAL PROJECT PLAN</td>
<td>Disclosure is required within one month of commitments</td>
<td>Publishing materials surrounding calls for competition is considered</td>
<td>Yes</td>
</tr>
</tbody>
</table>

The “major capital project plan” is the main piece of information that we would expect to be able to locate, and table 2.1 shows that this was published on the Government of British Columbia’s website. Therefore, actual information disclosure is in line with the legislative

¹ North Island hospital project website: [http://nihp.viha.ca/](http://nihp.viha.ca/)
requirements. (We would expect the “statement of contributions” to be difficult to locate, as it requires records of transcripts from Legislative Assembly meetings.)

Table 2.2 shows whether information has been disclosed in line with the Partnerships with British Columbia (PBC) guidelines for information disclosure.

TABLE 2.2: PPP INFORMATION DISCLOSURE AT THE PRE-PROCUREMENT STAGE AND PBC’S 2010 GUIDELINES

<table>
<thead>
<tr>
<th>INFORMATION</th>
<th>PBC DISCLOSURE GUIDANCE</th>
<th>ACTUAL PRACTICE</th>
<th>COMPLIANT?</th>
</tr>
</thead>
<tbody>
<tr>
<td>RFQ</td>
<td>Disclosure is recommended.</td>
<td>Published on PBC website.²</td>
<td>Yes</td>
</tr>
<tr>
<td>RFQ RESPONDENTS</td>
<td>Disclosure is recommended (of number and nature of respondents, but not necessarily identities).</td>
<td>Cannot see any reference to RFQ respondents on PBC website.</td>
<td>No / unsure</td>
</tr>
<tr>
<td>COMPANIES SHORT-LISTED AT RFQ STAGE</td>
<td>Disclosure is recommended (of number and identities).</td>
<td>Published on PBC website.³</td>
<td>Yes</td>
</tr>
<tr>
<td>RFP</td>
<td>Disclosure is recommended.</td>
<td>Published on PBC website.⁴</td>
<td>Yes</td>
</tr>
<tr>
<td>DRAFT PROJECT AGREEMENT</td>
<td>Disclosure is not recommended.</td>
<td>Cannot see any reference to a draft project agreement on PBC website.</td>
<td>Yes</td>
</tr>
<tr>
<td>PREFERRED PROONENT</td>
<td>Disclosure is recommended (subject to timing).</td>
<td>Published on PBC website.⁵</td>
<td>Yes</td>
</tr>
</tbody>
</table>

Note: PBC = Partnership with British Columbia; PPP = public-private partnership; RFP = request for proposals; RFQ = request for quotation.

As shown in table 2.2, all recommended items are disclosed (except for details of the request for quotation (RFQ) respondents), which demonstrates a very high level of compliance with PBC’s guidelines. The table also demonstrates that the process has a high level of transparency, although it is subject to confidentiality clauses (that is, the draft project agreement is not published).

Translating contracts into project summaries

PBC’s website provides a summary of the project, including a short description, some high-level details (such as the cost of the project), and a link to the actual project website.

⁴ http://www.partnershipsbc.ca/files-/documents/2013%2004%2008%20NIHP%20RFP%20_Final%20As%20Issued_.pdf
Typically, PBC also publishes a brief case study of the project. However, because the project only recently reached financial close, this has not yet been released.

Confidential information/redactions and contract clauses that may impede this

There are some confidentiality issues. Most important, the draft project agreement is not published, as PBC aims to protect the British Columbia government’s future negotiating position and the company’s commercial position.

However, the other documents (such as the request for proposals) do not seem to contain any redactions. Therefore, although there are some confidentiality issues around the result of the procurement process, there is a very high level of information in relation to the process itself.

Disclosing fiscal commitments and contingent liabilities of projects

The total cost of the project and the share contributed by the Comox Strathcona Regional Hospital District is disclosed on the regional “major projects” website.⁶

Effective financial disclosure in special purpose vehicles

A green bond was issued to cover the cost of this project in summer 2014. The third-party report is available on request.⁷

⁶ http://cr.majorprojects.ca/projects.
New Royal Children’s Hospital in Victoria

Overview

The new Royal Children’s Hospital project is the largest hospital redevelopment undertaken in Victoria, with the capacity to treat an additional 35,000 patients each year. The project was announced in late 2007, worth A$946 million (US$820 million). A dedicated website is available for this project: http://www.newrch.vic.gov.au/.

Publishing materials surrounding calls for competition is key for good disclosure. This case study shows an example where additional information was published, including why the preferred bidder was successful, as well as information on the governance structure for the tender process.

Transparency and systematic disclosure during procurement

Although there are no records to show how this procurement was conducted, the 2009 audit reported that all the relevant government requirements and guidelines were observed during the procurement process. In addition, the project summary provides an overview of the tender process, which included a formal project governance structure being put in place to oversee this process.

In addition, the project summary lists the major advantages of the winning bidder over the second choice bidder.

Translating contracts into project summaries

In line with the Partnerships Victoria Requirements, a project summary is available on the website of the Department for Treasury and Finance. This summary follows the required template and includes information on the public sector comparator (PSC) and value for money. As the contract was announced in November 2007 and the project summary is dated February 2008, the 90-day requirement was upheld. However, the full contract for this project is not available.

Disclosing fiscal commitments and contingent liabilities of projects

The finance and security arrangements are outlined in section 2.8 of the project summary. This section provides information on the security arrangement the state has set up for the project’s assets.

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Effective financial disclosure in special purpose vehicles

Information on the PSC is available in the project summary, as well as a value for money comparison between the public and private sectors. However, further details of financial performance and records have not been disclosed.

Reporting on project performance

No information on how to report on project performance is provided in the project summary.

Logistics Corridor in Honduras

Overview

This case study looks at pre-procurement disclosure in practice and considers how this has been undertaken for a recent roads project in Honduras.

Transparency and systematic disclosure during procurement

COALIANZA conducted a public competition to award a logistics corridor concession involving expansion, rehabilitation, and maintenance of 392 km of roads. The corridor linking the Pacific coast to the Cortes Port on the Atlantic coast was seen as a major rehabilitation project of the country’s infrastructure. The concessionaire is required to finance an estimated US$90.5 million capital investment program for the expansion of 88 km of roads, rehabilitation of 161 km of existing roads, and maintenance of the entire corridor. The concession was awarded for a 20-year period and the concessionaire will recover the costs through tolls charged at US$0.80 for light vehicles and US$1.60 to US$2.50 for heavy vehicles, depending on the road segment.

The procurement process was launched in November 2011 and was adjudicated in March 2012. Documentation was published for all stages of the procurement process. COALIANZA advertised the tender in a newspaper. The project’s terms of reference were also published on the COALIANZA website.

Evaluation of the submitted tenders was done in several stages: prequalification, technical evaluation, and financial evaluation. The results of each stage were published on the website, although there are no details about the exact reasoning behind these results. Confirmation letters to all prequalified consortia were published on the website as well as results from the technical stage of the tender evaluation, where two of the six prequalified consortia were rejected.

The adjudication letter contains information on the financial proposals of all qualified bidders. A video recording of the adjudication session is not currently available, as is the case with some of the other projects tendered by COALIANZA.
Translating contracts into project summaries

COALIANZA published the concession contract and subsequent contract modifications, but no formal contract summaries were published. COALIANZA published a presentation and a video clip describing high-level details of the project and the requirements placed on the concessionaire.

Confidential information/redactions and contract clauses that may impede this

The contract does not seem to contain any redactions of confidential information.

Disclosing fiscal commitments and contingent liabilities of projects

COALIANZA’s presentation states that the private investor assumes all project risks.

Effective financial disclosure in special purpose vehicles

There is no financial disclosure by COALIANZA or the winning consortium.

Reporting on project performance

The project factsheet published at the start of the project (June 2013) envisaged three project phases as follows:

- First phase involving engineering and environmental studies to last for a period of nine months
- Second phase involving road rehabilitation (eight months) and expansion (18 months)
- Third phase involving operation and maintenance over the 20-year concession period.

There is no additional reporting on project performance. COALIANZA has run a separate contract to appoint a supervisor of the works related to the logistics corridor.

Bangalore International Airport Limited in Karnataka, India

Overview

In 1994, the Government of India (GoI) and the Ministry of Civil Aviation (MoCA) approved a proposal to establish a new international airport in Bangalore, through private sector participation. A Memorandum of Understanding was signed between the Airport Authority of India (AAI) and Karnataka State Industrial and Investment Development Corporation (KSIIDC) in 1999 to initiate implementation of the project via a joint venture
with private partners. The Bangalore International Airport (BIAL) was subsequently developed as a build-own-operate-transfer project, under a 30-year concession. This project shows good practice in disclosure during procurement, the publication of contracts, and the disclosure of fiscal commitments.

Transparency and systematic disclosure during procurement\(^9\)

A steering committee was established to oversee the entire tendering process, comprising representatives from MoCA, AAI, the Government of Karnataka (GoK), and KSIIDC. A three-stage bidding process was implemented involving expression of interest (request for quotation, RFQ) in Stage 1; submission of the concept master plan, the “Airport Development Plan” (ADP) in Stage 2; and request for proposal (RFP) in Stage 3. In the following, we provide details of the different types of disclosure that were undertaken in these stages.

**Stage 1: RFQ**

As per the state requirements, advertisements soliciting expressions of interest (EoIs) were placed in national and international newspapers in June 1999. Seventeen firms and consortia submitted EoIs in August 1999, of which seven were shortlisted based on financial and experience criteria. A Project Information Memorandum was issued to the shortlisted candidates in September 1999, detailing the project background, broad technical specifications, and traffic assessment.

A pre-RFP meeting was held in September 1990, in which all bidders expressed concern regarding the financial viability of the new airport due to the nearby HAL Airport being kept open for commercial operations. Following the bidders’ insistence on clarity and pre-confirmation of some fundamental issues, MoCA communicated the following approvals to the state government via letter No.AV.20014/2/90-VB, dated March 23, 2000:

- The letter declared the existing airport at Bangalore as an international airport, with the understanding that this did not involve any substantial investment of public resources.

- This status of international airport would be transferred/granted to the new airport proposed to be developed with private sector participation at Bangalore, on its commissioning, so that it would have all the necessary infrastructure facilities required for an international airport, and the existing airport at Bangalore would be closed for civilian operations.

The GoK then issued an order in March 2000 for the provision of peripheral infrastructure for the airport, with the RFP document issued on March 20, 2000. An independent traffic study was sent to bidders shortly thereafter, as per the bidders’ request, to facilitate the use of a common traffic forecast in their development plans. The seven shortlisted bidders were asked to submit the ADP by June 30, 2000.

Stage 2: ADP

Two bidders responded with the submission of an ADP within the stipulated timeframe (a consortium led by Hochtief Airport, GmbH, Germany; and a consortium led by Siemens Project Ventures, Germany). Based on an evaluation report submitted by the Expert Committee on September 18, 2000, both bidders were issued a letter to participate in the next stage of the RFP. However, both bidders requested explicit viability support commitments before they would be willing to invest further resources in the final stage of the procurement process. The bidders were assured of this financial support from the GoK.

Stage 3: RFP

As stipulated, final project proposals were submitted by both bidders on April 30, 2000. An evaluation committee conducted an overall assessment of the bids, based on which the Siemens proposal was accepted. Following negotiations, a shareholders’ agreement was signed between AAI, KSIDC, Siemens Project Ventures GmbH, Flughafen Zuerich AG (Unique Zurich), Larsen & Toubro Limited, and KSIDC on January 23, 2002. The approved version of the concession agreement was executed between the GoI and BIAL on July 5, 2004.

Translating contracts into project summaries

Although the concession agreement and its subsequent amendment are available on MoCA’s website, there does not appear to be a corresponding project summary available for the same.

However, GoK’s Infrastructure Development Department’s project database provides a high-level overview of the project, summarizing general information on the contract, bidding information, as well as information on legal instruments (market structure and competition and relevant regulatory authority). These descriptions are available at: http://119.226.79.212/pppdb/SearchResult.aspx?v=4oLAuEuIm9Y.

In addition, a useful project summary for the contract is indirectly provided as part of official documents published by sector-specific government authorities. For instance, the report “In the Matter of Determination of Tariffs for Aeronautical Services in Respect of Bengaluru International Airport, Bengaluru, for the First Control Period (April 1, 2011 to March 31, 2016),” published by the Airports Economic Regulatory Authority of India (AERA), includes a brief on BIAL. In particular, the report provides a summary of the following key agreements entered into by BIAL, including an overview of the salient features of the contracts: (i) concession agreement, including amendment; (ii) land lease agreement; (iii) state support agreement; (iv) Communication, Navigation and Surveillance. / Air Traffic Management agreement; and (v) shareholders agreement.

Disclosing fiscal commitments and contingent liabilities of projects

A state support agreement was executed by the GoK with BIAL, under which the GoK extended Re 3500 million (US$57 million) as state support. In addition, the GoK provided
4,008 acres of land (at an approximate value of Re 1750 million [US$29 million]) on concession rent, with a land lease agreement executed between KSIIDC and BIAL.

Information on the distribution of project risk among partners is disclosed in the concession agreement and the shareholders agreement. However, a case study review of the project identified several areas in which the concession agreement appears to be silent. These areas include the sharing of risk related to exchange rate variation, a mechanism for equity sale approval, issues concerning refinancing, and the tariff fixation methodology. Further, the concession agreement did not disclose the required timeframe to hand over unencumbered land, and did not have a clause to compensate the concessionaire for delay in land acquisition. As the agreement did not include total timelines (total time for land acquisition and construction), the total project cost on completion was not disclosed as part of this document.

Information regarding total project cost and the means of financing the project was disclosed by BIAL to the Karnataka Information Commission in 2007, as part of its case for exemption from the Right to Information and Karnataka Transparency in Public Procurement Acts. The project summary that is available as part of the Infrastructure Development Department’s project database discloses financial information on the debt and equity shareholding pattern and total project costs at financial close (costs were not fixed at the time of signing the agreement). The database also provides details on the project’s risk allocation between the concessionaire and the government.

Effective financial disclosure in special purpose vehicles

Although financial information does not appear to be proactively disclosed for the BIAL project, it may be available as part of third-party documents. For instance, it may be available in audited financial reports submitted to AERA as part of the multi-year tariff proposal requirements. This information has been included as an annex made available by the regulatory agency.

Reporting on project performance

There do not appear to be many performance reports available on official government websites. Although BIAL would fall under the Airports Service Quality section on the website, a high-level overview of results is only provided for 2009 on AERA’s website.

Modernization of the Philippine Orthopedic Center

Overview

Modernization of the Philippine Orthopedic Center involves the construction of a 700-bed specialty hospital, under a 25-year build, operate, and transfer structure. This project was approved by the National Economic and Development Agency in 2013, and is subject to the laws and implementing rules and regulations of the Build-Operate-Transfer Law R.A. 7718, as amended in 2012. This project provides an example of good practice at the pre-procurement stage (where detailed information is available) but poor practice at the post-procurement stage (where limited information is made available).

Transparency and systematic disclosure during procurement

There is a range of information and documents available on the PPP Center’s website, including:

- List of prospective bidders, prequalified bidders, bidders, and winning bidders
- Invitation to qualify and bid and notice of award
- Detailed information memorandum
- 21 bid bulletins, including clarifications and questions
- Two presentations at investors' forums, including lists of attendees
- Contact details for the project manager.

It is not clear that any of the information, other than the invitation to qualify and bid and the notice of award, is required to be disclosed by law. It therefore seems that the rest has been voluntarily and proactively disclosed.

Translating contracts into project summaries

The contract is not freely available on the Internet (although any Filipino citizen should be able to request the contract). A detailed project summary based on the contract is not available, although there is a reasonably detailed description in the information memorandum available on the PPP Center’s website.

Dealing with retroactive disclosure and contract clauses that may impede this

This issue is not relevant to this case study.

Disclosing fiscal commitments and contingent liabilities of projects

The estimated project cost and length of cooperation period is provided on the PPP Center’s website, which also indicates the implementing agency and private proponent.\(^\text{16}\)

Effective financial disclosure in special purpose vehicles

This issue is not relevant to this case study.

Confidential information/redactions

This issue is not relevant to this case study.

Reporting on project performance

It is expected that construction on the project will begin in late 2014 (sourced from a news site, rather than the PPP Center’s website).

PPP for School Infrastructure Project Phase I in the Philippines

Overview

The project involves the design, financing, and construction of about 9,300 one-story and two-story classrooms, including furniture and fixtures, at various sites in three regions. This project was developed as a 10-year build, lease, and transfer public-private partnership (PPP) contract, awarded in 2013 for $397 million.

The project provides an example of good practice at the pre-procurement stage (where detailed information is available) but poor practice at the post-procurement stage (where only construction updates are made available).

Transparency and systematic disclosure during procurement

Documents available through the PPP Center’s website include:

- Invitation to bid\(^\text{17}\)
- Draft minimum performance standards and specifications\(^\text{18}\)

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• Pre-bid conference presentation\textsuperscript{19}
• Some bid bulletins.\textsuperscript{20}

The project page only provides links to some of these documents, with proactive searches required to find other documents.

Translating contracts into project summaries
A summary of a draft contract is available through the PPP Center’s website.\textsuperscript{21}

Dealing with retroactive disclosure and contract clauses that may impede this
The issue is not relevant to this case study.

Disclosing fiscal commitments and contingent liabilities of projects
The PPP Center’s page for the project states the cost ($397 million), structure (build, lease, and transfer), and duration (10 years) of the PPP contract, in addition to the implementing agency (Department of Education). It does not, however, state who the private sector partner is, although this information is available elsewhere.\textsuperscript{22}

Effective financial disclosure in special purpose vehicles
The issue is not relevant to this case study.

Confidential information/redactions
The issue is not relevant to this case study.

Reporting on project performance
The PPP Center’s project page for this project provides only brief updates on the project, including the following:

\textsuperscript{19}http://ppp.gov.ph/wp-content/uploads/2012/05/PSIP-BB-No10-Attach4-ITB-PreBid-Conf-05142012.pdf.
\textsuperscript{22}Of the three components of the PSIP Phase 1, Contract package A was awarded to “BF Corporation – Riverbanks Development Corporation” and Contract packages B and C were awarded to “Citicore Investment Holdings, Inc. – Megawide Construction Corp., Inc.” The annual lease payments to each party, and the number of classrooms each is required to provide, are also outlined. http://ppp.gov.ph/wp-content/uploads/2012/10/July-Sept-PPP-Advisory-1.pdf.
As of June 30, 2014, construction was complete for 5,038 classrooms, and in progress for another 3,365 classrooms. There will be approximately 9,301 classrooms in total.\textsuperscript{23}

The target completion date was 2014, with ongoing construction on sub-projects 57-59.

There was a site inspection on February 5, 2014.

3. Translating Contracts into Project Summaries

Analysis of Translating Contracts into Project Summaries in British Columbia

Overview

Publishing project summaries is good practice. Although the summaries are burdensome to produce, they are much more accessible to the public than full contracts. This case study sets out the information British Columbia provides in its summaries, looking at the example of the Fort St. John Hospital and Residential Care Project.

Own web page

All projects are given their own individual web page, as shown in box 3.1.

As shown in box 3.2, the project web page summarizes the most relevant high-level information on the project’s procurement process. The web page provides the following information:

- Short description of the project
Key details, such as the client and capital cost

Links to key overview documents, such as the project (value for money) report, the project’s own website, and a slightly more detailed case study

Key dates in the procurement process, including the issue of the request for proposals and the contract award.

A4-size case study (project summary)

Box 3.3 shows the project summary, as prepared by Partnerships with British Columbia (PBC), which is presented as a single A4-size landscape document. This document includes relevant information such as:

- Project overview (slightly longer than the brief description, shown in box 3.2)
- Details of the benefits that are expected to be derived from the project
- Lists of the public and private sector partners
- Explanation of PBC’s role in the procurement process.

Box 3.3 Project Summary with Longer Description: Screenshot

![Box 3.3 Project Summary with Longer Description](attachment:image.png)
PBC compiles this information and so is a resource that goes significantly beyond simply uploading the procurement documents.

Links to other documents

PBC also provides a list of links to the following:

- News releases about the project, covering the procurement process and the period after financial close, that is, during the construction phase
- Relevant reports about the procurement process, for example, the report(s) of the Fairness Advisor
- Specific and detailed documents that are used during the procurement process, such as the request for qualifications document, the request for proposals document, etc.

This part of the web page is shown in box 3.4.

**Box 3.4 Links to Other Documents Screenshot**
4. Ongoing Publication of Performance Information

Publication of Performance Information in Chile

Overview
Public and wider bidder interests are likely to be served by the ongoing publication of performance information. Chile is one of the few jurisdictions studied that publishes performance information, such that disclosure does not stop at financial close.

Here we analyze ongoing disclosure for the five projects covered in the jurisdiction study:

- Project I: Motorway 5, Rio Bueno to Puerto Montt
- Project II: Penitentiary Infrastructure, Group 3
- Project III: Parque O’Higgins Stadium
- Project IV: Araucanía Region Airport

Main characteristics of the performance reports

Publication timeframe
Performance reports are monthly. The reports seem to be published with around a four-month time lag (in September, the time of drafting this issue study, the latest month available was May).

Types of reports
There are two types of reports:

- Construction reports outline relevant information relating to the construction of the project.
- Operation reports outline relevant information relating to the operation of the project.

Which type of report is published depends on the stage of the project. For projects in construction (Project IV), only the construction report is published; for projects in operation (Projects I, II, and III), only the operation report is published; and for projects in construction and operation (Project V), both reports are published.

Structure
The two construction reports reviewed include the following sections, although under slightly different headings and organized slightly differently:
The four operation reports reviewed include the following headings, although under slightly different headings and organized slightly differently:

- General background
- Description of the project
- Financial information
- Key performance indicators
- Relevant news (only included in Project II).

**Length and style**

The reports are short. The construction reports reviewed are nine and 15 pages long. Three of the four operation reports reviewed are four pages long, and the other one is three pages long.

The reports are very graphical. The reports are mainly a compilation of tables, pictures, and charts, with a small amount of drafted text. For example, the financial information section of the May 2014 operation report of the Parque O’Higgins Stadium includes simply one table (on tariffs charged for different types of events) and two figures (one showing annual revenues by service, and another showing monthly number of events).

**Messages from this case study**

**Good practice messages**

The proactive publication of performance reports seems to be working well in Chile and can be considered a good practice to be replicated in other countries aiming for better disclosure of public-private partnership information.

The Concessions Office publishes short and concise reports that provide a simple snapshot of some of the key facts of the projects at the construction and operation stages.

The generic structure of the reports seems appropriate and seems to work well for different types of projects.

A draft style based on tables and figures helps the reader to digest data more easily (although there is some room for improvement).
Areas for improvement

In some instances, the reports seem to be an automatic compilation of raw data. Additional analysis and additional suitable data would be useful to provide insight on the performance of the concessionaires. For example, the numbers provided in the reports are not compared against targets or desirable outcomes, if there were any. Comparing against targets or desirable outcomes would provide a clearer picture of the performance of the concessionaires.

Given that the reports are monthly, a four-month lag for publication seems excessive. It might be worth considering whether publishing quarterly reports with no or one month time lag would be more convenient.

Ongoing Performance Information Disclosure in the M25 Project in the United Kingdom

Overview

The M25, completed in 1986, forms a 125-mile, orbital route some 20 miles from the center of London. In 2009, the Highways Agency signed a 30-year private finance contract with Connect Plus to widen two sections of the M25, refurbish the Hatfield Tunnel, and operate and maintain the M25. The contract has a present value cost of £3.4 billion.

The project was controversial, with the National Audit Office concluding in 2011 that it offered poor value for money. However, the project is an example of good practice for disclosure, in particular because of the performance information that the special purpose vehicle (SPV) publishes each year on the progress of the project.

Transparency and systematic disclosure during procurement

The Highways Agency published a press release on the publication of the M25 tender\(^2\) as well as the shortlisted participants.\(^2\) These documents were also published on Contract Finder. It is difficult to determine if more information is available, because the Highways Agency website from that time is now archived.

Translating contracts into project summaries

The Highways Agency provides a good short summary of the M25 project, which introduces the need for the work and provides a summary table of project data, details of


what the project will include, and contact information for the civil servant responsible for the project.26

Confidential information / redactions and contract clauses that may impede this

A freedom of information request was made for the M25 contract. Although this does not appear to be available online, the request does provide information on what information was redacted. The following list summarizes the redacted information:

- **Financial model.** The financial model contains detailed information on contractor costs and funding terms, which would be of interest to a competitor and would prejudice the Highways Agency and contractors in future procurement competitions. Ministry of Justice guidance specifically lists financial models as items that should not generally be released.

- **Refinancing.** The rebate mechanism was the subject of tender negotiations and its release would prejudice the Highways Agency and contractors in future procurement competitions.

- **Cost multiplier.** Tendered uplift would reveal the bidding strategies of contractors in future tendering exercises.

- **Asset management.** This contains company policies and procedures that could be considered to constitute a trade secret. Information on strategic structures may be of security interest, and the strategy and plan are developed through the contract, so the initial plans contained in the award documents may no longer be relevant.

- **Schedule of rates.** Release of the entire schedule would enable potential benchmarking by competitors and suppliers and harm contractors’ commercial position for future bidding opportunities. Such release would provide a price breakdown for construction activity, which Ministry of Justice guidance indicates should not normally be disclosed.

- **Definition of return to shareholders from the deal.** This would prejudice the ability of shareholders and the Highways Agency to secure a more favorable deal in future public finance initiative contracts.

This information was not released because it was thought at the time that the M25 structure would likely be used again for future projects, and that releasing the information might

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harm the government’s relationship with the contractor and their ability to negotiate on future deals.27

Disclosing fiscal commitments and contingent liabilities of projects

The cost of the M25 widening project is presented in the Highways Agency summary. The report of the National Audit Office (NAO) undertakes significant analysis as to whether the cost could have been reduced.

Effective financial disclosure in special purpose vehicles

The SPV does not appear to make any financial disclosures, although for the Dartford Thurrock River Crossing (a toll bridge), the Highways Agency has to submit annual reports to Parliament.28 The Highways Agency states its contingent liabilities in its annual reports, but these are not separated by project.29

Reporting on project performance

In 2010-11, the NAO reviewed the Highways Agency’s decision making around the M25 widening, to assess whether the agency had procured a value for money solution. The NAO considered the following:

- Decisions the agency took based on the evidence it had available at the time it made those decisions
- Whether the agency had the right information to make optimum use of taxpayer resources.

To come to its conclusions, the NAO had access to and provided information on a wide range of documents that would otherwise not be in the public domain.30

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30 See for example this FOI response from the Highways Agency: https://www.whatdotheyknow.com/request/m25_dbfo_contract_20_may_2009.
The Connect First SPV publishes an annual performance report.\textsuperscript{31} The report provides information on progress throughout the year, any main events, as well as key performance indicators. These indicators cover the following:

- Road treatment response rates
- Speed of repairs
- Environmental protection
- Safety measures.

5. Disclosure of Contingent Liabilities

Disclosure of Contingent Liabilities in the Mersey Gateway Bridge Project

Overview

The Mersey Gateway is a bridge that is meant to relieve the pressure on the aging Silver Jubilee Bridge in the northwest of England. The government agreed to fund the project in 2011, and the construction contract was awarded in March 2014. Construction has begun and the bridge is expected to be completed in 2017. This is the first Private Finance 2 (PF2) project to benefit from the UK government’s new infrastructure guarantees. Here we consider the level of information disclosed surrounding the project and the contingent liabilities.

Pre-procurement disclosure requirements

This project is being procured by the Halton Borough Council, so local government procurement rules apply. The new local government transparency rules\textsuperscript{32} required that for each \textit{invitation to tender} for contracts to provide goods and/or services with a value that exceeds £5,000, the following details must be published:

- Reference number and title

\textsuperscript{31}\url{http://www.connectplusm25.co.uk/pdfs/Annual%20Performance%20Report%202013%20Jun13.pdf}.

• Description of goods and/or services sought
• Start, end, and review dates
• Local authority department responsible.

As it is also a public finance initiative (PFI) project, Her Majesty’s Treasury (HMT) is required to publish a project tracker showing how the procurement of the project has progressed.

Mersey Gateway’s contract notice and award notice were published on the Official Journal of the European Union website, the Halton Borough Council’s procurement portal (The Chest), and the smaller government procurement site (mytenders), but not on Contract Finder, as this project was procured by Halton Borough Council rather than by the central government’s Department for Transport. The invitation to tender notice provides the reference number and description, but not the relevant dates or local authority.

The HMT tracker for the project’s procurement was still available at time of writing, although it will be taken down in the near future, as the procurement process is complete.

In addition, the project has its own website, with timelines for procurement, introductions to the project, and planning documents.

Post-procurement disclosure requirements

Local government requirements

Local governments are encouraged to publish all contracts in their entirety for contracts with a value that exceeds £5,000. Where a contract runs into several hundreds of pages or more, the local authority should publish a summary of the contract or sections of the contract.

The authority intends to publish the project agreement (the design-build-finance-operate contract) and the demand management participation agreement once the commercially sensitive information is redacted. A schedule in the project agreement sets out what information is to be treated as confidential and what the expiry dates will be. Confidential information includes the following:

• Items dealing with financial matters
• Intellectual property
• Personal data
• Design and operational solutions

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• Project company’s bid.

There are no plans to date to develop a contract summary or other approaches to make the contract more accessible beyond its publication.

**PF2 requirements**

PF2 introduced a range of measures designed around what is considered best practice in transparency. These measures include requiring the private sector to:

• Provide and maintain building and operating manuals, alongside regular service performance reports

• Maintain books of account recording costs, overheads, and other payments, including details of life-cycle funds on an open book basis

• On a semi-annual basis, provide the accrued and prospective internal rates of return of the company and its shareholders to the procuring authority and to HMT

• Provide ownership details, including the price of any shares sold.

The project was undertaking competitive dialogue in late 2012 when the “Standardisation of PF2 Contracts” was issued. Although there was no requirement to do so for projects in procurement, elements of the guidance and some of the required drafting were incorporated into the revised draft project agreement for the Mersey Gateway project, which were issued prior to the final tender.

An element of the PF2 drafting that could not be incorporated was the requirement for an operating manual for the agreement, which was seen as unfeasible given the size and complexity of the Mersey Gateway project. However, the Mersey Gateway Crossings Board, which was established by Halton Borough Council to contract with the private partner to deliver the project, has produced its own contract manual for construction and intends to roll it forward to cover operations.

**Infrastructure guarantee scheme**

Mersey Gateway is the first PFI project confirmed to be benefitting from the UK government’s new Infrastructure Guarantee Scheme, which was launched in 2012. In early March 2014, the government announced its commitment to Halton Borough Council to stand behind any shortfall in the level of toll revenue required to meet Halton’s financial obligations. A guarantee of £257 million has been agreed, which will cover 50 percent of the senior debt required to finance the project.35 This information was provided on a list of all prequalified projects under the scheme on the gov.uk website, although no further information about the guarantee or its specific terms was provided.36

35 [http://www.merseygateway.co.uk/2014/03/chancellor-confirms-270million-guarantee-for-mersey-gateway/](http://www.merseygateway.co.uk/2014/03/chancellor-confirms-270million-guarantee-for-mersey-gateway/).
The government is also providing a grant for development costs of £86 million and long-term revenue support over 12 years of £126 million.

6. Evolution of Transparency in Public-Private Partnerships

Evolution of Transparency and Disclosure in PPP in Colombia

Overview
Consistent publication of information and a single source of such data are important for good disclosure. In this case study, we consider how legislation governing public procurement has evolved over time and how it is implemented by a strong central procurement body.

In Colombia, key policy initiatives have supported the development of information disclosure and there is broad-based compliance with its requirements, notably with publication of required information on Sistema Electrónico De Contratación Pública (SECOP), Colombia’s central procurement system.

Information disclosure process
The policy of developing many public-private partnerships (PPPs) has brought significant focus to issues of transparency and disclosure of information. Access to information on projects in the Colombian pipeline has followed the process shown in figure 6.1.
Our research, albeit based on a limited number of cases, suggests that there is broad-based compliance with the requirements to publish documentation on SECOP. This finding is consistent with a discussion that we held with staff from Colombia Compra Eficiente in Bogotá.

However, agencies such as Agencia Nacional de Infraestructura (ANI), which have a large portfolio of projects, are publishing significantly more data than is formally required. Elsewhere (i.e. in agencies with smaller portfolios) published information seems significantly more limited (but compliant), although there are some very large-scale projects that are being implemented by other agencies and at the municipal level. An added issue for users of the site is that it currently holds data in PDF format. These documents cannot be easily searched, analyzed, or translated. This issue has been recognized and there are plans in place to make SECOP data more accessible than is currently the case.

The formal procurement requirements for disclosure via SECOP cease at publication of the evaluation report, contract, and award notice, all of which routinely appear on SECOP. Thereafter, there appears to be rather more limited public information available on the progress of the projects. The model PPP contract currently in use by ANI is designed to deliver post-procurement information beyond the award notice. As with SECOP, there has been an evolution in the approach to PPP contracts, which is shown in figure 6.2.
The fourth-generation road contracts used by ANI require data to be provided so that ANI can monitor performance, but far less emphasis appears to be placed on providing similar information to the public. This is the case despite the requirements of the contract to publish annual reports, etc. In some cases, websites providing such information have been launched and in others they have not, although the provision of this information is a model contract requirement. Where we have located websites, the general information they provide is at a very high level. If more specific information is requested, there appears to be restricted access to it, such as requiring a password.
7. Disclosure in Unsolicited Proposals

Disclosure in Unsolicited Proposals in Colombia

Overview

Unsolicited proposals can lead to innovative public-private partnership projects, but they can risk corruption and poor value for money. In this case study, we consider how Colombia’s strong institutions have created an information disclosure process that seeks to overcome these risks.

Unsolicited proposals procurement process

Unlike many other countries in this study, Colombia has a law, Law 1508 of 2012, that allows unsolicited proposals. This law actively encourages private investors to structure proposals at their own risk, bearing all structuring costs (although some costs incurred for preparation may be covered in the end if the project is executed), and to submit the proposals to the public authorities in strict confidence. This two-stage process requires a public hearing for those proposals that progress into the formal feasibility study stage and then are submitted to open tendering if public funding is required. In the particular case where projects have government support and are thus brought into the standard procurement process via a public tender, the project originators may not be selected to deliver the project.

The preparation process proceeds with a two-stage test, as shown in figure 7.1.
In this process, there is a requirement for a public hearing for those proposals that progress into the formal feasibility study stage. This hearing is specifically for the benefit of third parties and has to be undertaken within one month of the feasibility studies being delivered.

Transparency and systematic disclosure during procurement

Unsolicited proposals are brought forward confidentially, so the level of pre-procurement information proactively placed in the public domain is more limited than might be the case in a public procurement. However, where proposals have government support, they are brought into the standard procurement process via a public tender, which requires the publication of the same data as would be the case for a public procurement. The proposal originators may not be selected to deliver the project they have brought forward, but the originators are given additional points in the evaluation process. Where the proposal originators are ultimately unsuccessful, they are able to recover the value of work completed.

Where projects are fully private sector funded, they proceed under an abbreviated procurement process. But this process still takes place via SECOP and therefore relevant information to facilitate other bidders’ participation is placed in the public domain. Direct procurement only takes place where there are no other bidders.
Where a private sector originator does not submit the best bid as part of an abbreviated process, the originator is permitted to improve its proposal, although without access to the details of the better bid. We assume that this process has at least some negative impact on the appetite to bid against such originators.

Relevant projects

Although limited information is available in the public domain for private initiatives, it is the case that they are being brought forward for projects on roads, airports, and rail, as well as for social infrastructure. A recent National Planning Department publication provides a summary of the status of unsolicited proposals and within its main body examples of the projects that are currently being pursued (figure 7.2).

Figure 7.2 Summary of Unsolicited Proposals in Colombia

<table>
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<tr>
<th>Roads</th>
<th>Rejected Settlement of Terms</th>
<th>Notice of Invitation</th>
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<th>Study Feasibility</th>
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Private sector companies also publish limited information about their involvement in such proposals. For example, limited details of the following unsolicited proposals are available in recent analyst reports for Construcciones El Condoer (The Condor Group):

1. Highway 1 Vial of the Plains. This proposal was approved by ANI in its feasibility stage, which means the proposal has been submitted to the Ministry of Finance for

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The Condor Group hopes to obtain the approval of the National Planning Unit and the Ministry. The proposal is for a total investment of Col$1.3 billion [approx. US$640,000], including construction of 42 km of dual carriageway, 71 km of roads, 5 km of bridges, and 264 km of maintenance of 264 km of roads totaling 354 km.

2. **Bolivar Antioquia Connection Vial.** This proposal just started the feasibility stage. It involves works in Antioquia and Bolivar, and has a Capex investment of about Col$900,000 million [US$455 million].

3. **Connection Vial Cesar-Guajira.** This proposal is in the structuring/feasibility stage and the proposal review has been completed by ANI. The initial project was presented to associations in the construction sector as well as to mayors and governors. The Capex investment is about Col$311,600 million [US$154 million].

Confidential information/redactions and contract clauses that may impede this

Although confidential in the early stages—for example, establishing feasibility—projects appear to become subject to the general rules of transparency as they enter the procurement stage. However, we have not been able to identify any recently transacted contracts that arise from unsolicited proposals; therefore, we are unable to evaluate the position on disclosure.

**Disclosure in Unsolicited Proposals in Victoria in Australia**

**Overview**

Unsolicited proposals are allowed in Victoria and formalize the process by which the private sector may directly approach the government with unique and innovative infrastructure project ideas. Unsolicited projects can lead to innovative public-private partnership projects, but they also risk corruption and poor value for money. In this case study, we consider how Victoria’s strong institutions have created an information disclosure process to try to overcome these risks.

**Unsolicited proposal process**

In 2014, the Victorian government released unsolicited proposal guidelines to formalize the process for the private sector to approach the government directly with unique and innovative infrastructure project ideas. These guidelines use a five-stage process:

1. Submission of an unsolicited proposal, adhering to prescribed information requirements, which include stating how the proposal meets a state service need and benefits the state.
2. The government carries out a preliminary assessment via a working group of relevant portfolio agencies to consider whether the proposed service is consistent with government priorities and has significant financial, technical, and economic merits and a degree of uniqueness to justify excluding negotiation, and whether the provider has the capacity to deliver the project.

3. The government and the private party enter into an exclusive negotiation to develop a full proposal. A steering committee is established to oversee this process, which needs to show that it represents value for money and that introducing competition will not result in an outcome with better value.

4. Final negotiations are entered into with the intention of a final and binding offer.

5. The government contract is awarded.

Once a proposal is approved for Stage 3 and the government enters into an exclusive negotiation with the private party, the government is required to disclose headline details of the proposal on the Department of Treasury and Finance (DTF) website, updating details at the end of each assessment stage as appropriate. The government may choose not to disclose details of a proposal where it poses a risk to the negotiation process or the IP of the private party.

The guidelines aim to incorporate open competition wherever possible, meaning the government can make it a competitive process at Stages 2 and 3. A project summary is to be released within 90 days of contractual close, summarizing key aspects of the proposal, including reasons why an exclusive negotiation was pursued, how the proposal was evaluated, and what value for money was achieved for the government.

Relevant projects

To date in Victoria, two unsolicited proposals have progressed to Stage 3: the Cranbourne-Pakenham Rail Corridor project and the CityLink-Tulla Widening project. The Cranbourne-Pakenham Rail Corridor project, announced in March 2014, was the first unsolicited project to be approved since the unsolicited proposal guidelines were put in place in February 2014.

The proposed Cranbourne-Pakenham Rail Corridor project, estimated to cost up to $A 2.5 billion (US$2.2 billion), aims to improve the capacity and reliability of the existing southeast rail corridor, which currently serves an estimated one million population. With investment planned in the southeast region of greater Melbourne, the population served is expected to increase by a further 600,000 by 2026. The project is scheduled to start in 2015 and be completed by 2019.

The CityLink-Tulla project, worth around $A 850 million (US$735 million), will upgrade and widen two sections of road to increase its capacity. A contract was signed in October 2014. Construction is due to start in the first half of 2015 and be completed by 2017.
The guidelines for unsolicited proposals provide a five-step procurement process. Once a proposal progresses past Stage 3, meaning the government has entered into an exclusive negotiation with the private party, the contracting agency is required to disclose headline details of the proposal on the DTF website, updating details at the end of each assessment stage as appropriate.

In March 2014, the rail corridor project reached Stage 3 of this process, and formal media releases, including a televised announcement by Denis Napthine, Victoria Premier, were made. This media release is available on the unsolicited proposals section of the DTF website. In addition, the Department of Transport, Planning, and Local Infrastructure has a dedicated website, which presents expected project benefits and details on the outcomes of community consultations.39

In April 2014, the Premier and Terry Mulder, Minister for Public Roads and Transport, released a televised announcement making a request for proposals for the rail project.40 However, no request for proposal documents or further information on this process is available online. It appears therefore that the state proceeded with exclusive negotiations.

For the road project, in April 2011, The Age newspaper published an article about the plans to widen these sections of road. The plans had been released to them after they made a request for information under the Freedom of Information Act. Subsequent information about this project was made available through a press release in April 2014, once this unsolicited bid had reached Stage 3. In addition, a project overview statement is available on the unsolicited proposals section of the DTF website, providing basic information about the project. This information includes project cost, duration, and expected benefits.

However, information about the contract evolution was not readily available.

8. Use of Video to Disclose Information

Use of Video to Disclose Project Information in Honduras

Overview

Materials published as part of a call for competition are key to good disclosure at the pre-procurement phase, and play an important role in participation, as is recognized in all the

40 https://www.youtube.com/watch?v=k-0aVKOsYU.
jurisdictions studied. This case study looks at a novel approach: the Honduras public-private partnership (PPP) promotion agency COALIANZA proactively publishes video clips as part of the information disclosed on its website.

Main characteristics of the video clips

**Coverage**

The information proactively disclosed on COALIANZA’s website includes 14 video clips related to five of the six “tendered” projects. No video clips have been published as part of the information disclosed on the “in procurement,” “in the pipeline,” or “unsolicited” projects.

**Types of video clips**

Two types of video clips are published:

- Clips presenting the projects
- Recordings of key meetings, such as opening of bids.

**Content**

The clips presenting the projects provide material edited in documentary format summarizing high-level information on the projects (such as the description of need and key benefits), as well as opinions from key politicians and members of the population.

The recordings of key meetings are just raw recordings of the meetings.

**Length**

The clips presenting the projects are all short (average five minutes).

The recordings of key meetings vary in time, depending on how long each meeting was (the longest is 80 minutes).

**Messages from this case study**

**Good practice messages**

The proactive publication of video clips is an innovative way to disclose information and seems to be working well in Honduras. This use of video can be considered a good practice to be replicated in other countries aiming for better disclosure of PPP information.

COALIANZA publishes clips presenting some of the PPP projects and recordings of some key meetings, such as opening of bids.

The types of videos published seem appropriate to help interested parties gain a better understanding of projects and procurement processes.

**Area for improvement**

COALIANZA could also publish video clips for projects at the pre-procurement stage, although this might be limited by the current legal framework, which establishes that
everything except the call for tender is deemed confidential until the PPP contract subscription.

9. Use of Statutory Audit

Statutory Audit of PPP in India

Overview

Publishing evaluation reports serves the public and wider bidder interests. This case study considers how the Comptroller and Auditor General (CAG) of India is making the case for undertaking audits of private companies providing public services.

The CAG argues that all private firms with significant public interests, and those with control of natural resources, should be subjected to an audit by the CAG to keep people informed about how these resources are being utilized. However, private firms argue that since they may have a majority holding in the public-private partnership (PPP), they should have the power to decide on their auditors and hire a private entity to carry out an audit for them as per provisions of the Companies Act 1956.

Statutory audit in the telecom sector

The telecom sector in India works with a revenue-sharing model, and licenses are issued by the government to private operators for providing telecom services in the country. These licenses may be in the form of unified access licenses for providing telecom services on a pan-India basis.

A batch of petitions were filed by associations of telecom companies in India, such as the Association of Unified Telecom Services Providers and the Cellular Operators Association of India, to ascertain whether the CAG has the power to carry out a statutory audit of telecom firms.

The case went through two rounds of appeals. Eventually, the Supreme Court upheld the verdict of the High Court, which granted the CAG the right to carry out an audit of these firms, and directed the large telecom firms, like Bharti Airtel and Vodafone, to provide all the documents and records that may be required by the CAG for this purpose. In announcing the judgment for this case, the court stated that the CAG was not carrying out a statutory audit of the accounts of the telecom service providers, but was ascertaining whether the government was getting its legitimate share by way of revenue sharing.41

Although the telecom companies are not running PPPs, this ruling is considered extremely significant, as it will have far-reaching consequences on a wide range of sectors,

particularly on electricity distribution companies and natural gas, where licenses for exploitation of natural resources have been granted by the government under revenue-sharing clauses. Legal experts say the Supreme Court verdict may be cited to seek a CAG audit of the accounts of private companies in such cases.

Private electricity distribution companies in the power sector

The issue in the power sector arose when the state government in Delhi ordered a CAG audit of private electricity distribution companies, as the state government suspected these entities were wrongly reporting losses and charging a higher tariff. Three major power firms had existed in Delhi since 2002, when the state government decided to privatize power distribution in the national capital. These firms are 51:49 percent joint ventures between private power companies (51 percent) and the state (49 percent). Therefore, the firms contended that, being major shareholders, they should have the right to choose their own auditors as part of the statutory disclosure specified in the Companies Act.

The major players in this case are the Reliance Anil Dhirubhai Ambani Group and Tata Power Delhi Distribution Ltd. In a recent High Court ruling, the firms were unable to get a stay order on the city court decision, which stated that the CAG had the power to carry out an audit of their accounts. However, as of now, the audit is still pending and the CAG has written to the Governor of Delhi stating that the distribution companies have not shared the documents required for the audit.42

Consequences of the court rulings

Emboldened by the rulings in the case of private distribution companies and telecom operators, the CAG is reported to be making a case for carrying out a comprehensive audit of PPPs.43 The CAG wants the Government of India to insert a clause in this regard into the contract agreements signed with private firms. Since private players use assets or funds held by the government and render services within a preset revenue-sharing agreement, a comprehensive audit is necessary to ascertain the project’s performance in delivery of services and its adherence to contractual obligations.44

This audit is likely to improve the monitoring and evaluation framework that is in place, as well as increase the requirements for disclosure of progress reports and financial disclosure of private entities.

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10. Strong Institutions Promoting Disclosure

Disclosure in New South Wales in Australia

Overview

The New South Wales Department of Education and Training (DET) has two major public-private partnership (PPP) contracts to provide government schools in urban areas with growing population. The first contract, initiated in late 2001 and signed in 2002, was for $A137 million (US$120 million) and covered nine schools. The second contract was for $A178 million (US$156 million) and covered 10 schools. The second contract had a much quicker contracting process, starting in May 2005, and the contract was let in December 2005. These PPPs are viewed by many in the industry as examples of social infrastructure PPP best practice, with savings to the public in excess of 20 percent and a favorable review in the Auditor-General’s performance audit.45

These projects also illustrate how strong institutions that value information disclosure drive good practice. As this case study shows, the New South Wales Treasury used lessons from this project to improve its disclosure processes.

Transparency and systematic disclosure during procurement

This was the first PPP project carried out by the DET. As such, there was careful pre-planning and preparation, with the initial scoping work starting 16 months before an expression of interest was launched, including a public sector comparator (also the first carried out by DET). In 2001, DET advertised for registrations of interest from private sector parties, although it is not clear where this was advertised, as it was before the 2006 procurement requirement to use the New South Wales e-tendering website. Eleven applications were received. The post-implementation review (PIR) report states that this project met the majority of the guidelines for working with the government. The aspects that were not followed did not hinder the procurement process. Following this procurement, the guidelines for working with the government were simplified.

The audit reported that the tender process was competitive with sufficient transparency, although the audit recommended that contracts should be more accessible to the public. The government’s Budget Committee approved the requests for tenders and the selection of the preferred proponent, with the overall project overseen by a steering committee, chaired by DET. There is no information on this project in the archive of the New South Wales e-tendering website. A public sector comparator report is available as part of the

contract summary, although it is unclear at what point in the process this information was made publicly available.

The audit report noted that Victoria had more stringent disclosure requirements than New South Wales and recommended that more complete documents relating to PPP projects be disclosed, as was the case in Victoria. This recommendation was mainly to remove the public’s concern over secrecy associated with PPPs.

Translating contracts into project summaries

Contract summaries and Auditor General performance audit reports are available for both projects on the New South Wales Treasury website.

The audit report was satisfied with the level of detail provided, which includes key information such as the service requirements, monthly payments to be made, evaluation criteria, weights used to select the preferred bidder, and results of the public sector comparator.

The PIR reported that the guidance available at that time on project summaries was ambiguous, particularly on how to interpret the requirement to table the contract summary 120 days after the contract “becomes effective,” as this could mean after financial close, after commercial close, or when the operations phase of the contract commences. This recommendation was taken on board, with the 2012 guidance clearly defining the contract as becoming effective “after all conditions precedent to the contract have been satisfied.”

In addition, the audit report recommended that the Treasury should publicly disclose more complete contract documents. This recommendation was taken on board by revising Ministerial Memorandum 2000-11 Disclosure on Information on Government Contracts with the Private Sector, so that the full contract deed (excluding confidential information) is posted on the e-tendering website.

Dealing with retroactive disclosure and contract clauses that may impede this

This issue is not relevant to this case study.

Disclosing fiscal commitments and contingent liabilities of projects

No financial information is published about these projects. The only information provided is the comparison with the public sector comparator. The comparison shows that the first project represented savings of 7 percent and the second savings of 23 percent, compared with the “most likely” outcome. These savings represent total notional savings compared with estimates of risk transfer of $A 45.5 million.

Effective financial disclosure in special purpose vehicles

Neither the audit report nor the PIR makes any financial disclosures.
However, a key recommendation of the PIR for this project was to improve the Treasury’s non-paper-based budget reporting associated with PPPs to allow electronic footnoting of capital adjustments beyond the forward estimate periods. As such, the Treasury began implementing a Record Improvement Management System project.

Confidential information/redactions
No redactions were made in any of the project summaries.

Reporting on project performance
The contractor is required to monitor and report on its performance in accordance with detailed monitoring procedures, record-keeping requirements, and routine monthly reporting requirements set out in the contract. Payments are reduced if performance falls short of standards or if parts of the school are not available for use. The burden of reporting and compliance monitoring are therefore in the hands of the contractor rather than the government. At least every 12 months, the contractor must have its compliance with the quality standards in its operation manuals independently audited. DET may also carry out its own audits.

The audit report found that although the reporting and monitoring system of the first project had been thoroughly prescribed and seemed to be appropriate, it was largely reliant on self-monitoring, rather than any oversight or audit by DET. The report found that the incentive mechanisms were strengthened in the second project and that they had simplified the processes using lessons learned from the first project.

Disclosure by NHAI in India

Overview
In this case study, we consider how the National Highways Authority of India (NHAI) has led innovation in information disclosure in India and is an example of a strong institution supporting more disclosure.

The flagship program of the NHAI is the National Highways Development Project (NHDP), which was implemented in 1998 to improve connectivity in India. The project started with a first phase in which the metropolitan cities of Delhi, Mumbai, Chennai, and Kolkata were connected (Golden Quadrilateral). A recent project from the fourth phase of NHDP is the four-lane section between Lucknow and Raebareilly, which is the focus of this case study.

Transparency and systematic disclosure during procurement
The procurement followed two standard stages.
Stage 1: Request for Qualification (RFQ) Stage

The RFQ was uploaded to the NHAI website (January 2011) and a tender notice was placed in two national daily newspapers. The RFQ detailed the evaluation criteria and stated that the applicant’s competence and capability would be established by the following parameters:

a. Technical capacity, gauged by analyzing the applicant’s project and construction experience in projects of similar scale
b. Financial capacity, gauged by looking at audited financial reports of the bidder over the past five financial years.

A checklist to ensure compliance by the applicants of all points in the RFQ was also uploaded, along with a corrigendum and modification to the RFQ, which took place after the RFQ had been released.

Stage 2: Request for Proposal (RFP) Stage

Based on the initial submissions by interested bidders, a short list of qualified bidders was prepared by the NHAI and uploaded to its website. Individual letters were sent to the concerned firms in October 2011. The firms were given instructions on how to purchase the bid documents and the RFP, which would detail how the firms could make an initial bid for the project. An e-tendering approach was adopted by the NHAI in 2011, and all bids have been carried out using this approach since then.

The results of the bid were declared in November 2011 and the contract was awarded to Essel Infraprojects. Execution of the concession agreement must begin within 45 days of the award of the contract.

The NHAI followed the same procedure for appointing a safety consultant and an independent engineer for the project. In these two cases, there is no prequalification stage, and the RFPs are the only documents made available publicly, followed by the signed concession agreements with each of the chosen bidders.

There is also a detailed list of the obligations of each party involved—NHAI, concessionaire, safety consultant, and independent engineer—that has been uploaded to the website.

Translating contracts into project summaries

There is a section on the NHAI website that lists the key features of each project, covering the name of the implementing agency, project description, project location, project cost, public-private partnership (PPP) type, as well as more specific information, such as the number of bridges, culverts, flyovers, etc., which form a part of the project.

Disclosing fiscal commitments and contingent liabilities of projects

The estimated cost of the project and the model used for implementing this PPP, including any details of the revenue-sharing agreement, are made available to the public. There is also detailed information on any toll that may be charged by the concessionaire, and the agreement that gives it this right.

Effective financial disclosure in special purpose vehicles

There are no details on financial disclosure by the special purpose vehicle (SPV) formed to execute this project.

Even the financial details of the parent company, which were submitted to the NHAI during the prequalification stage, are considered confidential and not uploaded to the website. In general, the SPV may only be required to make a financial disclosure under the Companies Act 1956, and if they choose to list on the stock exchange.

Reporting on project performance

The concessionaire prepares elaborate project progress reports, which include the physical progress (details of the road, culverts, flyovers built, and even the number of trees cut), as well as the financial progress (money that has been spent to date). These reports are uploaded to the NHAI website along with pictures from the ground showing the actual work that has taken place to date. Reports of the safety consultant and the independent engineer, which detail whether the required safety checks have been carried out and quality controls have been put in place, are also available online. The report further discusses the status of the various clearances that need to be granted for the project to move forward.

A new feature introduced by the NHAI is to include information on any accidents that have taken place on the road, during or after the completion of the construction. Several projects in the past had a history of not ensuring adequate safety for the workers, resulting in many deaths at the construction stage. This feature would ensure that the concessionaire takes steps to prioritize the safety of the workers.

Disclosure Driving Good Practice in South Africa

Overview

Our findings indicate that strong institutions that value disclosure drive good practice. This study demonstrates that the primary success factor for public-private partnerships (PPPs) in South Africa has been the ability and engagement of public officials in convincing the public that PPPs provide good value for money, as well as ensuring that all the necessary technical and legal processes are undertaken.
Public sector PPP success factors

Our jurisdiction study suggests that one of the primary success factors for a PPP, as identified by the Treasury’s PPP Unit, was the issue of political commitment. A successful partnership can result only if there is commitment from “the top.” The most senior public officials must be willing to be actively involved in supporting the concept of PPPs and taking a leadership role in the development of each given partnership. A well-informed political leader can play a critical role in minimizing misperceptions about the value to the public of an effectively developed partnership. Equally important, there should be a statutory foundation for the implementation of each partnership. This was evident in the case of the Gautrain, where the then Premier of the province provided strong leadership to the project and established a provincial political steering committee consisting of politicians, expert advisors, and senior government officials. This steering committee ensured that all the necessary technical and legal processes were undertaken. This instilled public confidence in the process as well. The experience of PPPs in South Africa has shown that if political support is uncertain, the future of the project will not be certain.

In addition, the role of the sponsoring institution does not end once the PPP agreement has been signed. The institution has a critical role in monitoring the progress of the PPP and ensuring the reporting is done as per the PPP agreement. Sponsoring institutions need to have the capacity and systems in place to ensure that they can fulfill their monitoring and reporting role.

An interesting observation was that the pre-procurement phase spanned several years in many instances, especially in cases like the Gautrain. Suggestions have been made that although South Africa has a firm foundation for PPPs, the process could be streamlined and improved.

11. Disclosure through Post-Implementation Reviews

Post-Implementation Reviews in New South Wales

Overview

The M7 Motorway, Cross City Tunnel, and Lane Cove Tunnel complete the Sydney Orbital and provide an east-west bypass of Sydney. These three projects, with an estimated combined capital cost of more than $A 3 billion (US$2.6 billion), commenced in 2003 and were delivered ahead of schedule. The three projects were of a similar scale, were developed and delivered simultaneously, and utilized the same procurement and approval processes.
These projects provide examples of good practice surrounding ongoing publication of performance information. This case study looks at post-implementation reviews and reports by the Auditor General.

Transparency and systematic disclosure during procurement

The joint post-implementation review (PIR) for all three projects reported that the public-private partnership (PPP) procurement model developed to deliver these projects established best practice for Australian economic infrastructure and became a benchmark for other jurisdictions in Australia and internationally.

For the Lane Cove Tunnel, a state environmental planning policy was gazetted to provide a consistent assessment and decision-making framework. An Environmental Impact Statement (EIS) was prepared and exhibited for two months, with 340 representations in response. The Director General’s report provides a summary of the key issues raised, as well as the modifications to the proposals as a result.

For the Cross City Tunnel, a nonconforming bid was chosen, which used a different design from that approved in the Environmental Impact Statement, because the bid represented better value for money. Therefore, a supplementary EIS was required.

Translating contracts into project summaries

All three projects complied with the transparent procurement rules, as well as the disclosure of information requirement of publishing an audited contract summary. The summaries are available for all three projects on the New South Wales Treasury website.

Dealing with retroactive disclosure and contract clauses that may impede this

Although these projects commenced before the guidelines for working with government were published in 2001, the PIR assessed the projects retrospectively against the guidelines and found the projects to be compliant.

Disclosing fiscal commitments and contingent liabilities of projects

This issue is not relevant for these projects.

Effective financial disclosure in special purpose vehicles

Neither the audit report nor the PIR makes any financial disclosures.

Confidential information/redactions

This issue is not relevant to these projects.
In 2010, the Lane Cove Tunnel went into receivership, with an $A 1.1 billion (US$0.96 billion) bond debt, calling into question public confidence in the PPP model. The primary cause of the financial troubles of these PPPs was overly ambitious traffic projections rather than issues with the PPP model.

Prior to the receivership, an Auditor General’s performance audit of the Cross City Tunnel project was undertaken, because of the controversy this project had created since its opening, relating to high toll charges and public concern over the fairness of the contract award process. One recommendation from this audit report was that Treasury should publicly disclose contract amendments. This recommendation was implemented by revising the Ministerial Memorandum 2000-11 Disclosure on Information on Government Contracts with the Private Sector.

12. Disclosure at the Subnational Level

Disclosure at the Municipal Level in South Africa

Overview

Public-private partnerships (PPPs) in the municipal context have largely been utilized for the procurement of infrastructure to ensure the delivery of municipal services, such as water. However, most municipal PPPs were entered into prior to the promulgation of the Municipal Systems Act of 2000 and the Municipal Finance Management Act (MFMA) of 2003, which provide the legislative framework for municipal PPPs.

The White Paper on Local Government, 1998, provided the policy basis for the options to explore alternative service delivery options. It also gave policy guidance that all stakeholders, including consumers of municipal services, should be consulted on the mechanism by which a service should be delivered, creating the need for a level of disclosure of contract details to stakeholders. Although this is good practice, in this case study, we investigate the pressures this practice has put on the project cycle in municipal PPPs in the past.

Ilembe DM Dolphin Coast PPP and the Mbombela concession

The Ilembe DM Dolphin Coast PPP and the Mbombela concession were PPPs for the procurement of water services provision that were guided by the Municipal Infrastructure Investment Unit (MIIU), a body that was set up by and accountable to the South African Department of Provincial and Local Government to help local governments explore a broad range of solutions to service delivery problems.
The municipalities leading these PPPs were given advisory and technical advice by the MIIU as well as the Development Bank of Southern Africa (DBSA). The municipalities therefore followed the principles of community and stakeholder consultation in the lead-up to the selection of the concessionaire. In the case of Ilembe, the council discussions leading up to the issuing of a public notice caused tensions with the trade unions. When the municipality issued a public notice without having reached full agreement with the unions, this aggravated the tensions between the municipality and the trade unions and impacted the process. The unions were resistant to the PPP, as they saw it as a form of privatization. Ilembe approached DBSA for assistance and then issued public notices of intention to seek municipal service partnership options for the delivery of water services, including calls for expressions of interest. This was then followed by shortlisting of prospective bidders and preparation of the request for proposals (RFP) in late 1996. The RFP was then issued to four shortlisted entities in February 1997. The preferred bid was identified in November 1997 and the contract concluded by January 1999.

The Mbombela concession followed the same process, as it was also guided by the MIIU and the DBSA and took place at the same time. The concession also included engagement with the local branches of two trade unions. The issues arising from these engagements were elevated to the national level of the South African Municipal Workers Union and the Congress of South African Trade Unions. These elevations resulted in major delays in the process—the contract was awarded in 1999 after the RFP was issued in 1996.

Main findings

The consultation processes during the pre-procurement phase, which included publishing the PPP agreement for public comment and taking the agreement to the council for approval, have been called onerous obligations that tend to prolong municipal PPP processes. The additional requirements of the MFMA require that the municipality must consult with the community and the national and provincial governments. In addition, the PPP regulations require that the municipal manager must solicit the views and recommendations of the national treasury and the provincial treasury, before the bids are publicly invited and before the award is made. The result is a combined solicitation of the views of the treasuries, the national government, and the community, before the invitation of bids and before the award of the contract. Given the nature of local government, however, these processes cannot be dispensed. The result is that municipal PPP processes tend to take longer than public sector PPP processes.

An added obligation for municipalities is that all decisions need to be taken by the council of the municipality prior to implementation. Given the length of time that it takes for a PPP process to move from pre-procurement to procurement, one of the risks is that a PPP can be initiated within the five-year term of a municipal council but the implementation decision would need to be taken by a subsequent municipal council. There is currently no rule that would compel a new executive to be bound by the decisions of a previous executive; hence, there is a risk that the process would have to start again from scratch.
13. Post-Procurement Disclosure

Disclosure in the London Underground Project

Overview
Three large-scale (multi-billion pound) public-private partnership (PPP) transactions were developed for London Underground, which transferred responsibility for the operation, maintenance, and renewal of the railway infrastructure for a 30-year period. Train and station operations remained in the public sector. The transactions were large and complex and the arrangements were bespoke, so although they drew on existing public finance initiative (PFI) guidance, they were not pursued as per the more routine PFI projects then being developed.

This case study shows how public interest led London Underground to publish contracts and a contract summary, providing more information than was required by legislation at the time. Several of the items that were disclosed now form part of common disclosure practice, but this was not the case at the time.

Transparency and systematic disclosure during procurement
The main thrust of disclosure during pre-procurement/procurement was to ensure that a sufficiently strong pool of bidders was developed. A prior information notice launched the procurement and there was consultation with potential bidders via a significant market-sounding exercise.

The main structure of the deal was developed by a team of Underground staff, advisers, and civil servants. At the prequalification stage, this structure was made publicly available in summary form. Those seeking to prequalify and signing confidentiality agreements were given further details. Thereafter, the transaction proceeded without significant further proactive disclosure.

There was significant interest in what was a politically controversial deal. Information about the procurement process entered the public record via various legal challenges—documents that could be accessed via the courts.

The Freedom of Information (FOI) law was being developed at around the same time as the procurement was taking place, and could therefore not be used to access information in the pre-procurement phase or for most of the procurement phase.

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49 The Mayor of London was opposed to the PPP deals and challenged them under European (State Aid) and UK law.
Translating contracts into project summaries

In part as a result of the controversy surrounding the deals, a contract summary was prepared post-financial close. A detailed document was made available to those who would oversee the contracts and a redacted version, which excluded for instance commercially sensitive financial details, was published on the Transport for London (TfL) website.

The PPP contracts were also published on the TfL site, again with redactions for commercially sensitive details such as financial models. Although the redactions were not extensive, it is likely that the latest Private Finance 2 guidance would require more significant disclosure than was the case more than 10 years ago.

The National Audit Office and the Public Accounts Committee reviewed the transactions and their reports are publicly available.

Confidential information/redactions and contract clauses that may impede this

There was broad acceptance that a level of disclosure would be required, given the scale and nature of these transactions. Although there were limits on disclosure in the agreements, they were broadly consistent with the exemptions under FOI legislation. The key restrictions on disclosure related to commercially sensitive financial information.

Disclosing fiscal commitments and contingent liabilities of projects

Although some financial information was available semi-publicly, for example, via bond-offering documents, little was made available given commercial sensitivity. However, the government guarantee was available on the TfL website.

Effective financial disclosure in special purpose vehicles

The objective of the contracts was to create transparency between the contract parties. There were provisions on open book access to information, but this extended to the contract parties only and was not very successful. The commercial companies involved in the transactions actively sought to limit disclosure to London Underground, for example, by asserting that the information being sought rested with members of the supply chain with which open book rights did not exist.

Reporting on project performance

London Underground produced annual performance reports that reported progress against key PPP deliverables.

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50 The PPP deals are no longer active and as a result much of the information that was available on the TfL website has now been removed. Given that it was once public information, we assume that it would be readily available from TfL and/or by FOI request.
The World Bank Group provides assistance to governments in developing countries to improve access to infrastructure and basic services through public-private partnerships (PPP). When designed well and implemented in a balanced regulatory environment, PPPs can bring greater efficiency and sustainability to the provision of such public services as water, sanitation, energy, transport, telecommunications, health care and education.

The World Bank Group’s unique value proposition rests with its capacity to provide support along the entire PPP cycle — upstream policy and regulatory guidance, transaction structuring advice, as well as financing and guarantees to facilitate implementation.