

Framework for Disclosure in Public-Private Partnerships (PPPs)

Public Consultations: Matrix of Feedback and Responses

Background:

The World Bank Group (WBG) is working on a framework for public disclosure of information in Public-Private Partnership (PPPs) transactions, along with the preparation of a database on disclosure practices followed in various countries. The work is based on a substantial body of knowledge created during the last few years through reviews, and experience gained through technical guidance.

The current draft can be accessed through this link: [Framework for Disclosure in Public-Private Partnership Projects](#).

In fall of 2015, the WBG's Public-Private Partnerships' team opened the Framework for Disclosure in PPPs draft up for public comment and feedback. The public consultation exercise around this draft Framework was open from late November 2015 through end of February 2016. Input was received from many stakeholders. Listed below are the comments and feedback received without naming the individual or institution who sent it, this document also shares the responses from the WBG team to the feedback received.

We thank all those who have taken the time to reflect on the draft and we will be updating the draft in the near future, followed by updates online.

Comments	Responses
1. We welcome the opportunity to comment on this document, and the fact that the World Bank has opened it up for consultation. We hope future guidelines or similar documents on Public Private Partnerships (PPPs), whether commissioned by the Group of 20 (G20) or otherwise – including those that have already been submitted to the G20 – will also be open for consultation. We would further like to request that future consultations happen before, rather than after, submission to the G20, as an endorsement by such a powerful group of countries, even in principle, may project the impression that consultations with other stakeholders are a mere formality devoid of a real chance of impact.	Comments received during consultations with all stakeholders will feed into the process of refining the Framework. This is not a mere formality. All comments will be discussed internally and as many as possible will be incorporated fully.
2. National legislation on PPPs seems to have remained the basis for the review on which the “Framework for Disclosure in PPPs” draws. However, in our view, there are a number of frameworks relevant to disclosure unjustifiably left out of the pool of experiences to draw upon. These include the Extractive Industries Transparency Initiative, Publish What You Pay, Open Contracting Partnership and Construction Sector Transparency Initiative. While not all of these focus solely on infrastructure, they do represent approaches to disclosure and an additional set of lessons and ideas to be identified.	The reason for looking at national or subnational legislation was to see what frameworks countries have that enable them to disclose. The other approaches mentioned are extremely valuable as external/global initiatives, and these advocate for more disclosure by governments as well as provide a set of principles/guidance for disclosure. In that sense, these approaches are equivalent to the Framework in their own specific sectors. COST (see

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<p>In the following pages we provide comments on the suggested framework according to the sequence presented in the document. We explicitly decided not to frame our submission around the questions that guide the consultation as we fear that would constrain our ability to comment on several segments and aspects of the framework we feel necessary to address.</p>	<p>the logo on the cover as well as mention of COST in the acknowledgments) and the World Bank’s Open Contracting Team (Governance Global Practice) were fully involved in the drafting of the Framework. We will continue to involve them and are currently working with them on a joint project to develop an extension of the Open Contracting Data Standard (OCDS) for PPPs. We will also work jointly as we implement the framework in the first set of pilot countries.</p>
<p>3. We agree with the drivers of disclosure listed in the document. In our view, however, the document fails to mention that a robust framework for disclosure is a primary and necessary – if insufficient – safeguard against some of the risks raised by PPPs. Such risks have to do with social and environmental impacts, respect for human rights, democratic accountability and macroeconomic problems, including hidden public indebtedness, arising from PPPs. The need for such safeguards is particularly acute in the light of the G20’s recent policy decisions to encourage so-called “transformational” projects, which we understand as increased support for megaprojects. This naturally raises a red flag in terms of designing, implementing and monitoring projects. According to a study by Bent Flyvbjerg from Oxford University’s Said School of Business, the risks and complexities multiply along with the scale of the projects.</p>	<p>Agree. Section 3 of the Framework mentions the following: “Disclosure of information appears to be influenced by many challenges and benefits. Many of the challenges can be overcome through a sound and well-thought-out framework. In later sections of the Framework, especially the sections assessing the elements required for a useful disclosure policy, we refer back to some of the challenges and benefits discussed in this section.”</p> <p>The Framework is indeed based on the premise that disclosure has several benefits. The Framework looks at some key direct benefits (without going into higher-level impacts/outcomes), given that it is a practical tool. However, we will add language to highlight the extremely important issues raised here.</p>
<p>4. The document should contain a section on disclosure guidelines for a certain portion of the pre-procurement stage. It currently ignores the period in the pre-procurement stage in which a certain public interest or need is identified and matched with an appropriate project. This period lasts until the point of deciding that the project will be undertaken through a PPP. This is a crucial stage at which dissemination of information and public consultation will be essential to build support and overcome distrust should a PPP be pursued at a later stage. In our experience, the omission of disclosure at this stage often generates unwarranted costs through the pursuit of projects that the public does not perceive to be in its interest, or PPPs where other forms of delivery may be more warranted. Lack of consultation at this stage may contribute to the perception that the use of PPPs as</p>	<p>We agree on the importance of the early phases of project preparation. We will suitably review and separate out the early-stage disclosure requirements. The disclosure template currently includes disclosure of the reason for pursuing a PPP to deliver the services, as detailed below, and some additional language will be added to emphasize the importance of this.</p> <p>See table 15, page 50, under Basic Project Information: •Reason for selection of PPP mode and type in brief</p>

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<p>a delivery format was based on non-transparent, private lobbying by groups or companies that stand to draw a benefit.</p>	<p>•Brief description of the other modes analyzed and reasons for rejecting these.</p> <p>A note in table 15 has the following: “e. The rationale for doing PPP can be disclosed at the pre-procurement stage. However, a detailed value-for-money report, if any, should preferably be disclosed following contract execution given that actual bid comparison is available following assessment of bidders and final negotiations with the selected bidder. In addition, where a public sector comparator is created, public entities might have sensitivities in disclosing the public sector comparator in advance, as it might have the potential to affect their negotiating position adversely.”</p>
<p>5. The document should point out that in many countries the development of data banks, carrying out and disclosing impact assessments is already mandated for many public interventions (for instance, in the social sector), of lower length and much lower cost than PPPs. It should not be acceptable to do any less for PPPs.</p>	<p>We agree that disclosure for PPP should be at par with or better than current disclosure practices for public projects. The WBG is working on extending the Open Contracting Data Standard (OCDS) to PPPs based on the Framework. In this context, it will be possible to compare the levels of disclosure in PPPs and in general government contracting. In addition, the OECD, which has worked extensively in the area of transparency in public contracting, will also look at the Framework from the viewpoint of comparing the levels of recommended PPP disclosure, vis-à-vis recommendations/practices prevalent in public contracting.</p> <p>The document has companion volumes on jurisdictional studies and good practice cases, which give examples of disclosure in PPP in several jurisdictions.</p>
<p>6. In general, we agree with the challenges pointed out in part I of the document (p. 19-20), however, the benefits are not very well identified. For instance, full disclosure of contracts and of performance/ monitoring reports is essential to allow for democratic accountability of the implementation process. This empowers government officials to put pressure on private sector companies to comply with</p>	<p>We agree with this. We have added language to this effect among the benefits of disclosure. It is expected that government officials who manage and monitor the contract have access to the contract internally and do not depend on public disclosure for this</p>

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<p>contract clauses, and discourages corrupt practices.</p>	<p>purpose. However, as mentioned there might be entities within government who may not have access to this information, such as oversight agencies, anti-corruption agencies etc., who will find PPP disclosure useful.</p> <p>That said, it also follows logically that a contract that is known to all members of the public and to other public sector agencies with a stake in the project (not just to the contract manager) would put more pressure on the contract manager to ensure compliance, as noncompliance would be much more visible where performance indicators and targets are well known.</p>
<p>7. We appreciate that the document decidedly supports disclosure and endorses recommendations on how to implement it. But we are concerned that it is not completely clear about the extent to which such recommendations are to be seen as requirements rather than simply how jurisdictions have decided to implement disclosure. A list of diverse individual examples may be read as justifying as positive the lowest as much as the highest standard in such lists. Moreover, in many cases lack of a certain level of disclosure would be in contradiction to normative commitments undertaken by countries on these areas, in which case disclosure would be a legal obligation. However, the document does not explicitly state that minimum standards for a disclosure framework are not a choice but a mandatory requirement without which PPPs should simply be discouraged. The Bank's – or other institutions that may choose to follow this Framework in their support of PPPs – own behaviour is not clear. For instance, will the Bank still support PPPs in countries that do not have such threshold of disclosure? Other public or semi-public development banks (such as KfW and the European Investment Bank) are increasingly involved through their respective lending schemes. The respect to standards needs to be assured; otherwise unsustainable debts may emerge, even if the World Bank acts in a more restrictive manner.</p>	<p>The Framework includes a template as well as some suggested levels of disclosure. However, at this point in time, the Framework is not being brought forward as a mandatory one, but rather as a recommended and aspirational one. The idea is that countries will adopt and own a customized version of the Framework based on their needs and the country (including legal) context. In the majority of PPPs, there is likely to be no WBG or other MDB assistance involved. So making the Framework mandatory for World Bank assistance may not have the desired effect or coverage. At the same time, if it is put forward as a Framework that can add value to the process, it is more likely that countries will assess and adopt it according to their needs and context, and the value added they perceive in using the Framework. We expect that by piloting the framework and documenting the impact achieved through implementing, countries will be motivated to adopt it and be ambitious about it, leading by example.</p>
<p>8. The analysis of users and use of information included in the document is relevant. However, it leaves out people and communities potentially affected by PPP projects. Although these people are part of the general public, they have particular</p>	<p>We have now included references to groups that are specifically affected by projects. This is an important point and underscores that disclosure and communication (and citizen engagement to go a step</p>

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<p>interests to be considered when it comes to disclosing information that enables their meaningful understanding and effective monitoring. The document needs to make explicit references to the relevance of the disclosure for these groups, and as a consequence consciously make provisions – even if such provisions are not in some of the jurisdictions whose legislation the Bank reviewed – to ensure PPPs will be disclosed in a way that effectively, meaningfully and in a timely manner enables the perspective of such people and communities to be heard. It should require that PPPs be disclosed to them and that their interventions be disclosed for purposes of accountability and awareness of other stakeholders, including investors, as well as to point out consequences when such requirements are not followed.</p>	<p>further) are distinct but related issues. The scope of the Framework is limited to disclosure, and the Framework will unfortunately not be able to go into more detailed process issues within the realm of communication and citizen engagement, but we will look at the future scope of work in those areas.</p>
<p>9. We find that the elements proposed for disclosure tend to omit disclosure of key financial information – such as cost/benefit analysis of PPPs over the lifetime of the project, taking into account the full fiscal implications over the long-term and the risk comparison of different financing mechanisms, particularly with regard to the debt sustainability of the recipient country, as well as risk assessments to explicitly measure the risk of hidden contingent liabilities.</p>	<p>We will work on highlighting this more. Under the Guarantees section, under Government Support in table 15 (Template), the following is already included:</p> <ul style="list-style-type: none"> •Detail the type and exact details of the guarantees provided—both explicit and contingent guarantees—such as minimum revenue guarantee, exchange rate guarantee, debt repayment guarantee, and other guarantees. •Provide links to fiscal commitments and contingent liabilities disclosure reports, if any. <p>On the CBA, it is not carried out by all countries, but most countries conduct an economic analysis. In the procurement information disclosure, we do recommend disclosure of final feasibility studies, which would include a CBA if it has been done.</p> <p>There is also already a section on the rationale for doing the PPP, which will have a large amount of financial information as well as information on the risks, including possible risk valuation based on the methodology used, and a separate section on financial information, which includes the forecast IRR among others.</p>
<p>10. We also find that they omit critical non-financial elements such as environmental,</p>	<p>We will add language to highlight these. However, under procurement information, we do recommend</p>

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<p>social and human rights risks during the construction and operation of proposed projects, as well as mitigating measures proposed to deal with them. Feasibility studies should already be disclosed in the pre-procurement phase and should include data disaggregated by sex and analysed from a gender perspective. Guidelines on disclosure of performance should at least extend to dimensions of coverage, quality, impact and efficiency and also include sex-disaggregated and gender-analysed data. The disclosure of all of these will certainly contribute to legitimate public authorities' decision and strengthen the effective monitoring of development results.</p>	<p>the disclosure of land acquisition and related social, environmental, and rehabilitation information, with links to documents. See the extract from template below:</p> <p>“PROCUREMENT INFORMATION Dates and summary details, links to all procurement documents, final feasibility study, including land acquisition, social, environmental, and rehabilitation related information, reports of independent procurement auditors.....”</p>
<p>11. We would like to support and reinforce the following points in the document: The special challenges posed by unsolicited projects (p. 33 -37) and the reasons (p. 34) why the level of information should be higher than for projects initiated by the government. We do not, however, agree with an option for requirements being “as high as that for projects initiated by the government”). It should be noted that PPPs should fit into a nationally-owned development plan and a privately-initiated PPP, likely initiated to promote a private company’s objective, is, by definition, less likely to fit such a plan. It should be subject to a rigorous test to demonstrate it, including the disclosure of a value for money analysis and an impact assessment study.</p>	<p>We will include language to highlight these aspects.</p> <p>In the Framework, we recommend a high level of disclosure as part of the recommended template for solicited and unsolicited projects. Unsolicited projects follow different processes in different countries, and in many cases these enter the normal procurement process after the feasibility study process and after the decision by the government to go ahead with these.</p> <p>We also include disclosure of the public interest test in the case of unsolicited projects. In addition, the VfM analysis disclosure is already included as part of the disclosure for all projects under the rationale for selection of the PPP option in the template, under the basic information as well as the specific section included in the template for this purpose.</p>
<p>12. The decision not to recommend a lower level of disclosure where non-standard contracts are involved, upon the argument that “the lack of transparency in the absence of public disclosure in these cases has the potential to become even higher,” (p. 38) and upping the ante for the government requirement to justify why specific or different parameters are adopted on key issues (e.g. contingent liabilities). In our view, though, the framework could be stronger and send a signal in the right direction if it were phrased as, “Governments should be opened and transparent...” instead of “Governments need...” as these are key issues that can</p>	<p>The Framework aspires to achieve a high level of disclosure in all PPP contracts, including non-standard contracts as well as processes by emphasizing its value addition.</p>

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<p>have a high impact on the accountability of outcomes of selected PPP projects.</p>	
<p>13. All elements of financial information whose disclosure is recommended in Tables 9, 10 and On Table 10, however, we do not consider warranted the qualifications under “financial information” that needs to be disclosed. Things like estimates and actual revenues earned are important to know even when the government does not offer a minimum revenue guarantee or receives a payment from the Special Purpose Vehicle (SPV). They may affect tariff structures or the balance of other benefits in the contract that were relevant to the negotiation and evaluation of performance or the extent of risk and benefit-sharing between public and private parties. Further, there is a generalized tendency of bidders to overstate benefits and understate costs of projects. It is thus critical that information on performance, renegotiations and consequences, including sanctions for non-compliance with the initial terms of PPPs and the impacts of the new contract in the tariffs of services, also be disclosed.</p>	<p>We will highlight these aspects further. However, the extent of risk sharing is included in the term “substantial support provided by the government.” Further, the template in table 15 includes, under government support, the issue of risk sharing / any CL of government. In such cases, therefore, the disclosure of revenues—estimated and actual—could be warranted based on the specific context/ nature of the circumstances.</p>
<p>14. The category “Government support” is key. However, the framework should make an explicit endorsement of “on balance sheet” and transparent accounting of PPPs, in line with International Public Sector Accounting Standards (IPSAS) – Standard 32 and 19. PPPs should be included in national accounts, i.e. the costs of PPPs should be registered as a government debt, and therefore be part of a sustainability analysis, rather than being “off balance sheet”. This will allow for a higher level of transparency on the true costs of PPPs for the public purse.</p>	<p>Agreed. The Framework does indeed recommend disclosure of and links to reports on FCCL. However, the PPP CCSA uses other tools and frameworks to encourage governments to follow specific methodologies for assessment, management, and reporting of FCCL.</p>
<p>15. The presumption of disclosure (Tables 12 and 16). However, we also believe that the general exemption of commercial confidence, without further qualification, could easily undo the benefit of such a presumption. There are key questions that remain unanswered in the Framework. For instance: a) who determines what is commercially confidential; b) how this is placed against the “public interest”; c) which criteria should be used to determine what is and is not “public interest”; and d) how much power the public authority has to determine the period during which key information may remain confidential. In addition, for the commercially confidential argument to be valid, there is a need for concrete evidence of the potential harm that would be caused as a result of disclosure.</p>	<p>Indeed, the Framework refers to many of these questions and recommends that governments provide specific guidance on these. Although examples have been given, the Framework does not go so far as to provide a standard guidance that can be adopted, given that the circumstances and legal framework in different countries might differ with respect to what is considered confidential. A reference to the WBG publication on standard contract provisions, which includes a section on confidential information, has been added to provide more guidance to users of the Framework. We will discuss internally and explore the plausibility of providing more precise guidance on confidential information.</p>

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<p>16. The recognition that supply-side and technology issues play a role of overall importance in information disclosure in general (p. 24 and Table 2). But it is not credible to mention this problem without acknowledging that in practice it may render whole portions of the Framework useless. The Framework should include guidelines on this, not just for countries undertaking PPPs, but for countries in a position to support the transfer of technology, systems and instruments that support building, processing and disseminating the required data in adequate form in such countries.</p>	<p>This work is being undertaken as part of four pilots (supported by PPIAF) wherein the technology / data issues, including website-related issues as well as information flow issues, will be assessed as part of the disclosure diagnostic to be undertaken. Solutions to the gaps or problems related to the supply-side/ technology will form part of the diagnostic report. Following this, some website design and implementation work is contemplated. This is work in progress and a section on this could be added to the Framework based on the experience and lessons learned from the pilots on this aspect. This will be possible roughly a year from now.</p> <p>In addition, as mentioned, together with the World Bank's Open Contracting Team (Governance Global Practice) and OCP we will be developing an extension of the Open contracting Data Standard (OCDS) for PPPs that will help support the process.</p>
<p>17. We want to share the following specific concerns: The mention of the Chilean example on disclosure of fiscal and financial information (Box 5) is accompanied with the caveat that “not all countries involved in PPP assess, manage or measure liabilities to the extent Chile does and therefore may not be in a position to disclose in a similar manner.” We call for a more forceful indication that it is desirable to have such methods of detailed assessment, management, measurement and transparent reporting/disclosure of contingent liabilities.</p>	<p>Some language has been added. The WBG actively assists countries in creating frameworks for the assessment, management, and disclosure of FCCL.</p>
<p>18. There is a critical reference to a number of jurisdictions where information is kept confidential during the bidding process to maintain the competitiveness of the bidding, but where confidentiality is maintained until signing of the contract (Figure 7). We would argue disclosure in the period after close of biddings and before signature of the contract is certainly healthy to the process while there is no risk it can compromise the process as no more biddings are allowed at that point. We regret that the Framework's position on what to disclose during this period suffers from some ambiguity.</p>	<p>The template provides recommendations on disclosure along with recommended timing of disclosure, which, read together with the other sections, would make for greater clarity. However, we are checking for any ambiguity and will correct this in the next iteration.</p>
<p>19. In terms of what parts of the recommendations are applicable to countries, the document distinguishes between countries with “low” and “intermediate or</p>	<p>The WBG uses a country PPP diagnostic tool to assess the country's state of readiness, which</p>

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<p>moderate” capacity (p. 49), suggesting more requirements for the latter. In our view, though, if countries have low capacity to pursue a robust threshold of disclosure measures, PPPs should be discouraged as a financing option until these countries have built their capacity. We find it especially troubling to assert that “disclosing full contract documents would mean a fairly high level of disclosure without a high level of skills.” (p. 49) In countries where the skills for disclosure are not up to speed, most likely the skills for negotiation are such that a PPP is not a viable option and the Bank should unambiguously state so.</p>	<p>includes an assessment of country capacity and the capacity to undertake PPPs.</p>
<p>20. The Framework fails to emphasize the relevance of its recommendations to subnational entities, an area of particular concern where issues of capacity tend to play an even bigger role than at national or federal levels.</p>	<p>Agreed. The Framework can be applied equally well at the national or subnational level. This has now been specifically mentioned in the Framework.</p>
<p>21. The Framework fails to make recommendations on the sensitive area of disclosure oriented to ensure scrutiny of potential conflicts of interest of officials and civil servants involved in decisions regarding PPPs, especially members of PPP units. Such requirements are an important portion of measures to prevent corruption, overcharges and inefficiencies and could include, for instance, requirements for them to disclose their CVs, any kinship or family connections and beneficial interests in companies that are or may become parties to PPP contracts.</p>	<p>This is being treated as part of the work being done by the WBG in the area of procurement standards. This issue is being discussed internally with the Procurement and Anticorruption groups and will be added based on the results of these discussions.</p>
<p>22. El marco de divulgación proactiva de información planteado es sumamente útil a los efectos de manejar los lineamientos básicos que hay que tener presente para la difusión de información, esto es:</p> <ul style="list-style-type: none"> - Qué elementos deben divulgarse - Cuándo - En qué forma - Qué elementos no deben divulgarse - Responsabilidades que conlleva la divulgación <p>Independientemente de que exista un sistema de divulgación proactivo de información, resulta fundamental, la existencia de normas claras que determinen los parámetros de qué información será considerada confidencial y cuál va a estar a disposición de quién la solicite (criterio residual). Esto es así, porque en la práctica las solicitudes de información pueden exceder lo que se ha estipulado dentro de los parámetros de divulgación proactiva de información, lo que podría dar lugar a diversas clases de conflictos.</p>	<p>Noted.</p>

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En los países donde se encuentra regulado el derecho de acceso a la información puede generar problemas de interpretación el que no estén establecidos de manera clara y precisa los parámetros de la confidencialidad, dando lugar a arbitrariedades o excesos; y en países donde el acceso a la información no está regulado, puede generar incertidumbre e inseguridad, sobre todo en aquellos, donde los procesos APP son de reciente desarrollo y no existen lineamientos definidos respecto al manejo de información.

En el documento se hace hincapié en las ventajas de una cobertura detallada de la información a divulgarse (sin perjuicio de hacer notar el problema que puede plantear la evolución, señalando como ejemplo la experiencia de Reino Unido), pero reiterando lo manifestado en los párrafos anteriores, es que puede resultar más eficiente en principio detallar aquella información que no se va a divulgar y se va a considerar, por tanto, confidencial, o brindar parámetros claros en este sentido.

English translation:

The suggested framework for proactive disclosure is extremely useful for the purpose of defining the basic guidelines for dissemination of information, that is:

- What elements should be disclosed
- When
- In what way
- What elements should not be disclosed
- Responsibilities of disclosure

Independently of having, or not, a system of proactive disclosure of information, it is essential to have clear rules determining what information will be considered confidential, and which will be available on request (residual criterion). In practice, requests for information may exceed what has been stipulated within the parameters of proactive disclosure of information, leading to several kinds of conflicts.

In countries where the access to information is regulated, problems of interpretation may arise if clear and precise parameters of confidentiality are not established, leading to arbitrariness or excesses; and in countries where access to information is not regulated, uncertainty and insecurity may arise, especially in those where the PPP processes are newly developed and there are no guidelines regarding the management of information.

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<p>The paper emphasizes the advantages of detailed coverage of the information to be disclosed (notwithstanding the existence of difficulties created by evolution, as the UK experience demonstrates), but reiterating what was stated in the preceding paragraphs, we believe it is more efficient in principle to detail the information that will not be disclosed and will be considered, therefore, confidential, or provide clear parameters in this regard.</p>	
<p>23. Hay que tener en cuenta que para llegar al nivel de sistematización y organización que implica el Modelo Recomendado para la Divulgación Pro Activa de Información de Proyectos, no sólo hay que contar con el respaldo normativo que lo habilite, sino realizar un trabajo de capacitación de los funcionarios a fin de darle las herramientas necesarias para ser capaces de discernir, en el caso concreto, qué tipo de información debe ser manejada como confidencial por ejemplo.</p> <p><u>English translation</u> Keep in mind that to reach the level of systematization and organization that involves the Recommended Model for Proactive Disclosure of Project Information, one needs not only legal backing to enable it, but to train government officials to give them the ability to discern, for each specific case, what kind of information should be considered as confidential, for example.</p>	<p>Agreed. The Framework mentions the findings of the review, which associate the legal mandate to disclose with greater disclosure.</p> <p>The WBG is in the process of initiating four pilots that will include technical assistance in creating and implementing a customized framework for disclosure based on the current WBG Framework.</p> <p>Although we are integrating disclosure in all other relevant WBG products, including learning, future scope for further work in creating a training module in PPP disclosure will be considered.</p>
<p>24. Es muy interesante el análisis que se realiza respecto de las diferentes etapas del proceso de las adquisiciones relativas a las PPP, a modo de ejemplo el documento realiza una correcta y clara separación entre las etapas previa y posterior a la licitación. Asimismo, de gran utilidad los lineamientos proporcionados a los efectos de estructurar el sistema de divulgación de información, ya que en países como el nuestro en donde el derecho de acceso a la información está incluso reconocido a nivel constitucional (aunque son escasas las normas en las cuales se prevé la divulgación sistemática de información) puede llevar a que se considere de aplicación automática restando eficiencia al sistema de divulgación de información. En ocasiones ocurre que no resulta claro para la Administración qué información debe ser manejada como confidencial, y por otra parte los sujetos privados no saben ante qué organismo deben reclamar su derecho de acceso a la información, por lo que esto deriva en gastos inútiles de recursos y pérdida de tiempo para ambas partes. Estudios recientes demuestran que los servidores públicos parecen ser omisos en el cumplimiento de la ley o que el cumplimiento es, en general, relativamente bajo.</p> <p><u>English translation</u></p>	

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<p>It is very interesting the analysis of the different stages of the PPP procurement process; for example the document makes a correct and clear separation between the pre and post tender stages. Also very useful are the guidelines for structuring the information disclosure system, because in countries like ours, where the right of access to information is recognized even at the constitutional level (although legislation for systematic dissemination of information is scarce), automatic disclosure may be deemed automatically applied, reducing the efficiency of the disclosure system.</p> <p>Sometimes it happens that is not clear to the Government what information should be handled as confidential, and, additionally, private subjects do not know to which agency they should claim their right of access to information, resulting in waste of resources and time for both parties. Recent studies show that public servants seem to be remiss in law enforcement, and that compliance is generally relatively low.</p>	
<p>25. En Uruguay, si bien desde el punto de vista legal tendríamos un sistema donde existe una presunción de divulgación plena de información (similar al ejemplo de Victoria) no se cuenta con un sistema adecuado a los efectos de ordenar y procesar dicha información, no existen políticas de divulgación de información maduras.</p> <p><u>English translation</u> In Uruguay, although from a legal point of view there is a presumption of full disclosure of information (similar to the example of Victoria), there is no adequate system for sorting and processing such information, and there is no mature disclosure policy.</p>	This is useful to know.
<p>26. Otra puntualización interesante del documento es la relativa a la estandarización de los contratos que se encuentra estrechamente vinculado con el grado de desarrollo que tengan los procesos de APP en el país, y que sin duda pueden llegar a proporcionar un nivel de seguridad superior, más aún cuando las políticas de divulgación de información no son uniformes o suficientes.</p> <p><u>English translation</u> Another interesting topic in the document relates to the standardization of contracts, closely linked to the degree of development of PPP in the country; standardization allows for higher legal security, even more so when disclosure policies are not uniform or sufficient.</p>	Agreed.

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<p>27. En los casos en que se establezca la divulgación proactiva de la información es fundamental tener presente las observaciones que se hicieron en lo que refiere al objetivo o los fundamentos de la divulgación, fundamentalmente para evitar caer en excesos que pueden llevar a confusiones o convertir en tedioso el análisis de la información con datos que quizás son irrelevantes. Igualmente, se comparte lo dicho en cuanto al contenido de la información que debería en todos los casos ser fácilmente entendible, dado que de lo contrario nos situaríamos en el mismo escenario de falta de transparencia que el generado cuando no se proporciona información.</p> <p><u>English translation</u> In cases where proactive disclosure of information is mandated, it is critical to keep in mind the observations made as regards the objectives and the rationale of disclosure, primarily to avoid falling into excesses that can lead to confusion or to tedious analysis of almost irrelevant information. Also, we agree that information contents should be easily understandable, since otherwise we would have the same lack of transparency as when no information is provided.</p>	<p>Agreed.</p>
<p>28. Resulta interesante además la idea expuesta en el documento de estudiar quiénes acceden a la información divulgada.</p> <p><u>English translation</u> Interestingly also the suggestion on researching who access the information disclosed.</p>	
<p>29. El documento se plantea en su capítulo 3 algo más práctico. Específicamente se trata de cómo realizar un diagnóstico de la situación a nivel país/programa PPP, para luego compararlo con una referencia o “mejores prácticas” (determinando un GAP). Luego a partir de ese gap se debería crear un Marco adecuado que aborde el tema de la transparencia y difusión de la información sobre PPP. El tema es sumamente relevante, pero a su vez es sumamente delicado.</p> <p><u>English translation</u> Chapter 3 addresses a practical topic, the diagnostic of the country’s or program’s situation country, comparing it with a reference or "best practices", determining a gap and helping create an appropriate framework to address the issue of transparency and dissemination of information on PPP. The issue is extremely important, but also extremely delicate.</p>	<p>Agreed.</p>

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<p>30. Como primer elemento, señalaríamos que se debe ser más claro sobre a quiénes debería aplicarse el formulario. Si bien hay una lista general, cuando las preguntas se realizan únicamente a los hacedores de política se podría correr el riesgo de no asumir la falta de transparencia. Por lo tanto, es obligada la participación de la sociedad civil, el sector privado o expertos en la materia. Incluso esto puede servir para conocer la efectividad de las acciones de transparencia, es decir, puede que una Administración entienda que tiene un buen sistema de difusión pero desde otra perspectiva se perciba algo distinto.</p> <p><u>English translation</u> First, we should be clearer about who should fill the form. While there is a general list, if questions are asked only to policy makers they may not assume the lack of transparency. Therefore, we should require the participation of the civil society, the private sector, and experts. This participation may also be used to determine the effectiveness of the actions of transparency — the Government may consider that it has a good disclosure system but from another perspective the perceptions may be different.</p>	<p>Agreed. All stakeholders' perspectives will be taken into account while undertaking the diagnostic.</p>
<p>31. Otro punto sobre el cual se podría profundizar es sobre la participación en grupos de “unidades PPP”, lo cual de alguna manera obliga a difundir información. Se podría preguntar si se participa activamente en este tipo de grupos y si se comparten las mejores prácticas con otras unidades.</p> <p><u>English translation</u> Another point which may deserve development is the participation in groups of "PPP units," which somehow forces information disclosure. One might ask whether there is active participation in such groups and whether best practices are shared with other units.</p>	<p>Agreed. This language is included in the text.</p>
<p>32. El tema de la capacitación planteado es clave, sobretodo en temas de transparencia que implica un proceso de concientización. Quizás se podría hacer más hincapié en ello.</p> <p><u>English translation</u> The capacity building issue is critical, especially on issues of transparency, requiring awareness of needs. Perhaps there should be more emphasis on that.</p>	<p>Agreed. We have included appropriate language on this in the text.</p>

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<p>33. Por último, el documento podría sugerir la realización periódica de eventos a nivel de prensa, ya que la prensa es un vínculo fuerte con la sociedad, pero a su vez si no cuenta con la información correcta puede distorsionar los datos y desinformar.</p> <p><u>English translation:</u> Finally, the document could suggest having regular press conferences, because the press is a strong link with society, but if they do not have the right information they may distort the data and misinform.</p>	<p>Agreed. This is included in the text.</p>
<p>34. Régimen de acceso a la información en Uruguay</p> <p>Uruguay no es ajeno a las políticas de transparencia que se han venido adoptando en las últimas décadas, en las Administraciones Públicas de los países de América Latina.</p> <p>La ley relativa al acceso y manejo de la información pública, fue sancionada en el año 2008. Son de aplicación, asimismo, los principios generales del procedimiento administrativo, entre ellos el debido proceso o derecho de defensa consagrado en el artículo 66 de la Constitución que implica el derecho a conocer el contenido de las actuaciones.</p> <p>A su vez en el artículo 4 de la ley 18.786 relativa a contratos de Participación Público Privada, se enumeran los principios generales que deben observar los actos y contratos celebrados bajo este régimen, entre los cuales se encuentra el de transparencia y publicidad.</p> <p>La ley señala que todos los actos y contratos celebrados en el marco previsto para los contratos de participación público privada se regirán por el principio de transparencia y publicidad. La publicidad es uno de los pilares para el fortalecimiento y desarrollo de la democracia, es inherente a la forma Republicana de Gobierno, y sólo puede limitarse cuando existan motivos legítimos.</p> <p>Como ha sido sostenido en doctrina, la publicidad y transparencia son fundamentales para impedir que aparezca la corrupción.</p> <p>Como lo señala Durán Martínez: "El derecho al acceso a la información pública se ha desarrollado en el marco de las ideas impulsadas por el neoconstitucionalismo que ha impuesto un nuevo modelo de Estado, el Estado Constitucional, basado en la centralidad de la persona humana. Este modelo presupone la democracia y esta,</p>	<p>This is very useful information.</p>

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a su vez, la transparencia. Por esa razón Lorenzo, con acierto, encuentra la raíz constitucional de la transparencia, en nuestro país, en el artículo 82 de la Constitución.

La transparencia, se ha dicho, tiene una triple finalidad que se traduce en el derecho a saber, el derecho a controlar y el derecho a ser actor y no simple espectador en la vida pública. De lo expuesto se deriva la raíz natural del derecho al acceso a la información pública, más allá de su reconocimiento expreso o implícito efectuado por diversas normas que integran el derecho internacional de los derechos humanos, y algunos artículos de nuestra Constitución, como el 29, el 72 y el 82. Por esa razón nuestra Ley n° 18.381, de 17 de octubre de 2008, por su artículo 1° calificó al derecho de acceso a la información pública como derecho fundamental. Esta expresión derecho fundamental ha sido tomada en la ley como sinónimo de derecho humano, ya que por su artículo 3 se aclara que "el acceso a la información pública, es un derecho de todas las personas, sin discriminación por razón de nacionalidad o carácter del solicitante". ...

y agrega: "Este derecho no es ilimitado. Pero por tratarse de un derecho humano, las limitaciones solo pueden disponerse por ley dictada por razones de interés general, o provenir de otro derecho humano que es preciso conciliar." (Dr. Augusto Durán Martínez, IUE: - Pág. 7 Límites al acceso a la información pública - La Justicia Uruguaya, Cita Online: UY/DOC/354/2011).

En virtud de lo expuesto, cabe afirmar que el acceso a la información es el principio, la limitación es de excepción. Por tanto, las normas que limitan el acceso, como toda norma de excepción, son de interpretación estricta, como acertadamente lo establece el artículo 8 de la Ley n° 18.381. El artículo 38 de la ley 18786 establece una limitación extra en cuanto considera confidencial toda la información relativa a la iniciativa privada. Por su parte el artículo 41 del decreto 17/012 agrega una limitación al régimen de excepciones taxativas mencionadas en el artículo 8 de la ley 18381, lo cual implica un exceso teniendo presente que los decretos tienen una jerarquía menor que la ley, en el único caso en que se podría aplicar es si el obstáculo al que se refiere el artículo se adecua a las excepciones previstas en la ley.

A pesar de que la solución de principio es la publicidad de las actuaciones o el derecho de acceso a la información pública, nuestro ordenamiento jurídico establece como principio general que dicho acceso sea a solicitud de parte, mediante un procedimiento administrativo que se inicia con un escrito de la

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persona interesada ante el titular del organismo, aunque no es necesario que en dicho escrito se justifiquen las razones por las que se solicita la información.

En lo que refiere a clasificación de información confidencial y reservada inherente al proceso de PPP en Uruguay, en MEF declaramos como información confidencial: los análisis del documento de evaluación, estudios previos y bases de contratación de iniciativas privadas. Por otra parte, declaramos como información reservada: los actos de aprobación de bases de contratación y borrador de contrato, condicionado hasta su publicidad; los informes de auditoría de proyectos de PPP (auditorías externas específicas, recomendadas por MEF para que garanticen el correcto seguimiento de los contratos).

Por su parte, en lo que refiere a la difusión pro activa de la información, son escasas las normas que la regulan. Entre ellas podemos señalar el artículo 5 de la ley 18.381 a nivel general; y dentro del marco regulatorio especial de los contratos de participación público privada encontramos: a) el art. 15 del decreto 17/012 referido a iniciativa pública pero dicho artículo no establece plazo para la publicación de la información, b) los artículos 20 y 21 del decreto 17/012 que regulan el llamado público a interesados y establecen el contenido de la información a divulgar donde se publicará y en qué plazo, c) el artículo 24 del decreto 17/012 regula lo relativo a la información de la apertura de ofertas. Por otra parte la información relativa a las licitaciones ya estaba comprendida dentro de la previsión de difusión permanente de información del art. 5 de la ley 18.381, aunque de forma más general. Finalmente, anualmente MEF informa a la Asamblea General, por exigencia impuesta en la Ley de PPP, sobre los pasivos firmes y contingentes y los compromisos anuales de pago a contratistas, en ocasión de cada Rendición de Cuentas.

El principio de divulgación proactiva (es decir, que la información debe estar disponible públicamente antes de que las personas la soliciten) es fundamental para lograr mayor transparencia y apertura del gobierno. La divulgación proactiva además permite que se eviten los costos de presentar una solicitud o pasar por procedimientos administrativos, aunque como se dijo anteriormente no implica que la realidad pueda superar las previsiones del legislador.

English translation

Arrangements for access to information in Uruguay

Uruguay is no stranger to the transparency policies that have been adopted in recent decades, in the Public Administration of the countries of Latin America.

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The law on access and management of public information, was enacted in 2008. Also applicable are the general principles of administrative proceedings, including due process and the right of defense enshrined in Article 66 of the Constitution, implying the right to know the content of the proceedings. Also Article 4 of Law 18,786 on Public Private Participation contracts, lists the general principles to be observed in acts and contracts under this regime, among which those of transparency and publicity.

The law states that all acts and contracts concluded within the framework provided for public-private partnership contracts shall be governed by the principle of transparency and publicity. Advertising is one of the pillars for the strengthening and development of democracy, it is inherent to the Republican form of government, and can only be restricted when there are legitimate reasons.

As has been held in doctrine, publicity and transparency are essential to prevent corruption.

As noted by Durán Martínez: "The right to access to public information was developed in the framework of ideas driven by neoconstitutionalism, that has imposed a new model of state, the Constitutional State based on the centrality of the human person. This model presupposes democracy and this, in turn, transparency. For that reason Lorenzo, rightly, considers that the constitutional foundation of transparency, in our country, is Article 82 of the Constitution.

Transparency, as someone said, has a threefold purpose: the right to know, the right to control, and the right to be an actor and not a mere spectator in public life. This is the natural root of the right of access to public information, beyond the express or implicit acknowledgment of it by various rules that are part of the international law of human rights, and some articles of our Constitution, as the 29th, the 72th, and the 82th. For that reason our Law No. 18.381, of October 17, 2008, in its Article 1, qualified the right of access to public information as a fundamental right. This "fundamental right" has been taken in the law as a synonym for human rights, as its Article 3 clarifies that "access to government information is a right of all persons without discrimination on grounds of nationality or characteristic of the applicant". ...

And it should be added: "This right is not unlimited. But because it is a human right, limitations can only be provided by law enacted for reasons of general interest, or come from other human right that must be reconciled." (Dr. Augusto Durán Martínez, IUE: - Pág. 7 Límites al acceso a la información pública - La Justicia Uruguaya, Cita Online: UY/DOC/354/2011).

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<p>In light of this, it should be said that access to information is the principle, the limitation is the exception. Therefore, the rules limiting access, as any exception rule, are to be strictly interpreted, as rightly stated in Article 8 of Law No. 18.381. Article 38 of Law 18786 establishes an extra limitation: it considers as confidential all information relating to private initiative. Article 41 of Decree 17/012 adds a limitation to the regime of specific exceptions referred to in Article 8 of Law 18381, which implies an excess bearing in mind that decrees have a lower rank than laws; the only case in which it could be applied would be when the obstacle to which the article refers is adapted to the exceptions provided by law.</p> <p>Although the principle is the publicity of proceedings and the right of access to government information, our legal system establishes the general principle that access depends on the request of a party, by an administrative procedure that begins with a letter from the person concerned to the head of the agency, although it is not required that the letter presents the motivation for the request.</p> <p>As regards to the classification of confidential and proprietary information in the PPP processes in Uruguay, the MEF considers as confidential information: the analysis in the assessment studies, preliminary studies, and the contractual terms of unsolicited proposals. Moreover, it considers as confidential information: the acts of approval of contractual terms and draft contract, until their publication; the audit reports on PPP projects (specific external audits recommended by MEF to ensure the proper monitoring of contracts).</p> <p>Regarding proactive dissemination of information, there are few rules that regulate it. Among them we can point to Article 5 of Law 18.381 on a general level; and in the special regulatory framework for public-private partnership contracts we find: (a) the art. 15 of Decree 17/012 referred to public initiative but that article does not set a deadline for the publication of information; (b) Articles 20 and 21 of Decree 17/012 governing the Call for Tender and establishing which information should be disclosed, where it should be published, and within what time frame; (c) Article 24 of Decree 17/012, regulating the information concerning the opening of proposals. Moreover, the information on public procurement was already included within the requirement of permanent dissemination of information of art. 5 of Law 18.381, although more generally. Finally, MEF reports annually to the General Assembly, by requirement imposed by the PPP Law, on the firm and contingent liabilities and annual payment obligations to contractors, during each Presentation of Accounts.</p>	
<p>35. El principio de divulgación proactiva (es decir, que la información debe estar disponible públicamente antes de que las personas la soliciten) es fundamental</p>	<p>Agreed. This is now included under the benefits of disclosure.</p>

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<p>para lograr mayor transparencia y apertura del gobierno. La divulgación proactiva además permite que se eviten los costos de presentar una solicitud o pasar por procedimientos administrativos, aunque como se dijo anteriormente no implica que la realidad pueda superar las previsiones del legislador.</p> <p><u>English translation</u> The principle of proactive disclosure (i.e., that information should be publicly available before people request it) is essential to achieve greater transparency and openness of government. Proactive disclosure also avoids the costs of filing an application or go through administrative procedures, although as mentioned above does not imply that reality can exceed the expectations of the legislator.</p>	
<p>36. En los últimos tiempos se ha destacado por parte de la Comunidad Internacional la importancia en la implementación y coordinación de políticas dirigidas a desarrollar capacidades institucionales para sostener la puesta en marcha de estrategias de gobierno abierto</p> <p><u>English translation</u> In recent times it has been highlighted by the international community the importance of implementing and coordinating policies aimed at developing institutional capacities to support the implementation of open government strategies.</p>	Yes.
<p>37. Se ha señalado por parte de la OCDE que a pesar de que los países de América Latina han logrado desarrollar un marco regulatorio que apoya las acciones para incrementar la transparencia mediante el aseguramiento del acceso a la información del sector público, la aplicación y el cumplimiento de la ley siguen siendo un reto en la región. Para alcanzar los objetivos de datos abiertos se requiere la instauración de actividades de capacitación que busquen superar las brechas de habilidades o competencias.</p> <p><u>English translation</u> It has been noted by the OECD that although the countries of Latin America have managed to develop a regulatory framework that supports efforts to increase transparency by ensuring access to public sector information, the implementation and enforcement of the law remains a challenge in the region. Achieving the objectives of open data, requires training activities aimed at overcoming gaps in skills or competencies.</p>	Agreed. The WBG expects to work with countries in different regions including LAC on this important initiative to improve transparency. The Framework will be used as a basic guidance to develop and implement a customized strategy for implementation.

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<p>38. Sería importante a los efectos de poder avanzar en el logro de las políticas de gobierno abierto que se han venido desarrollando en los últimos años, y en particular en lo que refiere al caso del régimen de contratación pública privada, profundizar el desarrollo del marco legal generando mecanismos más claros y eficientes de difusión pro activa de información y coordinación dentro de la Administración Pública a los efectos de evitar la duplicación de información o la dispersión excesiva de la misma, facilitando de esta forma el ejercicio del derecho de acceso a la información pública consagrado en nuestro sistema normativo.</p> <p>English translation</p> <p>39. It would be important, for the purpose of being able to make progress in implementing the open government policies that have been developed in recent years, and in particular as regards the case of PPP, to further develop the legal framework generating clearer and more efficient proactive disclosure mechanisms, and reaching coordination within the public administration in order to avoid duplication of information or its excessive dispersion, thus facilitating the exercise of the right of access to government information enshrined in our legal system.</p>	<p>Agreed.</p>
<p>40. Given the World Bank Group’s influential role in advising governments on PPP practices in developing countries, we are pleased to see that the Bank is also trying to raise transparency and accountability standards for PPPs by proposing guidelines for disclosure. The draft guidelines are a promising step forward and provide important guidance for governments that we think will make a positive impact. However there are areas where they can be significantly strengthened. We are concerned that the framework is currently not comprehensive enough to ensure that the public will be adequately informed, and stakeholders involved in the partnerships will be appropriately held accountable. In particular, we recommend addressing the following.</p>	<p>The Framework is limited to recommendations on disclosure of information. Accountability is a related but wider area and has many facets, including disclosure. The WBG assists governments in ensuring accountability in PPP in various ways, however, more needs to be done in this area. This could be included in ongoing and future related work in the area of PPP governance and technical advice to countries.</p>
<p>41. Immediate objectives of designing a disclosure framework</p> <p>(i) While we appreciate the Bank’s intent to ensure that the process of implementing disclosure standards does not deter governments, we think the priority should be to advocate for greater transparency and accountability in PPP practices. The fact that adherence to these common set of guidelines is voluntary should be even more reason to set a higher standard for disclosure.</p> <p>(ii) Based on Oxfam’s experience in researching PPPs and engaging with the private sector, we feel a key purpose of disclosure is to ensure aid effectiveness principles for PPPs, including ensuring local ownership; inclusive partnerships; focus on results (for poverty reduction); and transparency and</p>	<p>Point 40 (i) The Framework suggests a very high level of disclosure based on a clear link to the objectives of disclosure. A balanced approach has been taken, which favors systematic disclosure of key pieces of information, rather than disclosure of larger volumes of information, to make disclosure more useful/ effective.</p> <p>Point 40 (ii) The World Bank is involved in various work around the prioritization of projects, selection of projects as PPP, and other work that is targeted</p>

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<p>accountability. Given the novelty of PPPs, as well as the lack of evidence around their effectiveness, the purpose of this framework should also be to encourage governments at an early stage to consider the adequacy of PPPs to contribute to pro-poor development outcomes.</p> <p>(iii) Intended beneficiaries and affected peoples should be active participants in the design, implementation and assessment of PPPs. For PPPs to deliver on their stated aims, a fourth “P” standing for “people” should be added to the design and implementation of these partnerships. The proposed framework has been designed to inform government and private sector actors, but does not encourage adequate engagement from users of PPP services and the general public, including civil society organizations and affected stakeholders.</p>	<p>toward considering the adequacy of PPPs vis-à-vis governments’ development objectives.</p> <p>Point 40 (iii) Disclosure of information is expected to lead to better citizen engagement and that is one of the outcomes associated with disclosure. The objective of the Framework is limited to ensuring effective disclosure. Citizen engagement in the PPP process can be ensured through building good communication and feedback strategies that can build on the Framework, and this is a distinct area of work.</p>
<p>42. Capacity for pre- and post-procurement disclosure</p> <p>(i) The Bank should recommend that all countries disclose both pre- and post-procurement contract information before proceeding with partnerships.</p> <p>(ii) In particular, the guideline should highlight the crucial need for fragile countries and countries with low capacity to disclose all of the elements incorporated in the template. The Bank’s proposition that fragile countries and countries with low-capacity need not disclose the most important elements – including but not limited to changes in taxes, regulatory frameworks, tariffs, and pricing – promotes lower standards by essentially suggesting exclusion of the most relevant and sensitive information.</p> <p>(iii) Moreover, we expect these guidelines to strongly recommend that all countries including fragile countries and countries with low capacity disclose information about financial sustainability and value-for-money. The guidelines must recommend disclosure on the amount of additional funding generated by PPPs, actual and expected.</p> <p>(iv) Furthermore, the guidelines should urge caution in the use of PPPs in fragile and low-capacity contexts, as these countries often have low capacity and negotiating power, with high risk of a detrimental outcome for the country. The flagship hospital PPP built in Lesotho, a fragile country with limited resources, is now using more than half of the health budget for an urban tertiary facility despite the urgent need to expand primary healthcare services to rural areas, where the majority of the poor are living. The central lesson for the Bank from the PPP hospital in Lesotho should be to encourage governments in fragile</p>	<p>Point 41 (i) The Framework recommends disclosure of information with specific timelines during the PPP process, pre- and post-procurement.</p> <p>Point 41 (ii), (iii), (iv), (v): The idea is not to promote lower standards, but to help countries get to the recommended level through a step-by-step approach, incrementally. The framework is aspirational. This can be a better way of achieving ownership and improved disclosure in cases where countries might not be able to achieve the highest level of disclosure immediately. It might mean some disclosure instead of no disclosure in such circumstances, which might be a more practical approach.</p> <p>In addition to the Disclosure Framework, the WBG PPP CCSA has designed other tools in the past year, with the following focused objectives: country PPP assessment, fiscal risk assessment and management, project prioritization, etc., which help countries in identifying, developing, and implementing PPPs.</p>

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<p>countries and countries with low capacity to disclose value-for-money, as well as to describe the tools, procedures, and market information used to conduct cost-benefit and tax burden analyses. Lesotho’s public would have decidedly benefitted from a disclosure framework written by the Bank that recommends higher standards for disclosing risk and affordability assessment, and encourages public debate on the merits of such a PPP arrangement.</p> <p>(v) Cases like Lesotho highlight why the framework should make an explicit endorsement of “on balance sheet” and transparent accounting of PPPs, in line with International Public Sector Accounting Standards (IPSAS) – Standard 32 and 19. PPPs should be included in national accounts, i.e. the costs of PPPs should be registered as a government debt, and therefore be part of a sustainability analysis, rather than being “off balance sheet”. This will allow for a higher level of transparency on the true costs of PPPs for the public purse.</p>	
<p>43. Pro-poor development impact</p> <p>(i) An important consideration for the public and users of PPP services is ongoing disclosure of expected and actual development impact. The framework must explicitly recommend such information is disclosed, and suggest criteria for evaluating pro-poor impact. In particular, projected and actual information about the number of poor people reached; the relative breakdown of beneficiaries by income quintile, gender, rural-urban, etc.; and the number of people displaced are of significant relevance to the public. The guidelines must also recommend disclosure of the amount of additional funding generated by PPPs.</p> <p>(ii) Since evidence on PPPs’ impact is still emerging, governments and the private sector should invest in rigorous research and evaluation mechanisms to assess PPPs’ impacts, including the emphasis on a theory of change regarding their impact on poverty – and disclose this information.</p> <p>(iii) To ensure that all aspects of PPP arrangements are inclusive and take into account the diversity of users and affected communities, we feel that the guidelines should strongly recommend proactive disclosure to local communities and marginalized groups, and invite their engagement with PPP design and implementation.</p>	<p>42 (i) The Framework recommends disclosure of performance evaluation studies. It also recommends disclosure of the financing and funding of the PPP.</p> <p>42(ii) This is a very important area related to disclosure of information. It is expected that with better disclosure, there will be better scope for research and evaluation of the impact of projects on poverty and other economic indicators.</p> <p>42(iii): The Framework recommends disclosure to all. The most commonly used method of disclosure that has the widest reach is through the Internet. However, in many developing countries, Internet density is low. Although the Framework does not go into the technology of disclosure in a substantive way, the limitations are understood and we will mention in the introductory part of the Framework the desirability of disclosure to specific affected communities in a more direct way.</p>
<p>44. Safeguards for Social, Environmental and Human Rights</p>	<p>43 (i) The template for disclosure includes disclosure of social and environmental information, with links to documents during the pre-procurement phase.</p>

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<p>(i) The frameworks currently lacks a thorough section on why and how governments should continually disclose information and promote disclosure of information about E&S risk assessment and impact. We think the proposition to “carry out a preliminary examination of the social and environmental aspects of the project and identify and disclose potential deal-breakers or challenges as early as possible” deserves more emphasis than briefly mentioning in the footnote of the template.</p> <p>(ii) Bidders should be held accountable for any anticipated social and environmental risks associated with a PPP project before entering into contracts, and they should also be held accountable for disclosure of ongoing E&S risk assessment information once contracts are signed.</p> <p>(iii) Disclosure of E&S risk assessment and impact is also of interest to CSOs, local communities, and users of PPPs services, which is not aptly mentioned in the document. The proposed framework does not effectively describe why and how users of PPP services and the general public would benefit from disclosure, and thus, also appears to overlook the fact that members of the general public are directly and indirectly affected by any PPP arrangement.</p> <p>(iv) In order to demonstrate its concern for members of the public and users of PPP services, the guideline needs to: (1) state that the public will be interested in disclosure of all information in the template, including but not limited to risks related to laws and regulatory frameworks, E&S risks, tariffs, pricing strategy of PPP services, and value-for-money; (2) elaborate on the benefits of disclosure for the public and affected stakeholders; (3) articulate how the information will be used to inform decisions on PPPs; and (4) recommend that governments disclose how E&S information was integrated into cost-benefit analyses. It would even help to mention examples from jurisdictions in which disclosure of specific information was useful to different members of public.</p>	<p>However, it should be understood that the actual carrying out of the assessments is very much a part of the PPP identification and development process that is a part of other WBG PPP tools and advice. The Framework is only related to its disclosure.</p> <p>43 (ii) True and agreed. Again, this is a part of the PPP process and outside the scope of the Framework for disclosure, except as it relates to disclosure of the information on social and environmental impact assessments.</p> <p>43(iii) The Framework includes a brief section on key benefits. Some text has been added to reflect this issue more clearly.</p> <p>43 (iv) The Framework has stated several of these directly and indirectly in the brief discussion on the objectives/ drivers of disclosure. The jurisdictional studies and good practice cases contain more specific information and examples.</p>
<p>45. Diversity of PPPs</p> <p>(i) We think a more comprehensive guideline is needed to reflect the extensive range of PPPs not only in terms of contractual arrangements but also sector and industry. For instance, length of partnership and timeline of disclosure will differ between lease-develop-operate and build-own-operate-transfer contracts. Similarly, the implications of environmental and social risks and market conditions are different for infrastructure projects than those for social sector projects such as health and education.</p>	<p>44 (i) The Framework has been prepared to apply generally across sectors. Several contracts from different sectors were studied while preparing it. However, it is important to bear in mind that the circumstances of each contract and each jurisdiction will differ, and the Framework and template would be customized to fit the requirements in each distinct scenario.</p>

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<p>(ii) Additionally, a categorized list of possible risks might be both useful and user-friendly. For instance, the document could distinguish between the following risks and describe the need for disclosing each: construction risks, operating risks, demand and revenue risks, changes in laws, political and regulatory risk, social risk, environmental risk, currency exchange risk, and interest rate risk.¹</p> <p>(iii) We appreciate the Bank’s remark that this is not an exhaustive list of recommendations and that the framework requires customization. However, since the Bank’s goal is to encourage public confidence and reduce likelihood of corruption as stated in the document, it would be helpful to demystify these PPP types to enable wider public engagement and indicate that their disclosure standards will differ.</p>	<p>44 (ii) A list of risks has been included for illustrative purposes. This is not a place for a comprehensive treatment of the subject of risk. The WBG PPP CCSA provides comprehensive advice in this area as part of its advisory work.</p> <p>44(iii) Language to the effect that disclosure has to be customized is included along with a link to the PPP Reference Guide for PPP types.</p>
<p>46. Key elements missing from current framework or inadequately emphasized</p> <p>(i) For the “commercially confidential” argument to be valid, we think that there is a need for concrete evidence of the potential harm that would be caused as a result of disclosure.</p> <p>(ii) There are also key questions that remain unanswered in the Framework. For instance: a) who determines what is commercially confidential; b) how this is placed against the “public interest”; c) which criteria should be used to determine what is and is not “public interest”; and d) how much power the public authority has to determine the period during which key information may remain confidential.</p> <p>(iii) The guideline should recommend disclosure of tools, procedures and market information used when conducting cost-benefit and tax burden analyses.</p> <p>(iv) The guideline should suggest disclosure of bidders’ history – including their performance, number of ongoing contracts, and previous account of pricing – as well as subcontractor information.</p>	<p>45 (i) (ii) The Framework emphasizes that these are questions that the authority needs to ask and answer while creating its Framework, and while identifying confidential information for a project or a set of projects. These could be different based on different project and country contexts.</p> <p>45 (iii) Underlying assumptions and methodologies where not self-evident or required for interpreting studies are now being recommended for disclosure as part of the template.</p> <p>45 (iv) The Framework relates more to disclosure of project and contract information. Some information on the bidders is included as part of pre-procurement information disclosure. Whether more information on bidders should be recommended for disclosure and its value added will be discussed internally with the procurement teams.</p>

¹ <http://ppp.worldbank.org/public-private-partnership/financing/risk-allocation-mitigation>

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<p>(v) The framework should emphasize that disclosure be accessible to the public in terms of its location and language.</p> <p>(vi) The framework itself needs to be more accessible to public and user-friendly.</p>	<p>45(v) This is a challenging area. The easiest way to disclose/ access large volumes of information is through the Internet. However, where there is low Internet density, there could be problems of access. This issue is now mentioned in the document, although supply-side issues do not form a part of the scope of the document.</p> <p>45 (vi) The team is working on making the Framework more accessible.</p>
<p>47. I think the documents that you've developed are quite comprehensive and certainly raise the bar significantly in terms of disclosure norms for PPPs. However, with a few more tweaks, these could perhaps be strengthened further without necessarily compromising on concerns around competitiveness etc. I'm listing some ideas below (not in any specific order of priority). These ideas cover different aspects of horizontal and vertical accountability throughout the project life cycle.</p>	
<p>48. An issue that has been raised strongly in the documents is the one related to skills and capacity of government officials to engage meaningfully with the PPP life-cycle. Are there any specific programmes that WB might be piloting / carrying out to do the same? Can an online module / MOOC be developed for this?</p>	<p>The WBG has run a PPP MOOC. It also has a certification program that will become accessible soon. In addition, the WBG has several tools that are designed to help improve institutions and capacities for PPP within governments.</p>
<p>49. One area that is often under-emphasised is the process that is followed before the PPP life-cycle is even initiated viz. when the specifications of the PPP are developed. This is an area where much subjectivity (at best) and filtering out by design (at worst) could have a major impact on the project. Could a process / system be developed through which even the specification development process could be made either more transparent and/or subject to public feedback loops? This would of course be very challenging as the process is usually a highly technical one. I suppose the larger question is about how this stage of the project life cycle can be made more transparent and accountable and to what extent can disclosure play a role in achieving this.</p>	<p>The early stage of the project life-cycle is often the most difficult or perhaps the most subjective phase, given that countries do not have the tools to differentiate between good and bad projects as well as good and bad PPPs. However, the WBG is trying to develop tools that can be used at this stage to reduce subjectivity or, in other words, create a more systematic methodology for project selection.</p> <p>The question of how much and what should be disclosed at this stage is an important one. At this stage, disclosure of some basic project information, such as the broad technical specifications and standards, service to be provided, coverage, proposed timelines, very broad estimated cost range,</p>

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	etc., including a public interest test, could be disclosed.
50. Once the bidding / selection process has been completed, what information would still be considered confidential from the perspective of competitiveness? If this can be overtly defined right at the commencement of the process, it will support a more objective way of disclosing all other information at this stage.	The framework has indicated what could be considered confidential in a project even after completion of the procurement process, under the section on confidential information. Although VfM reports are suggested for disclosure on process completion, there are elements, such as financial models, pricing components, and subcontractor information, which the private party may not like to disclose. However, since this could differ from country to country and from sector to sector, the Framework does not attempt to place this in a straitjacket; rather, it makes sense to have broad indicators in the Framework that can then be interpreted according to the specific circumstances in the country or the specific project.
51. Can any guidelines be developed to decide who would be responsible for reactive or proactive disclosure throughout the project life cycle? Often enough this is a major grey area as there are several parties involved. Further, some mechanism of appeal could be suggested where there is dispute in terms of disclosure - either proactive or reactive.	We will incorporate this into the Framework. This will however be in the form of broad options only, as the institutional structures, roles, and responsibilities are likely to be very different in different countries.
52. Could it be suggested that appropriate sanctions are jointly developed and in-built into projects to discourage non-disclosure?	Yes, the UK example is included in the Framework where provision of information is included as a part of the service and there are penalties associated with non-provision. It is important to include these provisions in disclosure guidance / standard contract documents, etc.
53. Perhaps a box-item or a section could be included that specifically focuses on not-for-profit PPP projects, such as those in education and health. These have very different implications on issues such as competitiveness and pricing.	A box could be included with some discussion on treatment of different sectors.
54. Somewhere at the beginning of the document(s), it might make sense to define upfront the working definition of PPPs being used - especially from the perspective of differentiating between PPPs and outsourcing / tendering.	Yes, we will incorporate the definition of PPP that is used in the WBG's Reference Guide.

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<p>55. Perhaps a model disclosure scheme / process could be developed based on a 'typical' example. This could include a detailed table spanning the entire project life cycle, including who does what at which stage, and what disclosure-related outputs should be made public at which points. This could also be presented as an online tool which takes up a specific PPP project, breaks it down into relevant disclosure outputs, and presents these outputs in a simple and easily understandable form - possibly as part of the project summary. Such a template could also be supported by a list of FAQs that are typically demanded by civil society groups / potential bidders / ordinary citizens in the context of PPPs. All this information could then be presented as a part of any given project summary. Would be happy to develop such a template if that would be of interest.</p>	<p>This is a good suggestion. We can incorporate this either as an annex or as part of one of the sections. We are planning to place the template online with instructions and FAQs. We developed some FAQs some time ago, and will be working to refine these and add them to the website where we upload the template with instructions. We will also contemplate adding a process chart/ table, such as suggested by the reviewer.</p>
<p>56. In general, I think the biggest challenge in disclosure practices related to PPPs is going to be to ensure that a complex and complicated process (and therefore related documents) is presented in a manner that makes sense to most people throughout the life cycle of the project.</p>	<p>True, this will be a challenge in practice. We expect to work on four pilots going forward, and hope that lessons from these pilots can be looped back into further refining the template and the disclosure framework as well.</p>
<p>57. The WB framework for disclosure provides a useful tool for stakeholders to strengthen transparency in PPPs. However, as pointed out by Aizawa (2015), provisions could be even more ambitious, especially in light of the UN 2030 Agenda for Sustainable Development and the AAAA.</p>	<p>We are trying to incorporate some of the suggestions in this paper. More details below.</p>
<p>58. First, provisions should go beyond country-level PPP disclosure to fully understand the regulatory requirements related to cross border PPPs, such as large-scale infrastructure projects like roads or pipelines.</p>	<p>The scope of the two reviews (on which the Framework is based) was confined to national and subnational projects. However, the guidelines could apply to cross-border projects too.</p> <p>The problem that could arise in the case of cross-border application of disclosure is the difference in the disclosure requirements of different countries. However, the same issue would arise in the case of all areas related to cross-border projects, be it PPP legislation, procurement legislation, or other, and will not be confined to disclosure. The negotiations between the countries / stakeholders involved would need to deal with these issues. The ideal situation would be to have standard disclosure practices in all jurisdictions, but we are not yet there. To be cognizant of this very important issue, we are including a box that discusses cross-border projects</p>

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	and the importance of having agreed disclosure principles/ guidelines.
59. Second, the guidelines are an important start, but could go further in advocating key principles for harmonized PPP disclosure, with a clear statement of a presumption in favour of transparency.	The presumption of full disclosure is included in the Framework. However, going beyond that, the Framework suggests some elements of disclosure that are absolutely necessary, with a template for breaking up the contract information into more user-friendly packaging.
60. Third, cross-sectoral experience provides important lessons that could be taken into account in the disclosure framework. A closer look at public disclosure initiatives like the “Extractive Industries Transparency Initiative”, “Publish What You Pay” or the “Open Contracting Partnership”, may further promote integrity, transparency, and accountability in PPPs.	We agree that there is a lot to learn from the existing initiatives. We are working with the Open Contracting Partnership *(OCP) to extend the Open Contracting Data Standard (OCDS) to PPPs. However, this is in the early stages and, after development, will be piloted in one country initially, hopefully to be followed by others. However, to get there, a basic Framework and an initial level of disclosure are important. In addition, given the long duration of PPP contracts and the output based nature of these, performance information disclosure is very important in PPP disclosure.
61. Fourth, greater efforts are needed to advocate for a common platform for PPP disclosure. Many infrastructure facilities and financial institutions have made important strides in pushing disclosure practices of the private sector on key aspects of how PPPs generate value for money. Yet, standards differ across institutions. Stakeholders should come together to agree on common standards that include and build on the most ambitious existing provisions for disclosure.	At this stage, the WBG is discussing collaboration on the Framework with the OECD. At a later stage, more MDBs/ IFIs will be included in the dialogue.
62. Lastly, a fourth P – “People”- should complement the focus on the financial and commercial disclosure practices of the implementing partners. People affected by or living in close proximity of major PPPs should be fully enlightened as to the potential welfare implications of any new project (Aizawa, 2015).	The scope of the Framework is limited to disclosure, although the issue of citizen engagement is very much connected and very important. An area for further work could be how to engage stakeholders effectively in the PPP process to improve transparency and accountability mechanisms.
<u><i>Does the Framework provide clear guidance on the elements and the timing of disclosure?</i></u>	
63. The Framework is too reliant on the letter of disclosure provisions in developed PPP markets and pays too little attention to the reality. For instance, the level of	Point 62: The review also included several developing jurisdictions along with OECD countries

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<p>disclosure referred to in the United Kingdom (table 5, p28) does not apply to any already signed project and if it is to be applied, will only apply to future PF2 projects. In reality neither the UK government nor concessionaires in PFI/PF2 contracts are willing, for example, to disclose the rate of return, as a rule. In general, the framework needs to recognize that disclosure is frequently very haphazard, even in developed markets such as the UK and Western Europe."</p> <p>64. Yes the framework provide clear guidance on the elements and the timing of disclosure.</p> <p>65. Absolutely.</p> <p>66. Yes the Framework is clear and thorough</p> <p>67. Ultimately it does but not in the exec summary. It also assumes everyone has the same understanding of what "disclosure" means and does not define it, which could lead to misunderstanding – e.g. on whether to "push" disclosure by publishing or "pull" by only providing info when people ask for it. My big questions after reading the exec summary were: when to disclose; who to disclose to</p> <p>68. This is a welcome initiative and providing a framework of this nature will help push the important issue of better transparency forwards. In itself the guidance is reasonably comprehensive. Areas to consider for further coverage could be (i) further guidance on the tricky issue for public servants of deciding what is to be redacted and what not (especially given the PPP contractual web will likely be littered with confidentiality undertakings between parties) (ii) considerations on the impact on competitive behavior on whether or not to disclose in certain areas (eg disclosure of a PSC or affordability envelope to bidders).</p> <p>69. "Thank you very much General comment Parag: 3, 3ème line: social sectors, research, education, training, health, poverty, humanitarian, climate risks etc. Parag 4, 4ème line: empower Governments officials and CSO representatives to put pressures..... parag: 6, 2ème line: people (disabled, indigenous, old persons and other minorities) and communities potentially affected by PPP projects parag: 8, 7ème line: gender, disable and other minorities analyzed data</p>	<p>to have a mix of practices. And the jurisdictional studies look at how much is disclosed for five projects in each jurisdiction. The disclosure of rate of return is a requirement under PF2. We have mentioned in the jurisdictional study for the United Kingdom that no new projects were available for examination based on the new standard.</p> <p>Point 66: The Framework deals with only proactive disclosure of information and not reactive, i.e., the "push" part of it and not the "pull." This is stated in the Framework. However, we have now made that clearer in the Executive Summary. The point about when to disclose is included as part of the template. We have incorporated references on timelines in the main text. To answer the question on who to disclose to: the discussion in the Framework is exclusively related to disclosure in the public domain, i.e., disclosure to all. However, in identifying objectives and drivers of disclosure, we mainly try to link it to the key stakeholders, i.e., private investors and the general public that uses the services, the consumers.</p> <p>Point 67: Some suggestions have been provided for information that will most likely need to be redacted based on potential adverse impact on commercial interests or public interest. Some text is being considered for addition to this section.</p> <p>Point 68: We have incorporated the suggestions. The timing of disclosure is already provided as part of the template, but we have provided references in the main text now.</p> <p>Point 70: The Framework recommends disclosure of and links to reports on FCCL. However, the PPP CCSA uses other tools and frameworks to encourage governments to follow specific methodologies for assessment, management, and reporting of FCCL.</p>
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<p>The Framework do not provide clear guidance and disclosure timing. This can be done just after the contract and after 6 months PPP projects execution or annually."</p> <p>70. Yes, it is clear and useful, though somewhat long in its exposure.</p> <p>71. "The framework is both broad and deep. This is appropriate given the increasing significance of PPPs in many countries, and the risks of inappropriate use of the PPP modality, in comparison to conventional public investment, in part due to the difficulty of properly reflecting the costs and risks of PPPs in accounting and disclosure frameworks. This initiative to develop a comprehensive disclosure framework is therefore welcome, and reflects the intent of the High Level Principles of Fiscal Transparency, Participation and Accountability promulgated by the Global Initiative for Fiscal Transparency (GIFT) in 2012. Principle 6 of the GIFT High Level Principles asserts that: "The Government sector should be clearly defined and identified for the purposes of reporting, transparency, and accountability, and government financial relationships with the private sector should be disclosed, conducted in an open manner, and follow clear rules and procedures."</p> <p>There are two key areas that in our view the draft framework does not cover adequately:</p> <ol style="list-style-type: none">i. Accounting and fiscal statistics standards for PPPs.ii. The aggregation of data across individual projects to produce disclosure at an aggregate level e.g. for central government. <p>With respect to the first area, international fiscal statistics standards set out criteria for determining whether to record PPP-related assets and liabilities in the government's or the private corporation's balance sheet. The statistical treatment depends on the economic ownership of the asset(s) involved, which is determined by assessing which contracting party bears the majority of the risks and which party is expected to receive a majority of the rewards of the asset. The statistical approach is broadly consistent with that adopted by the International Public Sector Accounting Standards Board (IPSASB) for the recognition and measurement of a service concession asset, based on application of the accounting concept of control over the asset.</p> <p>The important point here is that these fiscal accounting standards can result in a PPP investment being recorded as government investment where there is limited risk transfer or substantial government control over the investment. Putting a PPP on the government's balance sheet means that the private</p>	<p>On aggregate data, this is a good point and we agree. However, we will attempt to cover this in greater detail in future work by the WBG in this area. At this point, we are looking to get as much individual project and contract data into the public domain as possible through the creation of appropriate frameworks. However, we have included a box on the importance of aggregate data and provided some links as suggested.</p> <p>Point 72: The Framework is limited to the disclosure of information on individual projects and contracts. However, we have included references to the importance of disclosing information on laws, standard documentation, etc.</p> <p>Point 73: We agree fully on the need for electronic systems. The improvement of systems is closely related to the PPP Disclosure Framework. Technical assistance in this area is being provided to countries by other groups within the WBG. While implementing the PPP Disclosure Framework, care will be taken to look at existing systems and integration of the Disclosure Framework with these. Data and IT consultants will be part of the team working on the pilots.</p> <p>In addition, as mentioned, together with the World Bank's Open Contracting Team (Governance Global Practice) and OCP we will be developing an extension of the Open contracting Data Standard (OCDS) for PPPs that will help leverage technology solutions based on the Framework, as it has in the past in the area of public procurement.</p>
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partner's investment spending counts as government spending, the project is recorded as an asset on the government's balance sheet, and the government also records a liability initially equal to the value of the asset. If this approach is applied in the accounting that underlies a government's main fiscal targets, it avoids the incentive to undertake PPPs only to make the reported fiscal position look better than it is. These are important elements in a comprehensive disclosure framework.

As a complement to the above fiscal accounting approach, supplementary disclosure requirements covering PPPs have also been put forward for inclusion in government budget documents and financial statements. These include information on future service payments and receipts over the life of each contract, details of contract provisions that give rise to contingent liabilities, the amount and terms of financing provided through government-owned or controlled financial institutions, and how the project affects the reported fiscal balance and public debt. By including these details in annual budget documents and annual year end reports and financial statements a more complete picture of the government's financial position and future obligations and exposures is presented to oversight entities, markets and the public.

With respect to the second area, international fiscal transparency standards now deal explicitly with disclosure requirements for the aggregated stock of central government PPPs. The International Monetary Fund's Fiscal Transparency Code 2014 contains a provision setting out disclosure requirements as follows:

DIMENSION	PRINCIPLE	PRACTICES
	BASIC	GOOD ADVANCED

3.2.4	Public-Private Partnerships	Obligations under public-private partnerships are regularly disclosed and actively managed. The government at least annually publishes its total rights, contracts. The government at least annually publishes its total rights, obligations, and other exposures under public-private partnership contracts and the expected annual receipts and payments over the life of the contracts. The government at least annually publishes its total rights, obligations, and other exposures under public-private partnership contracts and the expected annual receipts and payments over the life of the contracts. A legal limit is also placed on accumulated obligations.
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Disclosure of information on PPPs at the aggregate level is important because of the debt-like obligations to a long-term stream of payments that PPP contracts generate, and because of the size and macro-fiscal significance of PPP programs in an increasing number of countries.

It is possible that the disclosure framework being put forward for discussion is only intended to cover individual project-level information – although aggregate level information is important in a comprehensive disclosure framework. If the scope of the framework is intentionally confined to individual project-level disclosure, it would be worth at least including a short discussion of aggregate level disclosures and providing links to key standards and documents."

72. Yes

73. "Desde Abertis creemos que este Framework del Banco Mundial es una gran iniciativa para mejorar la seguridad jurídica y transparencia en todos los países en los que se esté evaluando la posible ejecución de una CPP en el ámbito de infraestructuras. Abertis es el grupo líder internacional en la gestión de autopistas, con la gestión de más de 8.300 kilómetros de vías de alta capacidad en el mundo. Abertis es el primer operador nacional de autopistas en países como España y Chile, con una extensa experiencia en proyectos de CPPs, y tiene también una presencia destacada en Francia, Brasil, Argentina y Puerto Rico. En base a esta experiencia, creemos que la diseminación de información es una parte clave en todo el proceso que claramente ayuda a incrementar la transparencia del mismo y consecuentemente, su credibilidad. Así también, ayuda a reducir posibles tentaciones de corrupción que pueden afectar, mediante elevadas sanciones, a las empresas privadas que optan por invertir en países con grandes índices de corrupción.

No obstante, desde nuestra perspectiva creemos que el Framework requiere de especificaciones más taxativas en los requisitos recomendados, así como en el tiempo previsto para la divulgación de la información. Es cierto que a nivel normativo todo dependerá del contenido de la legislación aplicable de cada país, pero si con esta guía se potenciaron ciertos elementos y unos plazos más estrictos, se podría favorecer la seguridad jurídica en futuras inversiones y fomentar la transparencia y confianza.

En nuestra opinión, antes del inicio de cualquier proyecto debería haber una explicación de la legislación más básica e importante que afecta a las infraestructuras. Se habla en la guía en varias ocasiones de los impactos

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fiscales y de la LDI, de la delimitación de la información confidencial, pero se deja otros parámetros como:

Se muestra la traducción de:

- Legislación ambiental: que mida el impacto ambiental de las infraestructuras, impacto sobre la responsabilidad de los inversores en casos de daños ambientales, impactos financieros / ambientales en la construcción y / o mantenimiento de las infraestructuras.
- Legislación en materia de expropiaciones: ¿Cuál es su sistema, como se efectúan las valoraciones de los bienes expropiados, posibilidades de expropiaciones de la propia infraestructura que pueda realizar el gobierno.
- Legislación en materia territorial / urbanística, previsión de planes urbanísticos.
- Legislación sobre el uso de dominio público, requisitos, consecuencias, desafectaciones
- Conocer cómo opera el sistema de derogación de las leyes.
- Legislación en materia de corrupción, las responsabilidades que se puedan derivar.
- Publicación de proyectos relacionados con las materias mencionadas anteriormente."

English version:

In Abertis, we believe that this World Bank Framework is a great initiative to improve legal certainty and transparency in all countries which are considering the implementation of PPP contracts in infrastructure. Abertis is the leader international group in highways management, with more than 8,300 kilometers of high-capacity roads in the world. Abertis is the first national operator of toll roads in countries like Spain and Chile, with extensive experience in PPP projects. Also has a strong presence in France, Brazil, Argentina and Puerto Rico. Based on this experience, we believe that the dissemination of information is a key part of the whole process, this clearly increase its transparency and consequently its credibility. This also helps to reduce potential temptations of corruption, trough elevated sanctions to private companies that choose to invest in countries with high levels of corruption.

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However, from our perspective we believe that the Framework requires more detailed specifications on the recommended requirements and on the schedule for disclosure of information. It is true that at the regulatory level all depends on the legislation applicable in each country, but with this guide certain elements and stricter deadlines are potentiate, could promote legal certainty for future investment and promote transparency and confidence.

In our opinion, before start of any project should be an explanation of the most basic and important legislation affecting infrastructure. In the guide, repeatedly is mentioned fiscal impacts, LDI and delimitation of confidential information, but, other parameters are not mentioned, for example:

- Environmental legislation: to measure the environmental impact of infrastructure, investor responsibility in cases of environmental damage, financial/environmental impacts in the construction and/or maintenance of infrastructure.
- Regulation of expropriations: What is the process, how are valued the properties, possibilities of expropriations of its own infrastructure that can make the government.
- Legislation on territorial/urban planning.
- Legislation on the use of public assets, requirements, consequences, reversals
- Know how a law can be abolished.
- Legislation against corruption and responsibilities that may arise from it.
- Disclosure of proposals related to the matters mentioned above.

74. "John Finnigan provided Citi's high-level recommendation on your Framework for Disclosure in Public Private Partnership (PPP) Projects to Laurence Carter and Robert Hunja on February 22, 2016. The text of our recommendation is provided below in order to submit through this google form.

Framework for Disclosure in Public-Private Partnerships (PPPs)

A Framework for Disclosure in Public Private Partnership Projects: Citi's Recommendations.

Citi is pleased to provide the World Bank Group with high level recommendations on your Framework for Disclosure in Public Private Partnership Projects which provides a systemic structure for proactively disclosing information to educate stakeholders and enable stakeholders to take on an advocacy role to promote better disclosure practices. While technology is noted as one of the key challenges in disclosure, we believe that technology is also the key to improving the framework for disclosure in public private partnership projects. The efficiency and transparency offered through technology make it an integral component of the framework. We believe that technology can play a critical role in improving disclosures and reducing corruption thereby increasing trust and confidence among all the key constituents. Under such improved environment, the private sector will be better equipped to invest in Public Private Partnership Projects such as infrastructure.

Citi recommends leveraging technology solutions to create a robust financial infrastructure and electronic workflow using tools such as e-procurement, e-invoicing, e-payables and e-reconciliation. Without such tools, there is little transparency, no level playing field in terms of competition as government contracts are won by those with government connections. This results in the misallocation of capital investments, inefficient processes, increased costs for the public sector and discourages foreign direct investment.

Implementing these electronic workflow tools outlined below will enable a more efficient and transparent disclosure framework:

E-procurement:

E-Procurement uses digital technologies to replace paper-based procurement procedures. E-procurement improves transparency, reduces cost and time spent on procurement, increases the volume of opportunities to bid, and — critically — reduces the risk of corruption.

E-procurement is a tool rather than a panacea. It must be accompanied by other measures to promote transparency, control and accountability. These include the creation of an electronic workflow that incorporates e-procurement, enterprise resource planning (ERP) systems and payments.

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Systems will differ among countries as each has a different governmental structure and all stakeholders should have an opportunity to provide input and shape goals. Nevertheless, there are common e-procurement best practices, that will help improve disclosure of information which include:

- The creation of a centralized, comprehensive e-procurement agency that supports all segments of a particular level of government (i.e. a national or city procurement agency).
- Transparency can be increased by publishing plans, pre-award criteria, decisions, awards, modification, laws and regulations across the procurement cycle on e-procurement systems.
- E-procurement platforms should include the following B2B recommendations as requirements:
 - Promote anti-corruption measures to both buyers and sellers through education, with a special focus on small and medium sized enterprises, which are often more at risk from corruption and can lack resources to implement a response.
 - Provide a mechanism, such as an independent government body, or a high level reporting mechanism, to report issues of corruption or file complaints.
 - Require integrity attestations under which agencies and bidders attest that they maintain ethical standards as a pre-requisite to initiate bidding.
- Monitoring and oversight of e-procurement is important. The system should highlight companies with high reputational risks and citizens should have access to data analysis showing figures such as frequency of a bidder winning contracts, adherence to contract terms and final cost of contracts versus bid price.
- Adequate resources must be dedicated to implementing e-procurement so it delivers the expected results.

E-Invoicing:

E-invoicing is the transmission of a structured EDI or XML document from the supplier to the buyer's Accounts Payable System. While regulations vary across geography, e-Invoicing provides many benefits resulting in a shift from paper-based processes to electronic processes. The key benefits and ability to improve disclosure that organizations can expect from e-invoicing include:

- Digital Invoice Capture: E-Invoicing fully automates the invoice capture process with data from the supplier to the buyer's accounts payable system.

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- Automated Matching: A validation is performed which matches the invoice and the related documents; a key component of any solution should be matching between the contract, purchase order, invoice and goods receipt notice.
- Vendor Self Service: A portal which offers self-service reduces time and expense related to fielding vendor inquiries.
- Enhanced Cash Management: Electronic processing increases visibility for cash managers and allows for improved forecasting.
- Enhanced Spend Management: With constant pressure on budgets, spend management programs identify sources of fraud, misuse and inefficiency by aggregating data.

E-Payables:

As part of this workflow, electronic payments must be adopted. Large payments should be made using automated clearing systems and wire payments while low value payments, for procurement and travel, can be paid for by cards. Purchasing cards offer centralized visibility and control — with unusual payment behavior flagged automatically on an administrator's systems, for example — and can be set with individual user limits. As importantly, they provide an electronic trail of spending, making it more difficult for fraud and other corruption to occur.

- Reduce Processing Cost: A robust electronic payment system lowers process time by automatically initiating and processing payments.
- Minimize Overdue Payments: An electronic payment system accelerates credit and collections by providing increased visibility into payment status.
- Increased Compliance: An electronic payment system makes it easier to track and monitor data to ensure adherence to complex compliance regulations.
- Enhanced Security: An electronic payment system is highly secure, safeguarding data and preventing payment fraud better than paper-based payments can achieve.
- Improved Workflow Efficiencies: Increased automation is a key feature of a robust electronic payment system, enabling less reliance on time-consuming and costly manual business processes.

E-Reconciliation:

Governments manage numerous payments received in multiple currencies via multiple channels. When payments are sent with incomplete or inconsistent remittance data, organizations must manually gather information from clients and reconcile information from multiple sources. Streamlining and simplifying the

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<p>complexities of the accounts receivable reconciliation process can create significant efficiencies. The key benefits that organizations can expect from E-Reconciliation include:</p> <ul style="list-style-type: none"> • Reduced administrative costs • Streamlined reconciliation process • Freeing of time and resources • Better visibility into cash position <p>Introducing robust financial infrastructure and electronic workflow in an effort to improve disclosure and fight against corruption, government becomes more efficient, transparent and focused on delivering value for money and effective services. Moreover, the introduction of an automated workflow opens up further efficiency savings by generating management data that can reveal waste that would be hidden in a manual paper-based environment. Ultimately, implementing these technology solutions creates a more efficient and sustainable investment and trading environment that should boost economic growth.</p> <p>Another important element in improving the framework for disclosure in public private partnerships projects is the use of performance guarantees in PPPs and a fully transparent disclosure on such guarantees. If the PPP is in the form of a concession, then the private sector operator may have specific performance targets to adhere to and in turn provide the public sector partner with a performance Stand by Letter of Credit (SBLC). The public sector partner can then draw against the performance SBLC in the event that the private sector operator does not meet its performance targets. Sovereigns find integrating performance guarantees beneficial yet providing fully transparent disclosure on the actual performance targets and form of recourse would add significant value. The disclosure would serve as an incremental step in improving the bankability of such projects."</p> <p>75. The Framework presents a clear analysis of best practices and the main elements of disclosing info on PPPs.</p>	
<p><u><i>Does the Framework have the balance right between pre- and post-procurement?</i></u></p>	
<p>76. "The pre-procurement guidelines are sufficient. Post procurement, there is a danger that some of the suggestions, particularly around confidential material, could be used to actually reduce the amount of material disclosed, to the detriment of the public interest. It is wrong to encourage governments towards applying blanket redaction of financing terms, since there are situations where this would be in the public interest, e.g. where a project is controversial and there is low confidence that</p>	<p>Point 75: Theoretically, there is a possibility. However, given the low levels of disclosure in most countries post-procurement, this is a less likely scenario.</p>

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<p>it provides value for money. We have seen in the UK, for example, how excessive government secrecy around projects (to an extent greater than that requested by bidders to protect commercial confidentiality) has proved counter-productive. The World Bank Group needs to acknowledge that PPPs are ultimately there to provide a public good, rather than to serve commercial interests, and this needs to inform how a balance between the two is struck in terms of disclosure. As such, I would encourage the advocacy of a more flexible approach to disclosure of commercial terms post-financial close. See also the Minas Gerais example on which I believe Marcos Siqueira Moraes has provided you with information.</p> <p>Finally I have to underline that more needs to be done to strengthen enforcement of the Equator Principles, which WBG helped establish. Currently under EP there is no mechanism that allows the public to verify if EP-compliant banks are honouring their obligations under EP by not financing non-compliant projects. Identifying debt providers on PPPs as a matter of routine at financial close would greatly help, with no meaningful harm done to commercial interests."</p> <p>77. "Even if post-procurement disclosing is not so common, the reports goes deep enough to make the case. Pre-procurement disclosing is very well covered."</p> <p>78. Yes proper balance is maintained between pre and post procurement.</p> <p>79. In my opinion - yes.</p> <p>80. Yes the two periods are well balanced</p> <p>81. I think it has too much in the pre- stage, with potentially sensitive data (eg contracts) being released before they are even finalised</p> <p>82. Possibly more emphasis on post construction/operational performance - this is an area where much more needs to be done in terms of shedding light on empirical evidence on PPP performance better to inform the appropriate use of PPPs and development of policy. Recent work on reviewing ex-post PPP evaluations shows how much more there is to be done and how narrow is the body of existing performance information. Of course the purposes of transparency vary with some common themes - so pre-procurement disclosure is focusing, inter alia, on issues such competition, equity etc. and post -procurement on issues such as evidence of original needs met, policy development, lessons learnt as well as VfM). At the same time the guidance might recognise a little more the transparency obligations</p>	<p>We agree on the dangers of blanket redactions, and the Framework is very clear that redactions should be based on clear and specific reasons. The template also recommends substantial disclosure of financial information to guard against a tendency for blanket redactions.</p> <p>Point 81: A specific mention has now been made of the transparency obligations in procurement legislation in the section on pre-procurement legislation.</p> <p>Point 83: The suggestions with respect to unsolicited projects have been incorporated.</p> <p>Point 84: There is substantial debate and discussion among practitioners on the value added or otherwise of disclosing the return on equity for projects with little or no government equity investment. This will be discussed internally and a final decision on recommending disclosure of ROE for such projects or otherwise will be taken soon.</p> <p>The point on the PPI database has been communicated to the team within PPP CCSA dealing with this.</p> <p>Point 85: Some of the suggestions, especially bullet points 2, 7, and 8, are included in the template. The suggestions in bullet point 1 will be incorporated.</p> <p>Point 86: The suggestions have been incorporated.</p>
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that already come with procurement legislation in many regions, not just in FOI rules.

83. Yes, in particular, the emphasis on pre-procurement disclosure is very helpful,
84. The balance seems broadly appropriate. With respect to pre-procurement, more attention could usefully be devoted to considering the implications of the risk of inappropriate selection of the PPP mode, and the possible elements in a disclosure framework that might address these. This would include disclosure of the reasons for the choice of a PPP - at present this is in the template for post-procurement disclosure. It is important to subject the decision to select the PPP mode to early scrutiny before a final decision is made, to try to ensure there is sound public policy justification for it. This is particularly the case for unsolicited PPPs. In that regard, the suggested elements for disclosure of unsolicited projects on p. 34 contain three stages: On receipt of unsolicited project; following government's decision to accept; and during the bid process. It would be worth considering inserting a new second stage after receipt of the proposed PPP, that would include the reasons for considering use of the PPP mode for the services concerned and a public interest test, prior to government decision to accept. This would incorporate processes such as that used in Colombia with respect to unsolicited PPPs as described on p. 35 of the draft. The pre-disclosure framework should include publication of the procedures to be followed on receipt of an unsolicited PPP.
85. Perhaps more focus needed on post-procurement. Throughout the document there is a lot of references to the desirability of disclosing return on equity, but then in Table 15 there doesn't seem to be an explicit recommendation of this. It mentions disclosing forecast IRR but then for Actual IRR, it recommends disclosing this only where there is government equity investment or other form of government support that is substantial. I think it would be quite helpful for government to disclose ROEs to help reduce information asymmetries with sponsors/developers, which may help to generate more efficient markets and help government calibrate its expectations. I also recommend that WB/PPIAF update the PPI Database to include ROEs where it is possible to capture and disclose that information, ex post.
86. El marco especifica claramente qué información a divulgar es más importante o más necesaria antes y durante el proceso de licitación de la CPP. Obviamente en el Framework, no tienen el mismo valor, ya que a la fase previa se dedica muchísimas páginas, información y análisis, y en cambio para la fase posterior la información es escasa. Desde nuestra perspectiva el post también conforma una parte importante del proceso en tanto que sirve también para dar credibilidad y

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transparencia a la gestión de la infraestructura, y su mantenimiento, que a largo plazo supone un desembolso mayor que la fase de construcción, y que muchas veces al no tenerse en cuenta tiene implicaciones/renegociaciones muy costosas para la Administración, las empresas gestoras y la sociedad en su conjunto. El framework básicamente establece que la información posterior debe incorporar dos tipos de información, referentes al contrato de cierre, y posteriormente, como ha evolucionado el proyecto. A nosotros nos parece muy escaso, y no sólo una posible recomendación, sino un proceso que se debería hacer siempre, pero mucho más detallado de lo que se propone aquí, ya que los mismos proyectos pueden servir también de modelo para futuras CPPS. Por ello, y como remarca el framework, creemos que esta información debe ser publicada delicadamente y actualizada.

Creemos que esta la información que proporciona el modelo se podría complementar en cierto modo con:

- La publicación de unos códigos de conducta de la propia administración, en el que queden claro los supuestos de conflictos de intereses. Posteriormente, durante el proceso de adjudicación y después de su adjudicación debería manifestar el hecho de encontrarse o no en estas situaciones de conflictos de intereses.
- Se debería pedir que delimitaran en los contratos los conceptos de interés público, de riesgo y ventura del concesionario y la naturaleza del servicio, publicando los análisis de coste beneficio de los proyectos, junto con el mapa de riesgos.
- Siempre se deberían publicar las actas anteriores a las licitaciones y las posteriores a las licitaciones una vez adjudicado el proyecto.
- Previsión de la creación de nuevas infraestructuras similares a las citadas y que a su vez sean cercanas a las mismas.
- Requerimiento de que las webs donde se cuelgue toda la información sean seguras y actualizables para dar mayor confianza.
- Existencia de órganos reguladores - (para poder cuidar el proceso de transparencia)
- Promover y publicar análisis ex post cuando existan, especialmente relevante para analizar casos fallidos de CPPs
- Publicación de la Información sobre renegociaciones en contratos CPPs

English Translation

The framework clearly specifies which information to be disclosed is more important or more needed before and during the bidding process for the PPP. Obviously in the Framework, they do not have the same value as the previous phase is covered

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by many pages, information and analysis, while for the subsequent phase information is scarce. From our perspective, the post also forms an important part of the process since it also serves to give credibility and transparency to the management of infrastructure, and its maintenance, which in the long-term represents a larger investment than the construction phase, and often when not taken into account has costly implications/re negotiations for the administration, the companies and society as a whole. The framework basically states that post-procurement information must incorporate two types of information, concerning the contract closure agreement, and information regarding how the project has evolved. To us it seems very limited, and not only a possible recommendation, but a process that should always be done, but much more detailed than what is proposed here, since the same projects can also serve as a model for future PPPS. Therefore, as stated in the framework, we believe that this information should be published delicately and updated.

We believe this information provided by the model could be supplemented in some way with:

- The publication of codes of conduct of the administration itself, where the assumptions of conflict of interest are clearly stated. Later, during the award process and after the award there should be a manifestation of whether the situations of conflict of interest are a fact.
- it should be required that contracts demarcate contracts concepts of public interest, risk and venture of the concessionaire and the nature of the service, publishing the cost-benefit analysis of projects, along with the risk map.
- records of decisions preceding the bidding should always be published, as well as records regarding the award, once this award is effective
- plans for new infrastructure similar to those cited that are close to them.
- Requirement that the websites where all information is posted are safe and upgradable to convey greater confidence.
- Existence of regulatory bodies - (to take care of the process of transparency)
- To promote and publish ex post analysis when they exist, which is especially relevant to analyze unsuccessful cases of PPPs
- Publication of information regarding renegotiations on PPP contracts

87. "The important integration of pre-procurement disclosure is very welcome to ensure opportunity for engagement with communities and stakeholders and relevant feedback facilitated by increased disclosure at this stage.

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<p>Suggested additions for disclosure include (Box 1): Under reports: Feedback from stakeholder and community consultations.</p> <p>The main risks for governments in PPP contracts lie in post-procurement and implementation due to the long and often complex nature of the arrangements as stated by the document. Re-negotiating and monitoring of implementation are in crucial need for regulation, standardization and opportunity for stakeholder engagement. The information suggested covers these needs very well. We would suggest making a small change in Table 10 under Performance to: "(Open) data on actual performance against targets"</p>	
<p><i>Are the recommendations in the Framework practical? And implementable?</i></p>	
<p>88. "The framework is right to observe that information disclosed is sometimes presented in a way that makes it almost impossible to understand or interrogate, for example long non-searchable PDF documents written in legalistic language. A simple and inexpensive measure that I have long believe governments should adopt is to create project factsheets, updated perhaps two or three times over the course of procurement, which give relevant information about the delivery model for a project including: estimated cost, payment mechanism, revenue sources and delivery model. As procurement progresses, the names of bidders and then the preferred bidder/concessionaire could be added. Post financial close there is no reason why the names of debt providers could not be added."</p> <p>89. Yes, they are. I believe the problem with implementing these measures is making each layer (legislators, policy analysts, procurement units, etc) follow a coordinated approach on this, especially in emerging markets. Maybe selecting and copying one of the success cases (i.e. British Columbia/Chile) is an easy way to go.</p> <p>90. yes the recommendations are practical and can be implemented by experts supervision.</p> <p>91. Yes.</p> <p>92. The recommendations are adjustable according to the level of sophistication and organization of countries.</p> <p>93. The Checklist/Diagnostic would be simpler to implement if it was turned into an interactive website.</p> <p>94. For jurisdictions with limited PPP experience, this tool is likely to be a very low priority. "</p>	<p>Point 87: The template is meant to act as a project fact sheet. We are working on creating a suitable web-based template.</p> <p>Point 88: The companion volumes to the Framework, the jurisdictional studies and the good practice cases, which include a review of policy and practice in more developed jurisdictions, including British Columbia and Chile, provide valuable lessons for developing the Framework. In addition, we are working on four pilot projects for implementing the Framework, all in developing countries. The lessons from these will be used to refine the Framework.</p> <p>Point 92: We will include the creation of a web-based/ Excel-based disclosure diagnostic in the future scope of work around PPP disclosure.</p> <p>Point 93: We fully agree that it is a challenge to make this a higher priority for countries, especially for those countries with limited PPP experience. The WBG is working with several clients to improve the legal and institutional environment for PPPs, and will include work related to improving disclosure practices in as many jurisdictions as possible.</p>

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<u>What is the best way to disseminate and implement the Framework?</u>	
<p>95. Meetings with governments, such as PPP conferences and summits but also private meetings and through existing capacity building projects.</p> <p>96. "The Framework could be disseminated through: Trade Media focused on PPPs: i.e. InfraPPP (www.infrappworld.com); Global PPP events; through advisory contracts financed by donors; implementation; as condition to be eligible for loans or grants from donors"</p> <p>97. The best way to disseminate and implement the framework is strength and positive approach.</p> <p>98. Use online media channels with focus on targeted users / parties who apply the framework. Suggestion: use youtube video / animation to facilitate understanding of benefits, uses etc. Good Luck!</p> <p>99. Regional seminars on the theme should be organized by WB. Ministries of Finance, Justice and PPP Units should be invited.</p> <p>100. PPIAF website, part of regional PPP workshops</p> <p>101. Infrastructure/PPP Units - implementation however is a national affair and needs to be done with full long term consideration of the resources and commitment required. Best ways: identify countries respecting criteria; create PPP sections in these countries; organized workshops on PPP(Government+CSO+private); implement the PPP Framework; empower the PPP Framework</p> <p>102. Create a small, cogent executive summary which can be used for direct promotion with agencies and countries. Use the tools rather than the analysis, as people have little time to read such lengthy treatises.</p> <p>103. There is a need to ensure coordination in the framework's design and implementation with other closely related initiatives, such as CoST and Open Contracting, to reduce potential confusion amongst government officials, and to reduce administrative and compliance costs for all concerned.</p> <p>104. "A couple of ways:</p> <ul style="list-style-type: none"> • Capacity building/awareness raising workshops for countries • Capacity building/awareness outreach to other donor who are involved with PPPs • Set up a conference with PPP players, transaction advisors, consultants to raise issues and have discussion of pros/cons and potential unintended consequences • Include key disclosure data in PPI Database, e.g., ROEs, government support, etc." <p>105. We believe that adding the Framework as part of the actual co-financing agreement can provide an incentive to its implementation. At the Open Contracting Partnership, we will be looking forward to supporting the dissemination of this valuable tool.</p>	<p>Points 94 to 104: These are all very useful suggestions. The PPP CCSA is starting the work of implementing the Framework, as suggested, through pilots in four countries. We have worked closely with the World Bank's Open Contracting Team (Governance Global Practice) and COST while creating the Framework, and will continue to do so. We are also working on integrating disclosure in other WBG offerings. We will work on creating more structure in the way this is being done. When we have the final version of the Framework, now planned for June 2016, the team will discuss ways to communicate the Framework effectively and use several of these very useful suggestions.</p>

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