

**DECREE NO. 2012-1152 OF 19 DECEMBER 2012
ON THE ATTRIBUTIONS, ORGANIZATION AND
FUNCTIONING OF THE INSTITUTIONAL FRAMEWORK
FOR STEERING PUBLIC-PRIVATE PARTNERSHIPS**

THE PRESIDENT OF THE REPUBLIC,

On report of the Prime Minister, Minister of Economy and Finance,
Having regard to the Constitution ;

Having regard to Decree No. 2009-259 of 6 August 2009 on the Public
Procurement Code;

Having regard to Decree No. 2009-260 of 6 August 2009 on the organization and
operation of the National Authority for the Regulation of Public
Procurement (ANRMP);

Having regard to Decree No. 2011-222 of 07 September 2011 on the organization
of the Ministry of Economy and Finance;

Having regard to Decree No. 2012-625 of 6 July 2012 on the attributions of the
Members of the Government;

Having regard to Decree No. 2012-1118 of 21 November 2012 appointing the
Prime Minister;

Having regard to Decree No. 2012-1119 of 22 November 2012 appointing the
Members of the Government;

The Council of Ministers decrees

as follows:

CHAPTER I: GENERAL PROVISIONS

Article 1 : The purpose of this decree is to determine the attributions,
the organization and functioning of the institutional
framework for steering development projects should be
carried out in the form of Public-Private Partnerships, in a PPP
framework.

Article 2: PPPs include public service delegations as defined by the Public Procurement Code as well as contracts by which a contracting authority entrusts to a third party, for a specified period, an overall mission relating to financing, construction or transformation maintenance, maintenance, (operation or management of infrastructure, equipment or intangible assets on behalf of the contracting authority concerned.

CHAPTER 1: INSTITUTIONAL FRAMEWORK FOR STEERING PROJECTS CARRIED OUT IN THE FORM OF PUBLIC-PRIVATE PARTNERSHIPS

Article 3 : The institutional framework for steering PPPs is placed under the authority of the President of the Republic.

The institutional framework for steering PPPs includes:

- the National PPP Steering Committee, CNP-PPP (acronym);
- the Executive Secretariat of PPPs, SE-PPP (acronym);
- The PPP Operational Unit, CO-PPP (acronym).

Article 4: The National PPP Steering Committee is the decision-making body, validation and guidance of the institutional framework for PPP steering.

As such, it is responsible :

- to elaborate the PPP development strategies to be submitted to the Government as well as the draft legislative and regulatory texts;
- to validate the projects to be carried out within the framework of the PPPs;
- to validate the tender documents prepared by the contracting authorities and in particular the contractual and financial schemes, the methods of selection of candidates and the evaluation criteria;
- to validate proposals for the award of agreements and contracts;
- to define the framework for dialogue with external financial partners;
- to monitor the implementation of projects by the contracting authorities;
- to submit to the Government the annual report on the projects carried out within the framework of the PPPs;
- to approve the business plan presented by the SE-PPP.

- to seek necessary funding.

Article 5: The CNP-PPP shall comprise permanent members and non-permanent members.

The permanent members are

- the representative of the President of the Republic, Chairman;
- the representative of the Prime Minister, Vice-President;
- the representative of the Minister in charge of Planning and Development, member;
- the representative of the Minister in charge of Industry, member;
- the representative of the Minister in charge of Economy and Finance, member;
- the Director General of Budget and Finance, member;
- the Director General of the National Bureau of Technical Studies and Development, in BNETD (acronym), member;
- the Director General of the Investment Promotion Centre in Cote d'Ivoire, CEPICI (acronym), member;
- the Director of Public Markets, member.

Permanent members are appointed by the Prime Minister.

The non-permanent members are the representatives of the Technical Ministries carrying out projects subject to examination by the CNP-PPP and expressly invited to participate in the work of the CNP-PPP. They do not have a deliberative vote.

Article 6 : The CNP-PPP meets at least once a month and whenever necessary. The meetings of the CNP-PPP are convened by its president who sets the agenda.

The deliberations of the CNP-PPP are recorded by verbal procedures signed by the President and the Executive Secretary.

Permanent members of the CNP-PPP may be represented by a permanent member. No one may hold more than one mandate.

In the event the president is impeached, the presidency is ensured by the Vice-President.

The CNP-PPP may, as it deems it necessary, invite any expert to its meetings. The expert has no deliberative voice.

Le SE-PPP manages the Secretariat of the CNP-PPP.

Article 7 : The functions of member of the CNP-PPP are not replaced. However, the Government may authorize the reimbursement of expenses related to the missions carried out by the members of the CNP-PPP within the framework of their attributions, on presentation of proof of the expenses exposed, as well as the granting of a fixed defray indemnity by the Prime Minister.

Article 8 : The SE-PPP assists the CNP-PPP in the exercise of its Powers.

As such, he is responsible:

- to draw up an annual action plan submitted for validation of the CNP-PPP and to ensure its implementation;
- to prepare the meetings of the CNP-PPP and to ensure the secretariat;
- to monitor the implementation and implementation of the decisions, directives and resolutions of the CNP-PPP;
- to ensure coordination of relations between all PPP actors;
- to ensure the internal and external communication of the CNP-PPP;
- to ensure the management of the equipment, furniture and logistics made available to the CNP-PPP;
- to draw up periodic reports as well as the annual activity report of the CNP-PPP;
- To develop and implement strategies for training and capacity building of national PPP actors;
- to organize dialogue with external financial partners; to make any proposal or recommendation to the CNP-PPP on the definition of the strategy and its implementation, on the action matrices, the prioritization of projects and their categorization;
 - to propose draft texts and reforms relating to the good practice of PPPs as well as to the procedures and tools for the development of PPPs;
- to ensure the monitoring and evaluation of the execution of contracts.

Article 9 : The SE-PPP is housed in the Ministry in charge of Economy and Finance.

The SE-PPP is composed of staff and experts appointed by the Minister in charge of Economy and Finance.

The SE-PPP is led by an Executive Secretary appointed by the Minister in charge of Economy and Finance and a Deputy Executive Secretary appointed by the Minister in charge of Industry, after consulting the CNP-PPP.

The remuneration of the members of the SE-PPP is determined by the Minister in charge of Economy and Finance.

Article 10 : The Operational Unit supports the SE-PPP and the CNP-PPP in their missions.

As such, The Operational Unit is responsible in particular

- to provide assistance and expertise to the SE-PPP and the CNP-PPP in the context of the PPP development strategy and the related draft regulatory and legislative texts;
- to provide assistance and expertise to the SE-PPP and the CNP-PPP in the context of the opinions which they give in accordance with Articles 4 and 8 of this Decree, and in particular on the economics of the development projects proposed by the contracting authorities to the CNP-PPP and on the feasibility of their implementation within the framework of a PPP;
- to provide assistance and expertise to the SE-PPP and the CNP-PPP by proposing, if necessary, to optimize the partnership scheme to be set up after option comparison, and by establishing the financial simulations;
- to prepare tender documents on the basis of technical elements provided by the contracting authorities and their consultants;
- to assist the contracting authorities in the award of PPP contracts or agreements;
- to participate in the monitoring and implementation of PPP contracts.

Article 11 : The SE-PPP submits the files to the CNP-PPP for review.

These files are the subject of preliminary exchanges between the SE-PPP and the CO-PPP.

The examination of the files by the CNP-PPP is done in the presence of the Project Owner and the representatives of the SE-PPP and the CO-PPP.

.

Article 12: The CO-PPP is housed to the BNETD.

Article 13: The CO-PPP is made up of independent experts recruited by BNETD, after consultation with the CNP-PPP.

The CO-PPP is led by a coordinator appointed by the Prime Minister, upon proposal of the CNP-PPP chairman.

CHAPTER III: FINAL PROVISIONS

Article 14: The members of the CNP-PPP, the SE-PPP and the CO-PPP as well that any person who participates in the implementation of PPP projects, are subject to compliance with the rules of the Code of Ethics in terms of public procurement and public service delegation.

Article 15 : Expenditure linked to the operation of the CNP-PPP, the SE-PPP and CO-PPPs are covered by the State Budget.
The CNP-PPP, the SE-PPP and the CO-PPP may benefit from the study funds set up by the Government and from the financial assistance of the Development Partners for the execution of their missions.

Article 16 : This Decree repeals all previous contrary provisions, in particular interministerial decree n°592/MEF/MI of 2 December 2011 establishing, organising and functioning the National Committee for Public-Private Partnerships and amending interministerial decree n°855 of 11 November 2010.

Article 17 : The Prime Minister, Minister of Economy and Finance, is responsible for the execution of this decree, which shall be published in the Official Gazette of the Republic of Côte d'Ivoire.

Issued in Yamoussoukro, 19 December 2012

Alassane OUATTARA

Certified true copy of
the (original The
Secretary-General of the
Government).