

PROCURING INFRASTRUCTURE PUBLIC-PRIVATE PARTNERSHIPS 2018 IN TANZANIA

SURVEY QUESTION	ANALYSIS
PPP Regulatory Framework	
2. Does the regulatory framework in your country allow procuring PPPs?	Yes
If yes, please specify the relevant regulatory framework and the year of adoption:	<p>The analysis conducted was mainly based on the following laws and regulations:</p> <p>(i) “ The Public Private Partnership Act”, (Bill Supplement No.0 ISSN 0856-0331X, added on June 18th, 2010 to the Gazette of the United Republic of Tanzania No. 13 Vol. 91) as amended by the PPP amendment Act of 2014 (special Bill Supplement No.1 (ISSN 0856- 0100 IX) added to the Gazette of the United Republic of Tanzania No.20 Vol.95 dated 16th May, 2014) - hereinafter referred as the “PPP Act”</p> <p>(ii) “The Public Private Partnership Act, No. 18 of 2010 - Public Private Partnership Regulations of 2011: (Subsidiary Legislation published in the Gazette of the United Republic of Tanzania on 3/6/2011, No. 22 Vol. 92, Supplement No.17), Supplement No.9 (ISSN 0856 - 01001X) to the Gazette of the United Republic of Tanzania No. 52 Vol. 92 dated 30th December, 2011 - hereinafter referred to as the “PPP Regulations 2011”</p> <p>(iii) “The Public Private Partnership Act, No. 18 of 2010 - The Public Private Partnership Regulations, 2015: (Subsidiary Legislation published in the Gazette of the United Republic of Tanzania on 27/11/2015), Government Notice No. 542 - hereinafter referred to as the PPP Regulations 2015”</p> <p>(iv) The Public Procurement Act: (Act supplement N.9, ISSN 0856 - 01001X, published in to the Gazette of the United Republic of Tanzania No. 52 Vol. 92 dated 30th December, 2011) as amended by The Public Procurement (Amendment) Act, 2016 (Bill Supplement No.10 (ISSN 0856-035X) added to the Gazette of the United Republic of Tanzania No.21. Vol.97 dated 10th June, 2016); and</p> <p>(v) “The Public Procurement Act - Regulations”, of 2013 Subsidiary legislation, Supplement No.45 (ISSN 0856 - 034X) published in the Gazette of the United Republic of Tanzania No. 48 Vol 94 dated 29th November, 2013, as amended by the Public Procurement (Amendment) Regulations, 2016 Government Notice No. 333 Published on 30th December 2016, hereinafter referred to as the “Procurement Regulations”.</p>
and provide a link to a government–supported website where the mentioned regulatory framework is available or provide an electronic copy of it:	<p>(i) http://www.tic.co.tz/media/PPP%20Act.pdf AND http://www.tanzania.go.tz/egov_uploads/documents/1-2014-1_swpdfAND http://www.tic.co.tz/media/PPP%20Policy.pdf</p> <p>(ii) http://www.tic.co.tz/media/PPP%20Regulations_1.pdf AND https://www.parliament.go.tz/polis/uploads/bills/acts/1452063834-ActNo-3-2014.pdf</p> <p>(iii) https://www.ppra.go.tz/index.php/95-legislation/140-public-procurement-act-2011</p> <p>(iii) http://parliament.go.tz/polis/uploads/bills/1459254607-</p>

	<p>GN%20542%20%20THE%20PUBLIC%20PRIVATE%20PARTNERSHIP%20REGULATIONS_2015.pdf</p> <p>(iv) http://parliament.go.tz/polis/uploads/bills/1469785969-A%20BILL-THE%20PUBLIC%20PROCUREMENT%20(AMENDMENT)%20ACT,%20202016%20(PRINTE D).pdf</p> <p>(v) https://www.ppra.go.tz/phocadownload/attachments/Regulations/regulation_ammendment2016.pdf</p>
<p>2.1. Are you aware of any reforms (in the regulatory frameworks – laws, regulations, policies, etc.- or in generally followed practices) related to PPPs that: Took place in 2016, are ongoing and/or are planned to be adopted BEFORE June 1, 2017?</p>	Yes
<p>Please describe:</p>	<p>The Government introduced The Public Procurement (Amendment) Act, 2016 and The Public Procurement (Amendment) Regulations, 2016 whereby these amendments sought to bring reforms to procurement laws by improving directives, introducing flexibility in the procurement laws by providing for electronic procurement and also to save time and costs in procurement process.</p>
<p>2.2 Are ongoing and/or are planned to be adopted AFTER June 1, 2017?</p>	No
<p>Please describe:</p>	n/a
<p>3.1 Besides national defense and other matters of national security, does the regulatory framework explicitly prohibit or restrict PPPs in any of the following sectors?: Transportation.</p>	No
<p>If yes, please provide the relevant legal/regulatory provisions:</p>	n/a
<p>3.2 Besides national defense and other matters of national security, does the regulatory framework explicitly prohibit or restrict PPPs in any of</p>	No

the following sectors?: Water and Irrigation	
If yes, please provide the relevant legal/regulatory provisions:	n/a
3.3 Besides national defense and other matters of national security, does the regulatory framework explicitly prohibit or restrict PPPs in any of the following sectors?: Energy generation and distribution.	No
If yes, please provide the relevant legal/regulatory provisions:	n/a
3.4 Besides national defense and other matters of national security, does the regulatory framework explicitly prohibit or restrict PPPs in any of the following sectors?: Telecom	No
If yes, please provide the relevant legal/regulatory provisions:	n/a
3.5 Besides national defense and other matters of national security, does the regulatory framework explicitly prohibit or restrict PPPs in any of the following sectors?: Other	No
If yes, specify and provide the relevant legal/regulatory provisions:	n/a
4. Does the regulatory framework provide for a specific tax regime for PPP transactions (i.e. tax incentives, special tax	No

depreciation treatment, etc.)?	
If yes, please specify and provide the relevant legal/regulatory provision (if any):	n/a
5. Please identify the PPP procuring authorities in Tanzania and provide their website(s) (if available):	According to Sections 2 and 3 of the PPP Act, any Ministry, Government, department, Local Authority, or Statutory Corporation can act as “contracting authority” for PPP projects, and act in partnership with any private sector entity.
6. In addition to the PPP procuring authorities listed above, is there a specialized government entity that facilitates the PPP program (PPP Unit)?	Yes
If yes, please indicate its name, and its website (if available):	Public Private Partnership Centre (hereinafter referred to as “PPP Centre”) Section 4 of the PPP Act
6.1 If yes, what are the main responsibilities of the PPP Unit (check all that apply): PPP regulation and policy guidance.	Yes
6.2 PPP capacity building for other public authorities.	Yes
6.3 PPP promotion among the public and/or private sectors in national and international forums.	Yes
6.4 Technical support in implementing PPP projects.	Yes
6.5 Identification and selection of PPP projects from the pipeline.	No
6.6 Revision of fiscal risks born by the Government.	No
6.7 Consultation with affected communities on potential impact of PPP projects.	No

6.8 Approval of PPP projects.	Yes
6.9 Undertaking the procurement of PPPs.	No
6.10 Oversight of PPP implementation.	Yes
6.11 Other	No
6.11 please specify:	n/a
Please provide the relevant legal/regulatory provisions:	<p>PPP Centre, (established under Section 6 of the PPP Act) works within the Office of the Prime Minister</p> <p>This is the main body tasked with the overview, assessment and promotion of PPP in Tanzania. It provides assistance to the Government and procuring authorities and private parties. It appraises potential PPP projects and submits them to the Ministry of Finance and onward to the Public Private Partnership Technical Committee for approval. The Unit deals with promotion and co-ordination of all matters relating to PPP projects undertaken within the Mainland Tanzania, and covers all projects undertaken in productive and non-productive sectors.</p> <p>The main responsibilities of the Unit are as follows: (a) make an assessment of all projects submitted to it and give its recommendations to the Public-Private Partnership Finance Unit for purposes of ascertaining whether the project: (i) is affordable to the contracting authority; (ii) provides value for money; (iii) presents operational and financial risks to the private party;</p> <p>(b) approve proposed projects and feasibility studies which are within the prescribed sums or costs;</p> <p>(c) examine the request for proposal to ensure conformity with the approved feasibility study;</p> <p>(d) advise the Government on administrative procedures and all matters relating to public-private partnership;</p> <p>(e) develop guidelines in relation to all matters relating to public private partnership;</p> <p>(f) advise on policy in relation to public-private partnership projects; and</p> <p>(g) develop and promote public-private partnership awareness in Mainland Tanzania.</p> <p>Note about the additional Unit: Public Private Finance Partnership Unit (Section 9 of PPP Act): the Permanent Secretary shall establish it within the organization structure of the Ministry responsible for finance. This Unit is responsible to deal with fiscal risk allocation and other financial matters of all PPPs; consider and forward all projects and feasibility studies to the Minister responsible for finance for purposes of appraising the Government.</p>
PPP Preparation	
8. Does the Ministry of Finance or Central Budgetary Authority approve the PPP project before launching the procurement process?	Yes
If yes, please provide the relevant	Under Section 10 (1) (d) and 17 (1) of the PPP Act: The Minister responsible for finance has to approve the terms of the agreement where the project involves

legal/regulatory provisions (if any):	financial or contingent liability to the Government. Furthermore, Regulation 15(7) of the PPP Regulations 2015, also provides that the Ministry responsible for finance shall undertake analysis of fiscal risk and other financial matters and submit the project to the PPP center within 15 working days from the date of receipt of the application of the project from the PPP center.
8.1. Does the Ministry of Finance or Central Budgetary Authority approve the PPP project before signing the PPP contract?	Yes
If yes, please provide the relevant legal/regulatory provisions (if any):	Section 40 of the PPP Regulations titled: APPROVAL OF DRAFT AGREEMENT BY FINANCIAL UNIT provides: "The contracting authority shall forward a draft agreement to the Finance Unit for onward submission to the Minister responsible for finance for approval of the proposed terms of the agreement"
8.2. Does the Ministry of Finance (or government more broadly) have a specific system of: Budgeting for PPP projects.	No
If yes, please provide the relevant legal/regulatory provisions (if any):	n/a
Accounting liabilities (explicit and implicit, direct and contingent) arising from PPPs.	No
If yes, please provide the relevant legal/regulatory provisions (if any):	n/a
Reporting liabilities (explicit and implicit, direct and contingent) arising from PPPs.	No
If yes, please provide the relevant legal/regulatory provisions (if any):	n/a
8.3. If yes to question 8.2, which of the following alternatives best describes the regulation?: Accounting and reporting according to	No

International Public Sector Accounting Standards (IPSAS).	
Accounting and reporting according to other international standard (e.g. European System of Accounts).	No
Please specify:	n/a
Other.	No
Please specify:	n/a
9. Besides the procuring authority and the Ministry of Finance or Central Budgetary Authority, does any other authority(s) approve the PPP project before launching the procurement process (e.g. Cabinet, Cabinet Committee, Parliament, Supreme Audit Office, etc.)?	Yes
If yes, please specify the relevant authority	All PPP projects approved by the PPP Centre are subject to scrutiny and approval by the PPP Technical Committee and the National Investment Steering Committee
and provide the relevant legal/regulatory provisions (if any):	<p>Section 7 of the PPP Act, the Technical Committee considers and approves proposals forwarded to it by the PPP Centre and submits these to the National Investment Steering Committee for scrutiny. Furthermore, it is tasked with the overview of the Public Private Partnership Facilitation Fund.</p> <p>Section 8 of the Amendment to the PPP Act of 2014 has added new provisions to include broader functions of the Technical Committee as well as the power to approve projects recommended to it by the National Investment Steering Committee.</p> <p>Regulation 15(11) of the PPP Regulations 2015, requires the Technical Committee to direct the PPP Centre to submit the approved project to the National Investment Steering Committee for taking note and providing overall guidance as regards to implementation of the particular project.</p>
9.1. Besides the procuring authority and the Ministry of Finance or Central Budgetary Authority, does any other authority(s) approve the PPP project before signing the PPP contract?	No

<p>If yes, please provide the relevant legal/regulatory provisions (if any):</p>	<p>n/a</p>
<p>10. Does the procuring authority use transaction advisors during the PPP project cycle?</p>	<p>Yes</p>
<p>If yes, please provide the relevant legal/regulatory provisions (if any):</p>	<p>Section 13 of PPP Regulations provides that: “Upon completion of the feasibility study report under these Regulations, the contracting authority may engage a transaction advisor to review the feasibility study report and prepare appropriate business case and transaction documents”.</p>
<p>11. In a case comparable to the case study assumptions, please select the option that best describes the way your government integrates the prioritization of PPP projects with other public investment project prioritization? (e.g. in the context of a national public investment system, multi-year perspective plans, medium-term budgetary framework): The regulatory framework provides for the inclusion of PPPs in the national public investment system/medium term budgetary framework and details a specific procedure to ensure the consistency of PPPs with other public investment priorities.</p>	<p>No</p>
<p>If yes, please specify and provide the relevant legal/regulatory provisions (if any):</p>	<p>n/a</p>
<p>The regulatory framework prescribes the need for PPPs to be consistent with all</p>	<p>Yes</p>

other investment priorities without establishing a specific procedure to achieve that goal.	
If yes, please provide the relevant legal/regulatory provisions (if any):	Section 3 (6) and 3 (7) (a) of the PPP Regulations (2015) requires PPP Projects to be consistent with the National Development Plan.
The regulatory framework does not include any provisions but the procuring authority evaluates the consistency of PPPs with other government investment priorities in practice.	No
If yes, please elaborate:	n/a
The procuring authority does not evaluate PPPs against existing government priorities.	No
Please elaborate and provide examples:	n/a
11.1. Based on your experience, is it always the case that this prioritization is done in practice in accordance with the provisions of the regulatory framework described above?	Yes
If yes, please specify:	The Ministry of Finance in Tanzania will only approve projects which fall within National Development Plan. According to one of our contributors, the current government priorities include infrastructure development and boosting industries, major projects which are expected to be funded by PPPs are the Upgrade of the 970- kilometers rail line connecting Dodoma, Tabora, isaka to Dar es salaam and the 300 Megawatts Kikonge hydroelectric facility on the river Ruhuhu and others.
If no, please elaborate:	n/a
12.1 Which of the following assessments are conducted when identifying and preparing a PPP in order to inform the decision to proceed	Yes

with it? (check all that apply): Socio-economic analysis (cost-benefit analysis of the socio-economic impact of the PPP project)	
Relevant legal/regulatory provision (if any)	The sixteenth schedule of the PPP Regulations provides for the minimum essential information for unsolicited PPP Proposals. The minimum essential information under the Procurement Regulations for unsolicited PPP proposals requires the socio-economic impact on local communities to be included. Section 10 (3) of the PPP Act requires that the feasibility study shall include technical and socio-economic impact analyses. Regulation 13 (i) of the Procurement Regulations provides that the feasibility study report shall contain recommendations or advice on the technical and economic viability of the project(s).
Is there a specific methodology for the assessment?	No
If yes, please elaborate	n/a
Is the assessment done in practice?	Yes
Details:	A socio-economic analysis is always done in practice when identifying and preparing a PPP in Tanzania in accordance with the relevant regulations in place
12.2. Affordability assessment, including the identification of the required long term public commitments (explicit and implicit, direct and contingent liabilities)	Yes
Relevant legal/regulatory provision (if any)	Section 11 PPP Act requires to perform a Feasibility study. More specifically, Section 5(4)(c) of the PPP Regulations requires that “the project complies with affordability requirement”. Section 5 PPP Regulations requires a Pre-feasibility study Section 23 PPP Regulations provides for an Evaluation of approved projects by the Finance Unit, and Section 24 PPP Regulations specifies the role of Committee of Finance Unit
Is there a specific methodology for the assessment?	No
If yes, please elaborate	n/a
Is the assessment done in practice?	Yes
Details:	An affordability assessment is always done in practice when identifying and preparing a PPP in Tanzania
12.3. Risk identification, allocation and assessment (risk matrix)	Yes

Relevant legal/regulatory provision (if any)	Section 11 PPP Act: Feasibility study (f)(3): “transfer appropriate technical, operational or financial risks to the private party” Section 5 PPP Regulation: Pre-feasibility study (4)(h): “The pre-feasibility study report shall conform to the criteria that: the project includes adequate risk analysis and sharing”. Section 23 PPP Regulations: Evaluation of approved projects by the Finance Unit (1): “The Finance Unit shall [...] evaluate the project with a view to considering the fiscal risks involved” Section 24 PPP Regulations: (1)(b): “The Finance Unit may make recommendations to the Finance Unit on the financial implication risks involved and other financial matters surrounding the implementation of the project”.
Is there a specific methodology for the assessment?	No
If yes, please elaborate	n/a
Is the assessment done in practice?	Yes
Details:	A risk identification, allocation and assessment is always done in practice when identifying and preparing a PPP project in Tanzania
12.4. Comparative assessment to evaluate whether a PPP is the best option when compared to other procurement alternatives (i.e. value for money analysis, public sector comparator)	Yes
Relevant legal/regulatory provision (if any)	Section 10(2)(c) &(2)(d) of the PPP Act as amended state that a feasibility study shall assess the “options available to the Government to satisfy those needs;(ii)the advantages and disadvantages of each option” and “demonstrate comparative advantage in terms of strategic and operational benefits for implementation under the agreement”. Section 10 (4) of the PPP Act provides that there shall be an assessment of the comparative projections of the full costs to the government for the activity if that activity is not outsourced through the PPP agreement and if it is sourced through one.
Is there a specific methodology for the assessment?	No
If yes, please elaborate	n/a
Is the assessment done in practice?	Yes
Details:	A comparative assessment is always done in practice when identifying and preparing a PPP project in Tanzania in order to evaluate whether a PPP is the best option when compared to other procurement alternatives
12.5. Financial viability or bankability assessment	Yes
Relevant legal/regulatory provision (if any)	Section 11 PPP Act (Feasibility study), and Sections 5 (Pre-feasibility study), 23 (Evaluation of approved projects by the Finance Unit) and 24 PPP Regulations

	(Committee of Finance Unit) imply a requirement to assess the financial feasibility or bankability of the project.
Is there a specific methodology for the assessment?	No
If yes, please elaborate	n/a
Is the assessment done in practice?	Yes
Details:	A financial viability or bankability assessment is always done in practice when identifying and preparing a PPP project in Tanzania in line with the relevant regulatory provisions
12.6. Market sounding and/or assessment (showing evidence of investors' interest in the market for the project)	No
Relevant legal/regulatory provision (if any)	n/a
Is there a specific methodology for the assessment?	n/a
If yes, please elaborate	n/a
Is the assessment done in practice?	No
Details:	n/a
12.7. Environmental impact assessment	No
Relevant legal/regulatory provision (if any)	n/a
Is there a specific methodology for the assessment?	n/a
If yes, please elaborate	n/a
Is the assessment done in practice?	n/a
Details:	n/a
12.8. Consultation process with affected communities on potential impact of the PPP project	No
Relevant legal/regulatory provision (if any)	n/a
Is there a specific methodology for the assessment?	n/a

If yes, please elaborate	n/a
Is the assessment done in practice?	n/a
Details:	n/a
13. Does the procuring authority include the assessments (indicated in Question 12 above) in the request for proposals and/or tender documents (for example, as part of an Information Memorandum to the bidders)?	No
If yes, please provide the relevant legal/regulatory provisions (if any):	n/a
and specify which of the assessments are included in the request for proposals and/or tender documents:	n/a
13.1. Are the assessments published online?	No
If yes, please provide the relevant legal/regulatory provisions (if any):	n/a
specify the website	n/a
please specify which of the assessments are published online:	n/a
14. Does the procuring authority include a draft PPP contract in the request for proposals?	No
If yes, please provide the relevant legal/regulatory provisions (if any):	n/a
If no, please elaborate	Under Section 39 of the PPP Regulations, the Contract is to be drafted by the parties in line with the terms and conditions agreed upon during the negotiation phase. According to Section 39 of PPP Regulations: (1): "Upon approval by the accounting officer and the Minister responsible for the contracting authority, the accounting officer shall cause the agreement to be drafted in line with such terms and conditions as agreed by the parties during negotiation"

14.1. Are the tender documents published online?	Yes
If yes, please provide the relevant legal/regulatory provisions (if any):	Section 63 of the Public Procurement Act, 2011 as amended by the Public Procurement (Amendment) Act, 2016 provides: (1) procuring entities shall ensure that procurement or disposal by tender is implemented and reported through electronic procedures or manually where electronic facility is not available. (2) the procedures for conducting e-procurement shall be stipulated in the Regulations made under this Act”
and please specify the website:	http://tenders.ppra.go.tz/
15. In a case comparable to the case study assumptions, have standardized PPP model contracts and/or transaction documents been developed?	No
If yes, please specify and provide a government-supported website where the mentioned standards are available or provide an electronic copy of them:	n/a
16.1 In a case comparable to the case study assumptions, who is the responsible party for each of the following requirements? Obtaining the required urban permits: Procuring authority (or other Government entity)	No
Private Partner	No
Private partner with facilitation role assigned to the procuring authority (or other Government entity)	No
To be established in the contract	Yes

Relevant legal/regulatory provision (if any)	No regulatory basis
16.2. Obtaining the required environmental permits: Procuring authority (or other Government entity)	No
Private Partner	No
Private partner with facilitation role assigned to the procuring authority (or other Government entity)	Yes
To be established in the contract	No
Relevant legal/regulatory provision (if any)	According to Section 11(4) of the PPP Act, where the project which is to be undertaken is of such a nature or type to which Environmental Impact Assessment is required under Part VI of the Environmental Management Act to be made, the contracting authority shall ensure that the Environmental Impact Assessment certificate is procured by the private party before undertaking the project.
16.3. Obtaining the required operational permits: Procuring authority (or other Government entity)	No
Private Partner	No
Private partner with facilitation role assigned to the procuring authority (or other Government entity)	Yes
To be established in the contract	No
Relevant legal/regulatory provision (if any)	According to Section 12 of the PPP Act, notwithstanding the provisions of any other written laws, a contracting authority may enter into an agreement with a private party for the performance of one or more of the functions of that contracting authority. Such agreement shall (2) provide for assistance by the contracting authority to the private party in obtaining license and permit which is necessary for the implementation of the project.
16.4. Obtaining the required land: Procuring authority (or other Government entity)	No
Private Partner	No

Private partner with facilitation role assigned to the procuring authority (or other Government entity)	No
To be established in the contract	Yes
Relevant legal/regulatory provision (if any)	No regulatory basis
16.5. Obtaining the required right of way: Procuring authority (or other Government entity)	No
Private Partner	No
Private partner with facilitation role assigned to the procuring authority (or other Government entity)	No
To be established in the contract	Yes
Relevant legal/regulatory provision (if any)	No regulatory basis
PPP Procurement	
18. Which of the following options best describes the required qualifications of the bid evaluation committee members? (Please select only one): The membership of the bid evaluation committee is specified and/or its members are required to meet detailed qualifications.	No
If yes, please provide the relevant legal/regulatory provisions (if any):	n/a
The bid evaluation committee members require sufficient qualification without specific details.	Yes

If yes, please provide the relevant legal/regulatory provisions (if any):	Section 36 (3) of the PPP Regulations 2015 requires members of the evaluation team to have relevant expertise, knowledge and skills on the subject matter.
The bid evaluation committee members are not required to have any specific qualifications.	No
Please elaborate and provide examples:	n/a
19. Does the procuring authority issue a public procurement notice of the PPP project?	Yes
If yes, please specify the means of publication and provide the relevant legal/regulatory provisions (if any):	<p>Section 15 of PPP Act as amended states that all PPP projects should be procured in an open and competitive bidding process.</p> <p>Section 68 of the Public Procurement Act provides that a tender notice is to be advertised when a procuring entity wishes to commence a competitive tendering process.</p> <p>Pursuant to Regulation 33(1) PPP Regulations 2011, projects that are approved by the Minister of Finance and subject to the provisions of the Procurement Act, must be advertised by the contracting authority for tenders.</p> <p>Regulation 370 of the Public Procurement Regulations 2013 states that once a project is approved, the contracting authority shall submit a request for qualification to the Authority for advertisement .</p> <p>Finally, Regulation 29(1) and (2) of the PPP Regulations 2015 provides that once the project is approved by the Technical Committee, a specific procurement notice is to be submitted to the Authority for advertisement in the Tanzania Procurement Journal, contracting authority, center’s website, newspaper of wide circulation in the United Republic and in the case of international bidding, in any international media.</p>
19.1. If yes, is the public procurement notice published online?	Yes
If yes, please specify the website:	http://tenders.ppra.go.tz/
20. Are foreign companies prohibited from participating in the bidding process?	No
If yes, please provide the relevant legal/regulatory provisions (if any):	n/a
21. In a case comparable to the case study assumptions, does the procuring authority grant the potential bidders a	Yes

minimum period of time to submit their bids?	
If yes, please provide the relevant legal/regulatory provisions (if any):	Public Procurement Regulations: Under Section 68 (3): The timescale for each procurement shall be calculated on the basis of the standard processing times ... allowing any necessary margin for delays in transmission of documents or clarification of tenders or proposals Section 286 (6): The minimum period prescribed in the 8th Schedule shall apply for submission of pre-qualification application Sections 120(3) and 187(1) of the Procurement Regulations require a minimum period of processing time for tenders. Schedule 8 of the Procurement Regulations detail the adequate time given to bidders to prepare their bids. Time allotments vary from 4 to 90 calendar days depending on the stage of the tendering process. For large works, 90 days are prescribed.
and the time in calendar days:	90
22.1. In a case comparable to the case study assumptions, which are the procurement procedures available and/or set as default for PPP projects? Open tendering: Available	Yes
Default	No
Relevant legal/regulatory provision (if any)	Provisions under Part V (a) of the Public Procurement Regulations 2013 (S.150) provide for open tendering procedures
22.2. Restricted tendering (with pre-qualification stage): Available	Yes
Default	No
Relevant legal/regulatory provision (if any)	Section 152 of the Public Procurement Regulations 2013 provides that the procuring entity may restrict the issue of tender documents to a limited number of specified tenderers if- (a) the suppliers, contractors or service providers have already been pre-qualified
22.3 Multi-stage tendering (with shortlisting of final candidate(s)): Available	No
Default	No
Relevant legal/regulatory provision (if any)	n/a
22.4. Competitive dialogue: Available	No
Default	No

Relevant legal/regulatory provision (if any)	n/a
22.5. Direct negotiation with more than one candidate: Available	Yes
Default	No
Relevant legal/regulatory provision (if any)	<p>Section 152 of the Public Procurement Regulations provide that: A procuring entity may restrict the issue of tender documents to a limited number of specified tenderers</p> <p>if- ...</p> <p>(b) the goods, works, or services required are of a specialized nature or can be obtained from a limited number of specialized contractors, service providers or reputable sources;</p> <p>(c) there is an urgent need for the goods, works or services such that there would be insufficient time for a procuring entity to engage in open national or international tendering, and that the circumstances giving rise to the urgency could not have been foreseen by a procuring entity and have not been caused by dilatory conduct on its part; or</p> <p>(d) there is a need to achieve certain social objectives by calling for participation of local communities or local firms.</p>
22.6. Direct negotiation with only one candidate: Available	No
Default	No
Relevant legal/regulatory provision (if any)	n/a
22.7 Other. Specify:	No
Available	No
Default	No
Relevant legal/regulatory provision (if any)	n/a
22.8. Do the tender documents detail the procedure of the procurement process providing the same information to all the bidders?	Yes
If yes, please provide the relevant legal/regulatory provisions (if any):	<p>Under Regulation 155 (1) (d) of the Public Procurement Regulations 2013, it is a requirement for the procuring authority to include the intended stages of the procurement process within the tender documents</p> <p>Additionally, Regulation 33(1)(e) of the PPP Regulations 2015 provides that the pre-qualification documents must include, at minimum brief description of the bidding</p>

	process.
If no, please elaborate:	n/a
22.9. Do the tender documents specify the prequalification/shortlisting criteria (when applicable) in order to make them available to all the bidders?	Yes
If yes, please provide the relevant legal/regulatory provisions (if any):	<p>Regulation 120 of Public Procurement Regulations 2013, specifies the contents of the invitation for pre-qualification.</p> <p>Regulation 121 of the Public Procurement Regulations 2013 provides for the content to be included in pre-qualification documents. These include instructions for the preparation and submission of pre-qualification applications; a summary of terms and conditions; any documentary evidence or other information that must be submitted; the manner and place of submission and deadline and any other information that may be required by the procuring authority.</p> <p>Furthermore, under Regulation 122 of the same Regulations, an interested party may request clarification on the pre-qualification documents. The procuring authority is required to respond within three days.</p> <p>Regulation 120 of the Public Procurement Regulations, 2013 has listed contents to be included in an invitation for pre-qualification.</p> <p>Additionally, Regulation 37(2) of the PPP Regulations 2015 provides that applications received for pre-qualification shall be evaluated by the evaluation team using the criteria for qualification explicitly stated in the Regulations and in the invitation to qualify.</p> <p>Finally, Regulation 32 of the PPP Regulations 2015 also provides for contents required to be included in an invitation to submit expressions of interest for participation in the pre-qualification proceedings.</p>
22.10. Based on your experience, is it always the case that the specified criteria are respected in practice?	Yes
If yes, please specify and provide the relevant legal/regulatory provisions (if any):	Contributors agree that the specified criteria are respected in practice. They explain that in Tanzania, the procurement process is transparent enough (and it allows the bidders to request for feedback on the evaluation process), and PPRA monitors the tendering process. Another contributor also added that it is in the interest of the law that criteria is followed to ensure that the procurement process is not nullified. However, should there be a need for change, a procurement guide from the Authority or the enabling law would be followed.
If no, please elaborate:	n/a

23. Can interested parties/potential bidders submit questions to clarify the public procurement notice and/or the request for proposals?	<p>Yes</p>
If yes, please provide the relevant legal/regulatory provisions (if any):	<p>Under Regulation 13 (1) and Regulation 122 (1) of the Public Procurement Regulations 2013, an interested party may request a clarification of the solicitations documents from a procuring entity. The time frame in which a request must be submitted by the tenderer varies between competitive (14 days prior to the deadline for the submission of tenders) and non-competitive bidding processes (3 days).</p> <p>Regulation 43(1) of the PPP Regulations 2015, any clarification on the request for proposal shall be requested and issued in accordance with the procedures stipulated in the tender documents prepared by the contracting authority.</p>
23.1. If yes, notwithstanding confidential information pertaining to the bidders, does the procuring authority disclose those questions and clarifications to all potential bidders?	<p>Yes</p>
If yes, please provide the relevant legal/regulatory provisions (if any):	<p>Regulations 13 (2) and 122(2)(b) of the Public Procurement Regulations 2013, provide that within three working days after receiving a request for clarification, the procuring authority is to communicate in writing to all tenderers/interested parties/potential bidders who have been provided with solicitation documents. This is done without identifying the source of the request.</p>
23.2. Based on your experience, is it always the case that this disclosure of information is done in practice?	<p>Yes</p>
If yes, please specify:	<p>It is common practice in Tanzania that the disclosure of information happens. Bidders are copied in any clarification and/or update on the procurement process so that all parties involved are equally informed in order to ensure fairness in the procurement process.</p>
If no, please elaborate:	<p>n/a</p>
24. Besides questions and clarifications, can the procuring authority conduct pre-bidding conference?	<p>Yes</p>
If yes, please specify and provide the relevant	<p>Regulation 31(2) of the PPP Regulations 2015 provide that the contracting authority may, in order to ensure that prospective bidders are adequately informed and to secure their commitment, call a bidders' conference prior to issuance of the</p>

legal/regulatory provisions (if any):	<p>expression of interest document.</p> <p>Additionally, S.189 of the Public Procurement Regulations (2013) provides that -(1) A procuring entity shall conduct a pre-bid meeting where it is necessary to provide specific project information, to explain any unusual aspects of the project and to address any question of a potential tenderer. (2) A pre-bid meeting shall be conducted in accordance with the procedures stipulated in the solicitation document. (3) Where a procuring entity convenes a pre-bid meeting or any meeting of tenderers, it shall prepare minutes of the meeting containing the requests submitted at the meeting for clarification of the solicitation documents, and its responses to the requests, without identifying the source of the requests.</p>
24.1. If yes, notwithstanding confidential information pertaining to the bidders, does the procuring authority disclose the content and the results of the pre-bid conference to all bidders?	<p>Yes</p>
If yes, please provide the relevant legal/regulatory provisions (if any):	<p>No regulatory basis</p>
24.2. Based on your experience, is it always the case that this disclosure of information is done in practice?	<p>Yes</p>
If yes, please specify:	<p>Notwithstanding confidential information pertaining to the bidders, the procuring authority discloses the content and the results of the pre-bidding conference to all bidders in practice, under the principle that all bidders must be held in open and competitive manner</p>
If no, please elaborate:	<p>n/a</p>
25. In a case comparable to the case study assumptions, does the procuring authority require the bidders to prepare and present a financial model with their proposals?	<p>No</p>
If yes, please provide the relevant legal/regulatory provisions (if any):	<p>n/a</p>

If no, please elaborate:	<p>PPP Regulations 2011:</p> <p>Regulation 34: all bidders must have adequate resources or financial capacity and ability to manage the implementation of the project that has applied for. As such it is necessary for the procuring authority to ensure due diligence has been conducted with regards to this matter. It is an offence to bid for a project knowing one does not have the financial capabilities to undertake such project.</p> <p>Regulation 36(1) provides that, a person who intends to tender in terms of the PPP Act, 2010, shall have adequate resources or financial capacity and ability to manage the implementation of the project he has applied for. Regulation 36 of the PPP Regulations further provides that, a person who makes an application contrary to the above requirements commits an offence.</p> <p>Therefore, the only requirement is to prove availability of finance</p>
26. Does the procuring authority evaluate the proposals strictly and solely in accordance with the evaluation criteria stated in the tender documents?	<p>Yes</p>
If yes, please provide the relevant legal/regulatory provisions (if any):	<p>Regulation 372 Public Procurement Regulations 2013, Proposals must be evaluated solely on the criteria specified in the solicitation documents.</p> <p>Section 72 of the Public Procurement Act, 2011 provides clearly that “The basis for tender evaluation and selection of the successful tenderer shall be clearly specified in the tender document.</p> <p>Regulation 48(1) of the PPP Regulations 2015 provides that proposals must be evaluated solely on the criteria specified in the bidding document and such evaluations may be conducted using any rating method or combination of methods, as long as they are specified in the bidding documents.</p>
Evaluation criteria is not set in the tender documents	<p>No</p>
27. In the case where only one proposal is submitted (sole proposals), which of the following options best describes the way the procuring authority deals with them? (Please select only one)?: The procuring authority follows a specific procedure before awarding a PPP contract where only	<p>No</p>

one proposal is submitted.	
Please specify and provide the relevant legal/regulatory provisions (if any):	n/a
The procuring authority considers sole proposals valid as long as they meet the conditions outlined in the tender documents.	No
Please provide the relevant legal/regulatory provisions (if any):	n/a
The procuring authority does not award a PPP contract if only one proposal is submitted.	Yes
Please provide the relevant legal/regulatory provisions (if any):	According to section 25(3) (d) of the PPP Regulations government participation in a PPP requires “a competitive bidding process resulting to a minimum of two compliant tenderers as a condition precedent”
The regulatory framework does not include any provisions.	No
28. Does the procuring authority publish the award notice?	Yes
If yes, please specify the means of publication and provide the relevant legal/regulatory provisions (if any):	Regulation 20 of the Procurement Regulations 2013, provides that a procuring entity shall submit contract award information to the Authority for publication Regulation 236 of the Procurement regulations 2013, provides that the results of a tender award shall be published in the Journal and Tenders Portal on a regular basis.
28.1. If yes, is the public procurement award notice published online?	Yes
If yes, please specify the website:	https://www.ppra.go.tz/index.phps
29. Does the procuring authority provide all the bidders with the result of the PPP procurement process?	Yes
If yes, please provide the relevant	Under Regulation 10 of the Public Procurement Regulations 2013, the procuring authority is required to conduct its affairs with transparency and fairness. This

legal/regulatory provisions (if any):	<p>entails that the procuring authority “shall maintain written records of all procurement, selection or disposal proceedings in which it is involved, and such records shall prescribe tenderers who have responded to advertisements or were approached to tender or to submit expression of interest or proposal, the successful tenderers, the unsuccessful tenderers and the reasons”.</p> <p>Furthermore, such records are to be made available to any authorized persons or bodies, and that information as specified within the Regulations is to be published in the Journal and Tenders Portal.</p> <p>Regulation 155 (13) of the Public Procurement Regulations 2013, provides that a notice of rejection will be provided to each tenderer that does not win a bid together with the reasons thereof (this applies to request for proposals with simultaneous proposals).</p> <p>Also, Regulation 50(1) of the PPP Regulations 2015 provides that upon receiving approval of a preferred bidder and the reserve bidders from the tender board, the contracting authority must notify the bidders.</p>
If no, please elaborate:	n/a
29.1. If yes, does the notification of the result of the PPP procurement process include the grounds for the selection of the winning bid?	Yes
If yes, please provide the relevant legal/regulatory provisions (if any):	If the procuring entity has conducted simultaneous negotiations with the respective bidders, then under Regulation 155 (13) of the Public Procurement Regulations 2013, it shall produce a notice of rejection to each unsuccessful bidder, detailing the reasons as to why their proposal was rejected.
30. Is there a standstill (or pause) period after the contract award and before the signing of the contract in order to allow unsuccessful bidders to challenge the award decision?	No
If yes, please provide the relevant legal/regulatory provisions (if any):	n/a
and the time in calendar days:	n/a
30.1. Is the standstill period set out in the notice of intention to award?	n/a

If yes, please provide the relevant legal/regulatory provisions (if any):	n/a
31. Does the regulatory framework restrict negotiations with the selected bidder between the award and the signature of the PPP contract in order to prevent an unfair disadvantage to the other bidders?	Yes
If yes, please provide the relevant legal/regulatory provisions (if any):	<p>Under Regulations 38 - 44 of the PPP Regulations 2011, it is the duty of the accounting officer of the procuring authority to form a multi-disciplinary negotiating team. It is to be comprised of individuals with knowledge, experience and skills on the subject matter of the project. Before a contract may be drafted, the terms of the agreement must be approved by the accounting officer and the Minister of the procuring authority. The draft agreement may then be forwarded to the Finance Unit, for submission to the Minister of Finance. A copy of the agreement must also be provided to the Attorney General. If the terms of the agreement have been approved by the Minister of Finance and agreed upon by both the procuring authority and successful bidder, it may then be vetted by the Attorney General. The Attorney General shall analyze the contract and provide a legal opinion on the matter. It is a requirement that the procuring authority considers the legal opinion of the Attorney General and makes any alterations if necessary and communicates this to the private party. If all steps have been satisfied and approval obtained, then the accounting officer may sign the contract on behalf of the procuring authority.</p> <p>Negotiations are restricted, but no direct motivation to ensure another bidder would not have been selected is stated. Regulation 225(2) Public Procurement Regulations 2013, prescribes that negotiations, notwithstanding regulations (1) and (2), may not be conducted to (a) substantially change the specification or details of the requirement, including tasks or responsibilities of the tenderer; (b) to materially alter the terms and conditions of contract stated in the solicitation document; (c) primarily for the purpose of reducing prices in case of procurement of goods, works or services; (d) to substantially alter anything which formed a crucial or deciding factor in the evaluation of tender.</p> <p>Also, Regulations 55(7) and (10) of the PPP Regulations 2015, provisional award is made within the period specified on the validity of the tender to the bidder whose proposal has been determined to be the preferred, evaluated, and meets the required financial and managerial capability, legal capacity, technical and technological experience and resources to carry out the contract effectively. And after completion of the competitive selection process, the contracting authority must invite the preferred bidder, for final negotiation of the agreement.</p>
31.1. Based on your experience, is it always the case that this	Yes

restriction is respected in practice?	
If yes, please specify:	Restriction on negotiations with eh selected bidder between the award and the signature of the PPP contract is respected because participants in the procurement process may be compelled to litigation or cancellation of the process if requirements under the law are not followed.
If no, please elaborate:	n/a
32. Does the procuring authority publish the PPP contract?	No
If yes, please provide the relevant legal/regulatory provisions (if any):	n/a
32.1. If yes, which of the following options best describes this publication (choose only one)?: Publication of the full PPP contract including all its annexes and appendixes	No
Publication of the full PPP contract without including all its annexes and appendixes	No
Publication of a summary of the PPP contract without publishing the full PPP contract	No
Publication of a summary of the PPP contract along with the full PPP contract including all its annexes and appendixes	No
Publication of a summary of the PPP contract along with the full PPP contract without including all its annexes and appendixes	No
32.2. If yes, is it published online?	No
If yes, please specify the website:	n/a

32.3. If yes, does the procuring authority also publish any subsequent amendment made to the PPP contract?	<p>No</p>
If yes, please provide the relevant legal/regulatory provisions (if any):	<p>n/a</p>
PPP Contract Management	
41. Has the procuring or contract management authority established a system to manage the implementation of the PPP contract (e.g. attributing responsibilities or establishing specific management tools)?	<p>Yes</p>
If yes, please provide the relevant legal/regulatory provisions (if any):	<p>Section 10 of the PPP Act: provides that the contracting authority shall identify, appraise, develop and monitor a project to be implemented. Section 46 PPP Regulations: provides that after the signing of the agreement and commencement of the project, the accounting officer of the contracting authority shall ensure that the agreement is properly implemented, managed, enforced, monitored and reported on from its inception up to the expiry or its termination. It is also similarly provided under Regulation 71 (1) of the PPP Regulations 2015</p>
41.1. If yes, which of the following tools does it include (check all that apply)? Establishment of a PPP contract management team	<p>Yes</p>
Relevant legal/regulatory provisions (if any):	<p>According to Regulation 17 of the PPP Regulations 2015, Monitoring of implementation remains the function of the accounting officer. Also, According to Regulation 19.-(1) The accounting officer may, during various stages of the project life cycle, constitute Project Management Team within and outside the contracting authority to deliberate on the project in line with the provisions of the Act and these Regulations.</p>
Participation of the members of the PPP contract management team in the PPP procurement process and/or vice versa	<p>No</p>
Relevant legal/regulatory provisions (if any):	<p>n/a</p>

Elaboration of a PPP implementation manual or an equivalent document	No
Relevant legal/regulatory provisions (if any):	n/a
Establishment of personnel training programs (i.e. initial training and continued training throughout the course of the project)	No
Relevant legal/regulatory provisions (if any):	n/a
Establishment of a risk mitigation mechanism which considers the evolving nature of risks throughout the project lifecycle (guidelines, specific processes, insurance regime, etc.)	No
Relevant legal/regulatory provisions (if any):	n/a
41.2. Which of the following options best describes the required qualifications of the PPP contract management team members? (Please select only one): The membership of the PPP contract management team is specified and/or its members are required to meet detailed qualifications.	No
If yes, please specify and provide the relevant legal/regulatory provisions (if any):	n/a
The PPP contract management team members are required to meet sufficient	No

qualification without specific details.	
If yes, please provide the relevant legal/regulatory provisions (if any):	n/a
The PPP contract management team members are not required to meet any specific qualifications.	Yes
Please elaborate and provide examples:	Section 19(1) of the PPP Regulations provides that, the accounting officer may, during various stages of the project life cycle, constitute Project Management Team within and outside the contracting authority to deliberate on the project.
42. Does the procuring or contract management authority establish a system for tracking progress and completion of construction works under a PPP contract?	No
If yes, please provide the relevant legal/regulatory provisions (if any):	n/a
42.1. If yes, is the PPP contract construction performance information made available to the public?	No
If yes, please provide the relevant legal/regulatory provisions (if any):	n/a
42.2. If yes, is the PPP contract construction performance information made publicly available online?	No
If yes, please specify the website:	n/a
43. Does the procuring or contract management authority establish a monitoring and evaluation system of the PPP contract implementation after construction?	Yes

If yes, please provide the relevant legal/regulatory provisions (if any):	Section 49 of the PPP Regulations provides that every public private partnership project shall be monitored and evaluated by the contracting authority to ensure that the project is implemented in accordance with the agreement. Regulation 71(2) of the PPP Regulations, provides that the accounting officer must maintain a mechanism or procedures for monitoring the implementation of and performance of the project under the agreement.
43.1. If yes, which of the following tools does it include (check all that apply)?: Performance is assessed against evaluation criteria set in the tender documents and the PPP contract	No
Relevant legal/regulatory provisions (if any)	n/a
The procuring or contract management authority can abate (reduce) payments for non-performance of operating obligations under the PPP contract	No
Relevant legal/regulatory provisions (if any)	n/a
The private partner must provide the procuring or contract management authority with periodic operational and financial data	Yes
Relevant legal/regulatory provisions (if any)	Section 49(2) of the PPP Regulations: The contracting authority shall, in collaboration with the private party, prepare a monitoring and evaluation framework which shall be comprised of:(c) external audit and reporting requirements;(d) submission of progress reports;(e) verification of project assets and value;
The procuring or contract management authority must periodically gather information on the performance of the PPP contract	Yes
Relevant legal/regulatory provisions (if any)	Section 49(2) PPP Regulations: (2) The contracting authority shall, in collaboration with the private party, prepare a monitoring and evaluation framework which shall be comprised of:(a) project Management Plan;(b) performance criteria;(c) external

	audit and reporting requirements;(d) submission of progress reports;(e) verification of project assets and value; and(f) stakeholders' communications.
The PPP contract performance information must be available to the public	No
Relevant legal/regulatory provisions (if any)	n/a
43.2. Is PPP contract performance information made publicly available online?	No
If yes, please specify the website:	n/a
44. Are foreign companies prohibited from repatriating the income resulting from the operation of a PPP project?	No
If yes, please provide the relevant legal/regulatory provisions (if any):	n/a
45. Does the regulatory framework (including standard contractual clauses) expressly regulate changes in the ownership structure (i.e. stakeholder composition) of the private partner and/or assignment of the PPP contract?	No
If yes, please provide the relevant legal/regulatory/stand and contractual provisions (if any):	n/a
45.1. If yes, which of the following circumstances are specifically regulated? (check all that apply): Any change in the private partner during an initial period (e.g. construction and first	n/a

five years of operation).	
If yes, please provide the relevant legal/regulatory/stand and contractual provisions (if any):	n/a
Changes of ownership/contract assignment, at any time during the contract, must preserve the same technical qualifications as the original operator.	n/a
If yes, please provide the relevant legal/regulatory/stand and contractual provisions (if any):	n/a
In other cases, flexibility to change the ownership structure and/or assign the contract.	n/a
If yes, please provide the relevant legal/regulatory/stand and contractual provisions (if any):	n/a
46. Does the regulatory framework (including standard contractual clauses) expressly regulate the modification or renegotiation of the PPP contract (once the contract is signed)?	Yes
If yes, please provide the relevant legal/regulatory/stand and contractual provisions (if any):	Under Section 20 of the PPP Act, an agreement may be reviewed or amended by the parties provided consent is obtained by the Public Private Partnership Technical Committee. Under Section 21 of PPP Act, a public-private partnership agreement may be reviewed and amended by parties, provided that-(a) the Minister responsible for contracting authority has consented to the review or amendment; and(b) other relevant stakeholders have been consulted.
46.1. If yes, is an approval from a government authority, other than the procuring authority, required?	Yes

If yes, please provide the relevant legal/regulatory/stand and contractual provisions (if any):	Section 21 of the PPP Act requires the Minister responsible with the contracting authority to consent the review and consultation with other relevant stakeholders; Furthermore, Regulation 73(1) of the PPP Regulations 2015, state that any variations to the agreement shall be agreed and amended by the parties provided that such variations are approved by the Technical Committee in consultation with the Ministry responsible for finance and relevant stakeholders and shall be vetted by the Office of the Attorney General.
46.2. If yes to question 46, which of the following circumstances are specifically regulated? (check all that apply): A change in the scope and/or object of the contract.	No
If yes, please provide the relevant legal/regulatory/stand and contractual provisions (if any):	n/a
A change in the risk allocation of the contract.	No
If yes, please provide the relevant legal/regulatory/stand and contractual provisions (if any):	n/a
A change in the financial and/or economic balance of the contract.	No
If yes, please provide the relevant legal/regulatory/stand and contractual provisions (if any):	n/a
A change in the duration of the contract.	No
If yes, please provide the relevant legal/regulatory/stand and contractual provisions (if any):	n/a
A change in the agreed price or tariff.	No
If yes, please provide the relevant legal/regulatory/stand	n/a

ard contractual provisions (if any):	
46.3. Can the procuring authority unilaterally modify a PPP contract?	No
If yes, please provide the relevant legal/regulatory/stand ard contractual provisions (if any):	n/a
47. Does the regulatory framework (including standard contractual clauses) expressly regulate the following circumstances that may occur during the life of the PPP contract? (check all that apply): Force Majeure	Yes
If yes, please provide the relevant legal/regulatory/stand ard contractual provisions (if any):	Section 47(1)(f) of the PPP Regulations provides that the contracting authority shall have a right to terminate the project due to force majeure
Material Adverse government action .	No
If yes, please provide the relevant legal/regulatory/stand ard contractual provisions (if any):	n/a
Change in the Law.	No
If yes, please provide the relevant legal/regulatory/stand ard contractual provisions (if any):	n/a
Refinancing.	No
If yes, please provide the relevant legal/regulatory/stand ard contractual provisions (if any):	n/a
Subcontracting and replacement of the subcontractors.	No
If yes, please provide the relevant legal/regulatory/stand	n/a

ard contractual provisions (if any):	
48. Does the regulatory framework (including standard contractual clauses) allow for administrative and/or contractual complaint review mechanisms to address disputes arising from the implementation of PPP contracts?	Yes
If yes, please specify and provide the relevant legal/regulatory/standard contractual provisions (if any):	Section 14 PPP Act provides that any dispute arising from an agreement shall be resolved through negotiation, mediation or arbitration.
48.1. If yes, please specify which of the following options are available (check all that apply): Local administrative review body	No
If yes, please specify:	n/a
Local courts	No
Domestic arbitration	Yes
International arbitration	Yes
Investor-State Dispute Settlement (ISDS)	Yes
Mediation	Yes
Please provide the relevant legal/regulatory/standard contractual provisions (if any)	Section 14 PPP Act provides that any dispute arising from an agreement shall be resolved through negotiation, mediation or arbitration.
48.2. If applicable, are arbitration awards enforceable by the local courts?: Domestic Arbitration	Yes
If yes, please provide the relevant legal/regulatory provisions/standard contractual provisions (if any):	According to Article 21 of the second schedule of the Civil Procedure Law about Arbitration Rules, titled filing and enforcement of arbitration awards, 21.-(1) Where the court is satisfied that the matter has been referred to arbitration and that an award has been made thereon and where no ground such as is mentioned or referred to in rule 14 or rule 15 is proved, the court shall order the award to be filed and shall proceed to pronounce judgment according to the award. (2) Upon the judgment so pronounced a decree shall follow, and no appeal shall lie

	from such decree expect in so far as the decree is in excess of or not in accordance with the award.
International arbitration	Yes
If yes, please provide the relevant legal/regulatory provisions/standard contractual provisions (if any):	Tanzania is a party to the Geneva Convention on the Execution of Foreign Arbitral Awards 1927 and the latter convention has been incorporated into the Fourth Schedule of the Arbitration Act, Cap 15, Revised Edition 2002. Accordingly, foreign awards made in pursuance of an agreement for arbitration to which the 1923 Geneva Protocol on Arbitration Clauses applies and between persons who are subject to the jurisdiction of any State which is a party to the 1927 Geneva Convention on the Execution of Foreign Arbitral Awards can be executed under the Arbitration Act in Tanzania.
Investor-State arbitration	Yes
If yes, please provide the relevant legal/regulatory provisions/standard contractual provisions (if any):	Tanzania is part of the ICSID Convention
49. Does the regulatory framework (including standard contractual clauses) allow for the restructuring of a PPP private partner (SPV) in financial difficulty prior to insolvency?	No
If yes, please specify and provide the relevant legal/regulatory/standard contractual provisions (if any):	n/a
50. Does the regulatory framework (including standard contractual clauses) allow for the lenders to take control of the PPP project (lender step-in rights) if either the private partner defaults or if the PPP contract is under threat of termination for failure to meet service obligations?	No
If yes, please provide the relevant	n/a

legal/regulatory/stand ard contractual provisions (if any):	
50.1. If yes, which of the following options best describes the lender step-in right? (Please select only one): The regulatory framework expressly regulates the lender step-in rights.	n/a
If yes, please specify and provide the relevant legal/regulatory/stand ard contractual provisions (if any):	n/a
The regulatory framework prescribes that a direct agreement should be signed with the lenders.	n/a
If yes, please specify and provide the relevant legal/regulatory/stand ard contractual provisions (if any):	n/a
The regulatory framework prescribes that the lender step-in rights should be regulated in the contract.	n/a
If yes, please specify and provide the relevant legal/regulatory/stand ard contractual provisions (if any):	n/a
Other.	n/a
Please Specify:	n/a
51. Does the regulatory framework (including standard contractual clauses) expressly establish the grounds for termination of a PPP contract?	Yes

If yes, please specify and provide the relevant legal/regulatory/stand and contractual provisions (if any):	The contracting authority shall have a right to terminate the project due to:(a) inefficient implementation of the project by the private party;(b) failure to meet the deadline set for the project by the private party;(c) unforeseen events, beyond control of the private party;(d) breach of agreement by the private party;(e) non-performance of the private party in service deliveries per agreement; or(f) force majeure: Section 47(1) of the PPP Regulations
51.1. If yes, does the regulatory framework (including standard contractual clauses) establish the consequences for the termination of the PPP contract?	Yes
If yes, please specify and provide the relevant legal/regulatory/stand and contractual provisions (if any):	Section 47 of PPP Regulations: (2) Where the project is terminated for the failure of the private party to meet its obligations set under the agreement, the private party shall, after the expiration of thirty days from the day of notification, compensate the contracting authority for damages or losses suffered. (3) Upon termination of the project for reasons other than unforeseen events, the contracting authority may, in pursuance of the Act and these Regulations, engage another party.
Unsolicited Proposals	
34. Are unsolicited proposals in Tanzania: (choose only one): Explicitly prohibited by the legal framework? (If prohibited, skip to section F)	No
Explicitly allowed by the legal framework?	Yes
Not regulated by the legal framework, but do happen in practice?	No
Not regulated by the legal framework, and do not happen in practice? (if not done in practice, skip to section F)	No
If the legal framework explicitly prohibits or allows unsolicited proposals, please provide the relevant legal/regulatory provisions	<p>Section 80 of the Public Procurement Act 2011, provides that a proposal of the party submitting an unsolicited private partnership proposal shall be subjected to a formal competitive process.</p> <p>Regulation 36 of the PPP Regulations 2011, also allow for the submission of unsolicited proposals.</p> <p>Regulation 374 of Public Procurement Regulations 2013, specifies the stages of management of unsolicited PPP.</p> <p>Regulation 378 and Sixteenth Schedule of the Public Procurement Regulations 2013,</p>

	<p>provide for the contents of unsolicited PPP proposals.</p> <p>Regulation 56(1) of the PPP Regulations 2015 read together with Section 15 of PPP Act provide that all unsolicited public private partnerships projects shall be procured through an open and competitive bidding process.</p>
35. Does the procuring authority conduct an assessment to evaluate unsolicited proposals? (if not, skip to question 37)	<p>Yes</p>
If yes, please specify and provide the relevant legal/regulatory provisions (if any)	<p>Section 8 (3) PPP Regulations: About the Identification of unsolicited proposals: “where the private party has submitted the project concept to the contracting authority, the contracting authority shall undertake preliminary analysis to approve or reject the project. Section 10 PPP Regulations: Lists the criteria on which the contracting authority should base its approval of the project concepts for unsolicited proposals. Regulations 4(3) and 11(3) of the PPP Regulations 2015, states that upon receipt of project concept and/or feasibility study report by a private party, as the case may be the contracting authority must assess the project within 30 working days and reject or accept the concept and/or make recommendations on the report. According to Section 56 of the PPP Regulations, (2) the contracting authority shall undertake procurement of an unsolicited project after the approval of the feasibility study prepared by a private party in the manner prescribed under these Regulations. Furthermore, Section 56 (3) of the PPP Regulations provides that the contracting authority shall not conduct a procurement process for unsolicited project proposal which: (a) does not meet conditions set under these regulations; and Section 3 (3) of the PPP Regulations provides that the contracting Authority shall undertake pre-feasibility analysis on potential list of the projects to be undertaken through public private partnership.</p>
35.1. If yes, is there any vetting procedure and/or pre-feasibility analysis before fully assessing the unsolicited proposal?	<p>No</p>
If yes, please provide the relevant legal/regulatory provisions (if any):	<p>n/a</p>
36. Which of the following options best describe how the procuring authority ensures that unsolicited proposals are consistent with	<p>No</p>

<p>existing government priorities? (Please select only one): The procuring authority follows a specific procedure to ensure the consistency of PPPs with other government investment priorities.</p>	
<p>If yes, please specify and provide the relevant legal/regulatory provisions (if any):</p>	n/a
<p>The regulatory framework requires unsolicited proposals to be among the existing government priorities without establishing specific procedures to achieve that goal.</p>	Yes
<p>If yes, please provide the relevant legal/regulatory provisions (if any):</p>	Regulations 3(6) and 56(3) of the PPP Regulations 2015, require the contracting authority to make sure that procurement process for unsolicited project serve the public interest and is in line with the national development plans.
<p>The procuring authority does not evaluate unsolicited proposals against existing government priorities.</p>	No
<p>Please elaborate and provide examples:</p>	n/a
<p>37. Does the procuring authority initiate a competitive PPP procurement procedure when proceeding with the unsolicited proposal?</p>	Yes
<p>If yes, please provide the relevant legal/regulatory provisions (if any):</p>	<p>Regulation 36 PPP Regulations 2011, provides that “the contracting authority shall not conduct a procurement process for unsolicited projects proposals which (d) in any way interferes with competitive tendering.</p> <p>Regulations 374 and 375 Public Procurement Regulations 2013: specify the stages of management of unsolicited PPP and the Invitation of counter proposals.</p> <p>Section 80 (1) Public Procurement Act 2011 provides that a proposal of the party submitting an unsolicited private partnership proposal shall be subjected to a formal</p>

	<p>competitive process.</p> <p>Finally, Regulation 56(1) of the PPP Regulations 2015 states that all unsolicited public private partnership projects shall be procured through an open and competitive bidding process.</p>
38. Does the procuring authority grant a minimum period of time to additional prospective bidders (besides the proponent) to prepare their proposals?	Yes
If yes, please provide the relevant legal/regulatory provisions (if any):	Under S. 68 (3), S. 120, S. 163, S. 187 and S. 286 (6) and pursuant the Eighth Schedule of the Public Procurement Regulations: Application of the minimum period prescribed in the Eighth Schedule: In the prequalification stage:(1) For International competitive tendering: 30 days(2) For National competitive tendering: 21 days In the tendering stage:(3) For National competitive tendering: 21 days...(8) Where large works are involved: 90 days
and the time in calendar days:	90
39.1 Does the procuring authority use any of the following incentive mechanisms to reward/compensate the presentation of unsolicited proposals? (check all that apply): Access to the best and final offer (BAFO) process and/or automatic shortlisting.	No
39.2 Developer's fee (reimbursing the original proponent for the project development cost).	No
39.3 Bid Bonus.	No
39.4 Swiss challenge (If unsuccessful, the original proponent has the option to match the winning bid and win the contract).	Yes
39.5 Other.	No
Please specify:	n/a
Please provide the relevant legal/regulatory provisions (if any):	Section 375 Public Procurement Regulations: (4) Where the contracting authority finds one of the counter proposals more attractive than that of the original project proponent, the original project proponent shall be given an opportunity to make his

	<p>proposal competitive with that of the selected counter proposal within a period of thirty days from the date he is given the opportunity. (5) The original proponent shall be awarded the project if he matches the better price.</p>
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