

MATRIX ON THE PROPOSED AMENDMENTS TO THE PUBLIC PRIVATE PARTNERSHIP REGULATIONS, 2020

CURRENT CITATION OF THE PPP REGULATIONS, 2020	PROPOSED AMENDMENT	REASONS FOR AMENDMENTS	PPP STAKEHOLDER'S COMMENTS
PART I PRELIMINARY PROVISSIONS			
Citation 1. These Regulations may be cited as the Public Private Partnership Regulations, 2020.	Citation 1. These Regulations may be cited as the Public Private Partnership Regulations, 2023.	Review of the regulations in 2023	
Interpretation 2. In these Regulations unless the context otherwise requires	Interpretation 2. In these Regulations unless the context otherwise requires	No changes	
"Act" means the Public Private Partnership Act;	"Act" means the Public Private Partnership Act;	No changes	
"affordability" means the ability and willingness of users to pay service rendered and demonstration of the contracting authority's readiness to meet financial commitments by using funds- (a) designated within the contracting authority's existing budget for the institutional function to which the agreement relates; or (b) expected to be designated for the institution in accordance with the government's future budgetary allocations for the contracting authority;	"affordability" means the ability and willingness of users to pay service rendered and demonstration of the contracting authority's readiness to meet financial commitments by using funds- (a) designated within the contracting authority's existing budget for the institutional function to which the agreement relates; or (b) expected to be designated for the institution in accordance with the government's future	No changes	

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	budgetary allocations for the contracting authority;		
"Accounting officer" has the meaning ascribed to it under the Act;	"Accounting officer" has the meaning ascribed to it under the Act;	No changes	
"Appeals Authority" means the Public Procurement Appeals Authority (PPAA) established under the Public Procurement Act:	"Appeals Authority" means the Public Procurement Appeals Authority (PPAA) established under the Public Procurement Act:	No changes	
"Authority" means the Public Procurement Regulatory Authority established under the Public Procurement Act;	"Authority" means the Public Procurement Regulatory Authority established under the Public Procurement Act;	No changes	
"Bid validity period" means the period fixed by a contracting authority to permit evaluation and comparison of tenders, obtaining all necessary clearances and approvals, and notification award of contracts and finalize a contract;	"Bid validity period" means the period fixed by a contracting authority to permit evaluation and comparison of tenders, obtaining all necessary clearances and approvals, and notification award of contracts and finalize a contract;	No changes	

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"Executive Director" means the Head of the PPP Centre appointed under section 6 of the Act;	"Executive Director" means the Head of the PPP Centre appointed under section 6 of the Act;	No changes	
"Government support" means government funding and any other forms of contribution or support by the government throughout the PPP life cycle;	"Government support" means government funding and any other forms of contribution or support by the government throughout the PPP life cycle that may constitute fiscal commitment or contingency liability in relation to the PPP project	Clarity of the definition following the amendment of section 7B	
"Institutional function" means a service, task, assignment or other function that a public institution is entitled or obliged to perform;	"Institutional function" means a service, task, assignment or other function that a public institution is entitled or obliged to perform;	No changes	
"Local firm" means a firm which is incorporated and registered in the mainland Tanzania"	"Local firm" means a firm which is incorporated and registered in the mainland Tanzania"	No changes	
"Local Government PPP team" means a team established under local government;	"Local Government PPP team" means a team established under local government;	No changes	
"Minister" means the Minister responsible for Public Private Partnership;	"Minister" means the Minister responsible for Public Private Partnership;	No changes	
National Debt Management Committee has the meaning ascribed to it under the Government Loans, Guarantees and Grants Act;	National Debt Management Committee has the meaning ascribed to it under the Government Loans, Guarantees and Grants Act;	No changes	

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<p>"Partnership model" means any form of engagement of the private party by the public party to which may include among others the form of:</p> <ul style="list-style-type: none"> (a) service and management contracts; (b) design, build, operate and transfer; (c) design, build, operate and maintain; (d) build, operate and transfer; (e) design, build and operate; (f) design, build, finance, operate and maintain; (g) build, own, operate and transfer; (h) build, lease and transfer; (i) build, transfer and operate; (j) operation and maintenance; (k) operation, maintenance and management; and (l) lease, develop and operate. 		<p>This part needs to be reviewed. The review to include definitions of each model</p>	
<p>"PPP advisor" means a person with skills, knowledge and experiences on the project under discussion engaged to assist and advise on any aspects of public private partnership life cycle in</p>	<p>"Transaction Advisor" means a person or persons procured by the Contracting Authority with appropriate skills and experiences to assist and advise the contracting authority in connection with a PPP, including preparation of feasibility study, tender documents (RFQ,</p>		

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accordance with the requirements of the Act;	RFP, Draft PPP agreement), negotiation, reaching commercial close and financial close conclusions of PPP agreement.		
"PPP Centre" means the Public-Private Partnership Centre established under section 4 of the Act;	"PPP Centre" means the Public-Private Partnership Centre established under section 4 of the Act;	No changes	
"PPP facilitation fund" means the fund established under section 10A of the Act;	"PPP facilitation fund" means the fund established under section 10A of the Act;	No changes	
"PPP desk" means the desk designated pursuant to provisions of these Regulations to coordinate the implementation of Public Private Partnership Projects in the Ministries, Departments and Agencies;	"PPP desk" means the desk designated pursuant to provisions of these Regulations to coordinate the implementation of Public Private Partnership Projects in the Ministries, Departments and Agencies;	No changes	
"PPP Node" means the Node created in the Ministry responsible for local government designed to support Public Private Partnership Projects in the local governments;	"PPP Node" means the Node created in the Ministry responsible for local government designed to support Public Private Partnership Projects in the local governments;	No changes	
"PPP project management team" means the Team established under Ministries, departments, government agencies and local government authorities;	"PPP project management team" means the Team established under Ministries, departments, government agencies, Regional	Clarity of the definition following the amendment of section 3	

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	Secretariat and local government authorities;		
"Preferred bidder" means the bidder, including any bidding consortium, appointed in terms of these Regulations;	"Preferred bidder" means the bidder, including any bidding consortium, appointed in terms of these Regulations;	No changes	
"Project officer" means a person appointed by the accounting officer to manage and coordinate a public-private partnership project;	"Project officer" means a person appointed by the accounting officer to manage and coordinate a public-private partnership project;	No changes	
"Public Private Partnership Steering Committee" means the Committee established under section 7 of the Act;	"Public Private Partnership Steering Committee" means the Committee established under section 7 of the Act;	No changes	
"Small-scale public private partnerships" or "small-scale PPP" means a PPP project approved under the Act of an amount not exceeding twenty million US dollars;	"Small-scale public private partnerships" or "small-scale PPP" means a PPP project approved under the Act of an amount not exceeding twenty million US dollars;	No changes	
"Special Purpose Vehicle" means a project company established for the purpose of implementing a specific PPP project in accordance with the provisions of the Act;	"Special Purpose Vehicle" means a private company established by a successful private party prior to the execution of an agreement for the purpose of implementing a PPP project and such company may	Clarity of the definition following the amendment of section 3 (a)	

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	have other parties including a public entity as members, whose liabilities and financial risk exposure are limited by shares;"		
"Solicited proposal" means any proposal related to the implementation of a project which is submitted in response to a request or solicitation issued by the contracting authority within the context of a competitive selection procedure for the project initiated by the public sector;	"Solicited proposal" means any proposal related to the implementation of a project which is submitted in response to a request or solicitation issued by the contracting authority within the context of a competitive selection procedure for the project initiated by the public sector;	No changes	
Technical Debt Management Committee has the meaning ascribed to it under the Government Loans Guarantees and Grants Act;	Technical Debt Management Committee has the meaning ascribed to it under the Government Loans Guarantees and Grants Act;	No changes	
"Tender board" Means a tender board of the respective contracting authority;	"Tender board" Means a tender board of the respective contracting authority;	No changes	
"Tender period" means the period between the date of the first publication of the invitation to tender or the date of the mailing of the invitation to tender and the closing date for the submission of tenders;	"Tender period" means the period between the date of the first publication of the invitation to tender and the closing date for the submission of tenders;	The need to adhere to new Procurement System NeST regulation	

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<p>"Value for money" means the provision of a service by a Private Party under a PPP Agreement that results in a net benefit to the Government in terms of cost, price, quality, quantity, risk transfer or a combination thereof;</p>	<p>"Value for money" means the provision of a service by a Private Party under a PPP Agreement that results in a net benefit to the Government in terms of cost, price, quality, quantity, risk transfer or a combination thereof;</p>	<p>No changes</p>	
<p>"Financial close" means when the agreement has been signed, or conditions precedent for financing has been satisfied and financing is in place to enable the SPV commence implementation of the project;</p>	<p>"Financial close" means when the agreement has been signed, or conditions precedent for financing has been satisfied and financing is in place to enable the SPV commence implementation of the project;</p>	<p>No changes</p>	
<p>PART II IDENTIFICATION OF PROJECTS (a) solicited proposals</p>			
<p>Identification of solicited proposals (a) 3.-(1) The Minister shall, at least two months before the beginning of the financial year ask contracting authorities to submit to the PPP Centre concept note of potential public private partnership projects.</p>	<p>Remove</p>	<p>To comply with amendment of PPP Act</p>	

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<p>(2) The contracting authorities shall, at the beginning of every budget cycle, submit to the PPP Centre concept note of all potential projects to be undertaken in partnership with the private sector: Provided that, before submission to the PPP Centre, the contracting authority shall –</p> <p>(a) ensure that the concept note has assessed whether the project is worthwhile, viable, affordable and appropriate at that particular time, and</p> <p>(b) submit the concept note to the responsible Minister for approval.</p> <p>(3) Subject to sub-regulation (2), the PPP Centre shall, within twenty one working days from the date of receiving the project, analyse the projects submitted to it and respond to the relevant</p>			

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<p>contracting authority on concept note of potential projects undertaken through public private partnership, and contracting authority shall proceed to undertake pre-feasibility.</p> <p>(4) Subject to sub regulation (2), if the contracting authority is the Local Government Authority, it shall submit the potential projects to be undertaken in partnership with the private sector to the PPP Node.</p> <p>(5) The PPP Node shall scrutinize projects and forward the selected projects to the PPP Centre for recommendations and the PPP Centre shall analyse and provide back recommendations to the PPP Node within thirty working days.</p> <p>(6) The analysis made under sub regulation (3) and scrutiny under sub</p>			

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<p>regulation (5) shall ensure that the project submitted –</p> <p>(a) is in line with the National Development priorities and within the budget cycle; and</p> <p>(b) contains preliminary affordability and value for money statements and justification for private sector participation.</p>			
<p>Contents of concept note</p> <p>4. A concept note to be prepared in terms of this regulation shall contain preliminary analysis as prescribed in the First Schedule to these Regulations, and shall include:</p> <p>(a) project summary;</p> <p>(b) project description including:</p> <p>(i) statement of the problem;</p> <p>(ii) project objectives and outputs;</p> <p>(iii) geographic description of the project;</p> <p>(iv) needs and options analysis; and</p> <p>(v) suitability for PPP procurement.</p> <p>(c) project administration;</p> <p>(d) relevance of the project to the National Development Priorities;</p> <p>(e) economic feasibility;</p>	Remove	To comply with amendment of PPP Act	

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<p>(f) project financing analysis, including project costs, revenues and cash flow;</p> <p>(g) marketing and commercial assessment;</p> <p>(h) value for money analysis;</p> <p>(i) affordability assessment;</p> <p>(j) assessment of risks;</p> <p>(k) stakeholder's analysis;</p> <p>(l) legal requirement;</p> <p>(m) approval of the project by the respective Minister;</p> <p>(n) implementation Action Plan;</p> <p>(o) any other information relevant to the project; and</p> <p>(p) annexes, if any.</p>			

General requirements for pre-feasibility study

5.-(1). The PPP Centre shall analyze the proposed PPP project, to determine whether it is likely to be viable, fiscally affordable, provide value for money and in the best interest contracting authority and Government and either-

- (a) reject the proposed PPP project, stating the reasons for rejection;
- (b) request further clarification or modification by contracting authority or any aspect of the proposed PPP project, stating reasons for the clarification or modification; or
- (c) approve the proposed PPP project at pre -feasibility study.

(2) Without prejudice to the foregoing provisions and after the project registration, a contracting authority shall conduct the pre - feasibility study of the project in conformity with following criteria:

- (a) the project is in line with government priorities as per national development plans;
- (b) the project complies with the value for money requirements;
- (c) the project complies with affordability requirements;

General requirements for pre-feasibility study

Identification of solicited proposals
3.-(1). contracting authority shall, at the beginning of every budget cycle, submit to the Minister a prefeasibility study of a potential public private partnership projects for consideration in the Budget and Planning

(2) Subject to Sub Regulation (1) the potential public private partnership project shall comply with the national development priorities; and the prefeasibility study of potential public private partnership project is approved by the respective minister.

(3) Before submitting pre-feasibility study to the respective minister, contracting authority shall seek and consider recommendations from PPP desk or PPP node as the case may be.

(4) The Minister shall, within seven working days, upon receipt of prefeasibility study of potential public private partnership

As stipulated in the PPP Act on responsibilities of PPP Centre

<p>(d) the project presents a new and cost-effective method of service delivery;</p> <p>(e) the project sustainably addresses acute social needs; (f) the project adheres to the requirements under the Act, these Regulations and other relevant laws; and</p> <p>(g) the project includes adequate risk analysis and optimal risk allocation.</p> <p>(3) A contracting authority shall submit its pre-feasibility study report to the PPP Centre for consideration.</p> <p>(4) The PPP Centre shall, within thirty working days from the date of receipt of submission under sub regulation (3), process the pre-feasibility study report and make recommendations to the contracting authority.</p> <p>(5) Based on the recommendation of the PPP Centre, a contracting authority, shall conduct or cause to be conducted a full feasibility study in respect of the PPP project.</p> <p>(6) Nothing in sub regulation (4) or regulation 3 of these Regulations shall preclude the PPP Centre from forwarding the concept note or pre-feasibility study to the PPP Steering Committee for record after registration of the project proposal</p>	<p>project from the contracting authority, cause such study to be forwarded to the PPP Centre for analysis.</p> <p>(5) The PPP Centre shall, within twenty-one working days, analyse the prefeasibility study of potential public private partnership project received in terms of subsection (6A) and forward it to the Public Private Partnership Steering Committee for notification</p> <p>(6) Prior to notification under (5) PPP Centre shall provide recommendation to the relevant contracting authority on pre-feasibility study and contracting authority shall proceed to undertake feasibility study.</p>		
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<p>Contents of pre -feasibility study 6. A prefeasibility study to be prepared in terms of this regulation shall include the following contents and information: (a) executive summary of the report; (b) background of the project; (i) detailed project description; (ii) project objectives and outputs; and (iii) project scope and rationale; (c) preliminary economic analysis; (d) preliminary social and environmental analysis; (e) preliminary commercial analysis; (f) preliminary technical assessment; (g) preliminary financial including affordability analysis; (h) analysis of critical aspects that may directly or indirectly affect the project; (i) legal due diligence; (j) estimated costs of feasibility study; (k) risk identification, allocation, quantification and mitigation matrix;</p>	<p>Contents of pre -feasibility study 4. A prefeasibility study to be prepared in terms of this regulation shall include the following contents and information: (a) executive summary of the report; (b) background of the project; (i) detailed project description; (ii) statement of the problem (iii) project objectives and outputs; (iv) project scope and rationale; and (v) suitability for PPP procurement (c) preliminary economic analysis; (d) preliminary social and environmental analysis; (e) preliminary commercial analysis; (f) preliminary technical assessment; (g) preliminary financial including affordability analysis; (h) analysis of critical aspects that may directly</p>	<p>To comply with PPP Amendment Act 2023</p>	

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<p>(l) institutional and stakeholder's analysis; (m) Action Plan; and (n) Such other information as prescribed in the First Schedule to these Regulations.</p>	<p>or indirectly affect the project; (i) legal due diligence; (j) estimated costs of feasibility study; (k) risk identification, allocation, quantification and mitigation matrix; (l) institutional and stakeholder's analysis; (m) Action Plan; and (n) Such other information as prescribed in the First Schedule to these Regulations.</p>		
<p>(b) Unsolicited proposal Identification of unsolicited proposals 7.-(1) Before undertaking a feasibility study for an unsolicited project, the private party shall submit a pre-feasibility study to the contracting authority. (2) All projects proposed by the private party to be done under a Public Private Partnership shall not be governed by a Memorandum of Understanding or any other non-binding agreements.</p>	<p>(b) Unsolicited proposal Identification of unsolicited proposals 5.(1) Before undertaking a feasibility study for an unsolicited project, the private party shall submit a pre-feasibility study to the contracting authority. (2) The Private party proposing the project may enter into a non-binding Memorandum of Understanding or any other non-binding agreements with</p>	<p>To enhance engagement to investors in Tanzania. 9.(2) need to be discussed more. To be clarified more</p>	

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<p>(3) Upon receipt of pre-feasibility study referred to under sub regulation (1), the contracting authority shall assess the project within thirty working days and accept or reject the pre-feasibility study.</p> <p>(4) Where the contracting authority accepts the pre-feasibility study, it shall forward it to the PPP Centre for recommendations.</p> <p>(5) Upon receipt of the pre-feasibility study from the contracting authority, the PPP Centre shall review the pre-feasibility study within twenty-one working days and resubmit the recommendations to the contracting authority.</p> <p>(6) Notwithstanding sub regulation (3), where a contracting authority is a local government authority accepts the project to be undertaken in Public Private Partnership, it shall submit the pre-feasibility study to</p>	<p>Contracting Authority if such MOU or agreement is suitable for the identification of the PPP potential project.</p> <p>(3) Upon receipt of pre-feasibility study referred to under sub regulation (1), the contracting authority shall assess the project within thirty working days and accept or reject the pre-feasibility study</p> <p>(4) Where the contracting authority accepts the pre-feasibility study, it shall forward it to the PPP Centre for recommendations.</p> <p>(5) Upon receipt of the pre-feasibility study from the contracting authority, the PPP Centre shall review the pre-feasibility study</p>		

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<p>the PPP Node, and the PPP Node shall, within twenty one working days review and forward to PPP Centre for recommendations.</p> <p>(7) After receiving recommendations from the PPP Centre, the contracting authority shall, immediately communicate in writing to the private party on approval or rejection of the pre-feasibility study or require the private party to review the pre Feasibility study.</p>	<p>within twenty-one working days and resubmit the recommendations to the contracting authority</p> <p>(6) Notwithstanding sub regulation (3), where a contracting authority is a local government authority accepts the project to be undertaken in Public Private Partnership, it shall submit the pre-feasibility study to the PPP Node, and the PPP Node shall, within twenty-one working days review and forward to PPP Centre for recommendations.</p> <p>(7) After receiving recommendations from the PPP Centre, the contracting authority shall immediately communicate in writing to the private party on approval or rejection of the pre-feasibility study or require the</p>		

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	private party to review the pre-Feasibility study		
Commitment deposit	Remove	Comply with amendment of PPP Act	

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<p>8..-(1) A private party shall, upon approval of a pre-feasibility study in correspondence to these Regulations, be required to deposit in a special bank account, an amount of not exceeding three percent of the estimated cost of the project to be conducted.</p> <p>(2) The deposit amount referred to under sub regulation (1) shall be made upon the instructions of the contracting authority and in the manner prescribed in the guidelines.</p> <p>(3) The amount deposited under sub-regulation (1), shall be refunded to private party where-</p> <p>(a) the proposal of the pre-feasibility study is rejected by contracting authority or the PPP Centre;</p> <p>(b) the private party fails to be a preferred bidder upon introduction to competition during procurement;</p> <p>(c) the private party becomes preferred bidder and sign the contract;</p> <p>(d) the private party submits claim for refund not later than one year after issuance of approval by a contracting</p>			

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<p>authority or complies with requirements of these Regulations; or (e) the feasibility study report is submitted by private party to the contracting authority within the agreed time.</p> <p>(4) The PPP Centre shall prescribe guidelines for management of the special account.</p> <p>(5) Where the government undertakes due diligence on the pre-feasibility study submitted by the private party and finds that the private party mislead or submit false information, the costs incurred by the government on undertaking such due diligence shall be borne by the private party through such arrangement as may be imposed by the contracting authority</p>			
<p>Review fee by private party 9.-(1) Where a private party intends to undertake unsolicited project, such party shall be required to submit a</p>	<p>Review fee by private party 6.-(1) Where a private party intends to undertake unsolicited project, such party shall be</p>	<p>No changess</p>	

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<p>review fee of 0.1% of the estimated project capital cost at the time of presenting the unsolicited proposal and the unsolicited proposals shall not be reviewed until the funds have been deposited into the PPP Facilitation Fund.</p> <p>(2) The payment of the review fee shall not create any obligation on the part of the contracting authority toward the unsolicited proposal proponent.</p>	<p>required to submit a review fee of 0.1% of the estimated project capital cost at the time of presenting the unsolicited proposal and the unsolicited proposals shall not be reviewed until the funds have been deposited into the PPP Facilitation Fund.</p> <p>(2) The payment of the review fee shall not create any obligation on the part of the contracting authority toward the unsolicited proposal proponent.</p>		
<p>Forms of communications 10.-(1) The communications between the private party, contracting authority, PPP Centre and the PPP Node shall be in written or through electronic form. (2) All communications referred to under sub-regulation (1) shall be addressed to the respective accounting officer of a contracting authority, Executive Director, or the head of PPP Node, as the case may be, and through postal, physical or electronic means. (3) All communications related to unsolicited proposals shall be channeled through the respective</p>	<p>Forms of communications 7.-(1) The communications between the private party, contracting authority, PPP Centre and the PPP Node shall be in written or through electronic form. (2) All communications referred to under sub-regulation (1) shall be addressed to the respective accounting officer of a contracting authority, Executive Director, or the head of PPP Node, as the case may be, and through postal, physical or electronic means. (3) All communications related to unsolicited proposals shall be channeled through the respective</p>	<p>No changess</p>	

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contracting authority before submission to the PPP Centre or PPP Node as the case may be.	contracting authority before submission to the PPP Centre or PPP Node as the case may be.		

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<p>Contents of pre-feasibility study for unsolicited proposals 11.-(1). The PPP Centre shall analyze the proposed PPP project, to determine whether it is likely to be viable, fiscally affordable, provide value for money and in the best interest of contracting authority and Government and either-</p> <p>(a) to reject the proposed PPP project, stating the reasons for rejection;</p> <p>(b) request further clarification or modification by contracting authority or any aspect of the proposed PPP project, stating reasons for the clarification or modification; or</p> <p>(c) Approve the proposed PPP project at pre -feasibility study.</p> <p>(2) Save as provided in regulation 6, a pre-feasibility study for unsolicited proposal shall contain:</p> <p>(a) a private party's name, postal and physical address, tax registration certificate or Tax Identification Number, VAT registration number, Exercise Duty License, country of registration and domicile of parent company;</p>	<p>Contents of pre-feasibility study for unsolicited proposals 8.-(1). The PPP Centre shall analyze the proposed PPP project, to determine whether it is likely to be viable, fiscally affordable, provide value for money and in the best interest of contracting authority and make recommendation to the Contracting authority and Government and either:</p> <p>(a) Accept or reject the content of pre-feasibility study and provide reasons thereof</p> <p>(b) request further clarification or modification by contracting authority or any aspect of the proposed PPP project, stating reasons for the clarification or modification.</p> <p>(2) Save as provided in regulation 6, a pre-feasibility study for unsolicited proposal shall contain:</p> <p>(a) a private party's name, postal and physical address, tax registration certificate or Tax</p>	<p>To avoid multiplicity of approval and rejections that ought only to fall under the mandate of Contracting authority as the case may be PPP steering committee</p> <p>To give PPP centre m</p>	

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<p>(b) a company profile, audited accounts and evidence of financial capacity;</p> <p>(c) the title and description of the proposed project;</p> <p>(d) a statement of the objectives, approach and scope of the proposed project;</p> <p>(e) a statement describing property rights or any confidential information or proprietary data;</p> <p>(f) a statement describing how the proposal is innovative and unique, supported by evidence that the proponent is the sole provider and owner of the innovation;</p> <p>(g) a statement of the anticipated benefits or cost advantages to the contracting authority including the total estimated cost for developing the project and projected cash flow to allow a meaningful consideration;</p> <p>(h) a statement showing how the proposed project supports the Government's development plans;</p> <p>(i) a statement to indicate compliance with other relevant laws and government policies;</p> <p>(j) a statement outlining:</p>	<p>Identification Number, VAT registration number, Excise Duty License, country of registration and domicile of parent company and any other related information;</p> <p>(b) a company profile, audited accounts and evidence of financial capacity;</p> <p>(c) the title and description of the proposed project;</p> <p>(d) a statement of the objectives, approach and scope of the proposed project;</p> <p>(e) a statement describing property rights or any confidential information or proprietary data;</p> <p>(f) a statement describing how the proposal is innovative and unique, supported by evidence that the proponent is the sole provider and owner of the innovation;</p> <p>(g) a statement of the anticipated benefits or cost advantages to the contracting authority including the total estimated cost for developing the project and projected cash flow to allow a meaningful consideration;</p>		

CURRENT CITATION OF THE PPP REGULATIONS, 2020	PROPOSED AMENDMENT	REASONS FOR AMENDMENTS	PPP STAKEHOLDER'S COMMENTS
<p>(i) expected government support other than government guarantee or any form of financial support from government; or (ii) government participation in the execution of the project; (k) a statement showing how the project complies with empowerment of Tanzania Citizens and corporate social responsibilities; and (l) a statement with sufficient information showing the manner in which integrity due diligence shall be conducted by the contracting authority in line with the information submitted by the proponent.</p>	<p>(h) a statement showing how the proposed project supports the Government's development plans; (i) a statement to indicate compliance with other relevant laws and government policies; (j) a statement outlining: (i) expected government support other than government guarantee or any form of financial support from government; or (ii) government participation in the execution of the project; (k) a statement showing how the project complies with empowerment of Tanzania Citizens and corporate social responsibilities; (l) a statement with sufficient information showing the manner in which integrity due diligence shall be conducted by the contracting authority in line with the information submitted by the proponent, and such other information as prescribed in the First Schedule to these Regulations</p>		

CURRENT CITATION OF THE PPP REGULATIONS, 2020	PROPOSED AMENDMENT	REASONS FOR AMENDMENTS	PPP STAKEHOLDER'S COMMENTS
<p>Approval and rejection of pre-feasibility study for unsolicited proposals</p> <p>12. A contracting authority may approve a prefeasibility study for unsolicited proposal based on the criteria that-</p> <ul style="list-style-type: none"> (a) the project complies with the value for money requirement; (b) the project complies with affordability requirement to both Government and end users; (c) the project does not relate to institutional requirements acquired by normal competitive bidding or any other method than public private partnership; (d) the project does not relate to products or services which are available and mobilized through normal investment procedures or public procurement; (e) the project presents new and cost-effective methods of service delivery compared to other procurements options; (f) the project addresses social needs sustainably; 	<p>Approval and rejection of pre-feasibility study for unsolicited proposals</p> <p>9. A contracting authority may approve a prefeasibility study for unsolicited proposal based on the criteria that-</p> <ul style="list-style-type: none"> (a) the project complies with the value for money requirement; (b) the project complies with affordability requirement to both Government and end users; (c) the project does not relate to institutional requirements acquired by normal competitive bidding or any other method than public private partnership; (d) the project presents new and cost-effective methods of service delivery compared to other procurements options; (e) the project addresses social needs sustainably; (f) the private sector participation in the project 	<p>To adopt precise criteria determination that can be understood in relation to the contextual and literal interpretational of paragraph.</p>	

CURRENT CITATION OF THE PPP REGULATIONS, 2020	PROPOSED AMENDMENT	REASONS FOR AMENDMENTS	PPP STAKEHOLDER'S COMMENTS
<ul style="list-style-type: none"> (g) the private sector participation in the project results in net benefits and savings as compared to public procurement; (h) the pre-feasibility study exclusively belongs to the private party and protection of intellectual property rights; (i) the project comply with the provisions of Act and other relevant written laws; and (j) the project includes adequate risk analysis and optimal risk allocation. 	<ul style="list-style-type: none"> results in net benefits and savings as compared to public procurement; (g) the pre-feasibility study exclusively belongs to the private party and protection of intellectual property rights; (h) the project comply with the provisions of Act and other relevant written laws; and (i) the project includes adequate risk analysis and optimal risk allocation 		
PART III FEASIBILITY STUDY OF A PROJECT			

CURRENT CITATION OF THE PPP REGULATIONS, 2020	PROPOSED AMENDMENT	REASONS FOR AMENDMENTS	PPP STAKEHOLDER'S COMMENTS
<p>Appraisal elements for Feasibility study for solicited project 13.-(1) After the approval of the pre-feasibility study, the contracting authority shall, conduct or cause to be conducted a comprehensive feasibility study in respect of each identified project. (2) The feasibility study shall confirm whether the project being considered is technically, economically, commercially, financially, environmentally, socially and legally viable, fiscally affordable and shall provide value for money. (3) A comprehensive feasibility study to be prepared pursuant to the requirement under sub regulation (1) shall contain basic appraisal elements including-</p> <ul style="list-style-type: none"> (a) clear specification of project's objectives; (b) broad alternative options to meet project's objectives are identified and comparatively examined; (c) the most promising option is subject to detailed analysis; (d) project costs are fully and accurately estimated; and 	<p>Appraisal elements for Feasibility study for solicited project 10.-(1) After the approval of the pre-feasibility study, the contracting authority shall, conduct or cause to be conducted a comprehensive feasibility study in respect of each identified project. (2) The feasibility study shall confirm whether the project being considered is technically, economically, commercially, financially, environmentally, socially and legally viable, fiscally affordable and shall provide value for money. (3) A comprehensive feasibility study to be prepared pursuant to the requirement under sub regulation (1) shall contain basic appraisal elements including-</p> <ul style="list-style-type: none"> (a) clear specification of project's objectives; (b) broad alternative options to meet project's objectives are identified and comparatively examined; 		

CURRENT CITATION OF THE PPP REGULATIONS, 2020	PROPOSED AMENDMENT	REASONS FOR AMENDMENTS	PPP STAKEHOLDER'S COMMENTS
<p>(e) Project benefits are assessed qualitatively as likely to justify the costs.</p> <p>4) The contracting authority may, for the purpose of this regulation, engage a PPP advisor with knowledge and experience on the subject matter of the project to conduct a feasibility study.</p>	<p>(c) the most promising option is subject to detailed analysis;</p> <p>(d) project costs are fully and accurately estimated; and</p> <p>(e) Project benefits are assessed qualitatively as likely to justify the costs.</p> <p>4) The contracting authority may, for the purpose of this regulation, engage a PPP advisor with knowledge and experience on the subject matter of the project to conduct a feasibility study.</p>		

CURRENT CITATION OF THE PPP REGULATIONS, 2020	PROPOSED AMENDMENT	REASONS FOR AMENDMENTS	PPP STAKEHOLDER'S COMMENTS
<p>Feasibility study for Unsolicited project</p> <p>14.-(1) Upon approval of the pre-feasibility study for unsolicited proposal, the private party shall undertake the feasibility study at its own cost.</p> <p>(2) The private party shall submit the completed feasibility study to the contracting authority for assessment.</p> <p>(3) Upon receipt of feasibility study referred to under sub regulation (1), the contracting authority shall assess the project within thirty working days and make recommendation to the private party for consideration.</p> <p>(4) A contracting authority shall, before submission of a project to the PPP Centre, obtain an approval of the respective sector minister who is the overall in charge of that project.</p>	<p>Feasibility study for Unsolicited project</p> <p>11.-(1) Upon approval of the pre-feasibility study for unsolicited proposal, the private party shall undertake the feasibility study at its own cost.</p> <p>(2) The private party shall submit the completed feasibility study to the contracting authority for assessment.</p> <p>(3) Upon receipt of feasibility study referred to under sub regulation (1), the contracting authority shall assess the project within thirty working days and make recommendation to the private party for consideration.</p> <p>(4) A contracting authority shall, before submission of a project to the PPP Centre, obtain an approval of the respective sector minister who is the overall in charge of that project.</p>		

CURRENT CITATION OF THE PPP REGULATIONS, 2020	PROPOSED AMENDMENT	REASONS FOR AMENDMENTS	PPP STAKEHOLDER'S COMMENTS
<p>Contents of feasibility study report 15. Without prejudice to the provision of section 10 of the Act, the feasibility study report shall contain:</p> <ul style="list-style-type: none"> (a) details regarding salient features of the proposed project, including- <ul style="list-style-type: none"> (i) technical assessment; (ii) economic and social analysis; (iii) risk analysis; (iv) commercial analysis; (v) financial analysis; (b) action plan and explanation of the strategic and operational benefits of the proposed project in relation to its objectives; (c) description in specific terms- <ul style="list-style-type: none"> (i) in the case of a performance function, the nature of the function concerned and extent to which it may be performed by the private party; 	<p>Contents of feasibility study report 13. Without prejudice to the provision of section 10 of the Act, the feasibility study report shall contain:</p> <ul style="list-style-type: none"> (a) details regarding salient features of the proposed project, including- <ul style="list-style-type: none"> (i) technical assessment; (ii) economic and social analysis; (iii) risk analysis; (iv) commercial analysis; (v) financial analysis; (b) action plan and explanation of the strategic and operational benefits of the proposed project in relation to its objectives; (c) description in specific terms- <ul style="list-style-type: none"> (i) in the case of a performance function, the nature of the function 	<p>No changes</p>	

CURRENT CITATION OF THE PPP REGULATIONS, 2020	PROPOSED AMENDMENT	REASONS FOR AMENDMENTS	PPP STAKEHOLDER'S COMMENTS
<p>(ii) proposed design standard and detailed output specifications of the project; and</p> <p>(iii) in the case of use of government property, description of the property concerned and the types of use the property may be subjected to;</p> <p>(d) in case of incurring any financial commitments by the contracting authority, demonstration of the affordability of the project by the contracting authority;</p> <p>(e) proposals for allocation of financial, technical and operating risks between the partners;</p> <p>(f) demonstration of the anticipated value for money to be achieved;</p> <p>(g) estimated costs of the project;</p> <p>(h) public sector comparator test;</p> <p>(i) project financing model;</p> <p>(j) proposed partnership model;</p>	<p>concerned and extent to which it may be performed by the private party;</p> <p>(ii) proposed design standard and detailed output specifications of the project; and</p> <p>(iii) in the case of use of government property, description of the property concerned and the types of use the property may be subjected to;</p> <p>(d) in case of incurring any financial commitments by the contracting authority, demonstration of the affordability of the project by the contracting authority;</p> <p>(e) proposals for allocation of financial, technical and operating risks between the partners;</p>		

CURRENT CITATION OF THE PPP REGULATIONS, 2020	PROPOSED AMENDMENT	REASONS FOR AMENDMENTS	PPP STAKEHOLDER'S COMMENTS
<ul style="list-style-type: none"> (k) analysis of critical aspects that may directly or indirectly affect the project; (l) procurement plan; (m) project implementation and operation plan; (n) recommendation or advice on the technical and economic viability of the project or projects; (o) description of environmental and social impact assessments; (p) monitoring and evaluation; (q) regulatory authority consultation; (r) legal due diligence; (s) institutional analysis; (t) stakeholder's analysis; (u) the manner by which Tanzania citizens may be empowered and participate in the projects, including corporate social responsibility; and (v) Such other information and contents to be adhered as prescribed in the First Schedule to these Regulations. 	<ul style="list-style-type: none"> (f) demonstration of the anticipated value for money to be achieved; (g) estimated costs of the project; (h) public sector comparator test; (i) project financing model; (j) proposed partnership model; (k) analysis of critical aspects that may directly or indirectly affect the project; (l) procurement plan; (m) project implementation and operation plan; (n) recommendation or advice on the technical and economic viability of the project or projects; (o) description of environmental and social impact assessments; (p) monitoring and evaluation; (q) regulatory authority consultation; (r) legal due diligence; (s) institutional analysis; (t) stakeholder's analysis; (u) the manner by which Tanzania citizens may be 		

CURRENT CITATION OF THE PPP REGULATIONS, 2020	PROPOSED AMENDMENT	REASONS FOR AMENDMENTS	PPP STAKEHOLDER'S COMMENTS
	<p>empowered and participate in the projects, including corporate social responsibility; and</p> <p>(v) Such other information and contents to be adhered as prescribed in the First Schedule to these Regulations.</p>		
<p>Resolution of critical aspects</p> <p>16. (1) A contracting authority shall appraise critical aspects of the project and submit to PPP Node or, as the case may be, the PPP Centre on the determination of any critical aspect of the project, and such appraisal shall-</p> <p>(a) in the case of pre-feasibility study, be resolved at any time prior to the preparation of a feasibility study;</p> <p>(b) in the case of feasibility study, be resolved at any time prior to the implementation of project.</p> <p>(2) The PPP node or, as the case may be, the PPP Centre shall, within seven days from the date of receiving the appraisal under sub regulation (1), evaluate the critical aspects and make</p>	<p>Resolution of critical aspects</p> <p>14. (1) A contracting authority shall appraise critical aspects of the project and submit to PPP Node or, as the case may be, the PPP Centre on the determination of any critical aspect of the project, and such appraisal shall-</p> <p>(a) in the case of pre-feasibility study, be resolved at any time prior to the preparation of a feasibility study;</p> <p>(b) in the case of feasibility study, be resolved at any time prior to the implementation of project.</p> <p>(2) The PPP node or, as the case may be, the PPP Centre shall, within seven days from the date of</p>	<p>No changess</p>	

CURRENT CITATION OF THE PPP REGULATIONS, 2020	PROPOSED AMENDMENT	REASONS FOR AMENDMENTS	PPP STAKEHOLDER'S COMMENTS
<p>recommendation to the PPP Steering Committee for determination: Provided that, where the project is a small-scale PPP project, the PPP Centre shall recommend critical aspect to the respective contracting authority.</p>	<p>receiving the appraisal under sub regulation (1), evaluate the critical aspects and make recommendation to the PPP Steering Committee for determination: Provided that, where the project is a small-scale PPP project, the PPP Centre shall recommend critical aspect to the respective contracting authority.</p>		
<p>PPP advisor 17.-(1) Upon completion of the preparation of a feasibility study report in terms of these Regulations, the contracting authority may engage a PPP advisor to review the feasibility study report and prepare appropriate business case and transaction documents. (2) The procedures and terms of reference for the PPP advisor shall be as determined by the contracting authority and advised by the PPP Centre. (3) A PPP advisor duly contracted shall, among other things, undertake the following duties-</p> <ul style="list-style-type: none"> (a) review financial, technical, legal, economic, 	<p>PPP advisor 15.-(1) Upon completion of the preparation of a feasibility study report in terms of these Regulations, the contracting authority may engage a PPP advisor to review the feasibility study report and prepare appropriate business case and transaction documents. (2) Without prejudice to Sub-regulation (1), the Contracting authority in collaboration with the PPP Center shall procure PPP advisor to review the feasibility study report and prepare appropriate business</p>	<p>17 (3) To enable the PPP Advisor to consider all aspects of the project in preparing business case including social and environmental aspects. PPP Centre to collaborate with contracting authority to procure transaction advisor</p>	

CURRENT CITATION OF THE PPP REGULATIONS, 2020	PROPOSED AMENDMENT	REASONS FOR AMENDMENTS	PPP STAKEHOLDER'S COMMENTS
<p>technological aspects of the project and prepare appropriate business case and financial model;</p> <p>(b) prepare pre-qualification documents, request for proposal and draft agreements;</p> <p>(c) advice and participate in negotiation;</p> <p>(d) prepare counter-business case for feasibility studies submitted by the private party;</p> <p>(e) facilitate financial closure; and</p> <p>(f) prepare PPP Contract Management Plan.</p>	<p>case and transaction documents.</p> <p>(3) (a) Subject to Sub-regulations (1) and (2), the PPP Center shall where appropriate appoint an independent auditor to be approved by the PPP Steering Committee in accordance with Section 7A of the Act, to audit financial model and feasibility study of the project.</p> <p>(b)The audit under Paragraph (a) shall form opinion and enhance due diligence on the disclosures and verify validity and quality of the business case of the potential PPP projects;</p> <p>(4) For the purpose of Sub-regulations (1), (2), and (3) the PPP center shall maintain the data-base relating to the list and information of the PPP advisor as the case may be independent auditor to facilitate procurement of the PPP professional services by the Contracting authority.</p> <p>(5) Sub-regulations (2)(3) and (4) shall not be construed as</p>		

CURRENT CITATION OF THE PPP REGULATIONS, 2020	PROPOSED AMENDMENT	REASONS FOR AMENDMENTS	PPP STAKEHOLDER'S COMMENTS
	<p>removing or abrogating powers of the contracting authority for assuming overall responsibility on matters assigned to it on the procurement of the PPP advisor</p> <p>(6) The procedures and terms of reference for the PPP advisor shall be as determined by the contracting authority and advised by the PPP Centre.</p> <p>(7) A PPP advisor duly contracted shall, among other things, undertake the following duties-</p> <p>(a) review financial, technical, legal, economic, technological aspects of the project and prepare appropriate business case and financial model;</p> <p>(b) prepare pre-qualification documents, request for proposal and draft agreements</p>		
<p>Consultation with regulatory authority 18.-(1) The contracting authority shall, after selection of a project, consult the relevant regulatory authority under which the selected project is regulated, to seek</p>	<p>Consultation with regulatory authority 16.-(1) The contracting authority shall, after selection of a project, consult the relevant regulatory authority under which the selected project is regulated, to seek</p>	<p>No changess</p>	

CURRENT CITATION OF THE PPP REGULATIONS, 2020	PROPOSED AMENDMENT	REASONS FOR AMENDMENTS	PPP STAKEHOLDER'S COMMENTS
<p>recommendations or approval where necessary.</p> <p>(2) Where the regulatory authority is the contracting authority, consultations for the purpose of this regulation shall be done with the Permanent Secretary of the respective ministry to which the project relates, and the provisions of sub regulations (1) shall apply accordingly.</p>	<p>recommendations or approval where necessary.</p> <p>(2) Where the regulatory authority is the contracting authority, consultations for the purpose of this regulation shall be done with the Permanent Secretary of the respective ministry to which the project relates, and the provisions of sub regulations (1) shall apply accordingly.</p>		
<p>Submission of projects for approval by contracting authority</p> <p>19.-(1) The contracting authority, or as the case may be, the Permanent Secretary shall, upon working on recommendation from the regulatory authority, submit the project to the PPP Centre.</p> <p>(2) The submission under sub-regulation (1), shall be accompanied by:</p> <p>(a) a feasibility study report;</p>	<p>Submission of projects for approval by contracting authority</p> <p>17.-(1) The contracting authority, or as the case may be, the Permanent Secretary shall, upon working on recommendation from the regulatory authority, submit the project to the PPP Centre.</p> <p>(2) The submission under sub-regulation (1), shall be accompanied by:</p> <p>(a) a feasibility study report;</p>	<p>Sub regulation (7) & (8) is proposed to be amended to provide clarity for the responsibility steering committee and PPP center on approving feasibility study.</p>	

CURRENT CITATION OF THE PPP REGULATIONS, 2020	PROPOSED AMENDMENT	REASONS FOR AMENDMENTS	PPP STAKEHOLDER'S COMMENTS
<p>(b) approval or recommendation by the National Environment Management Council;</p> <p>(c) recommendations and relevant permits and licences from the regulatory authority responsible for the project;</p> <p>(d) community engagement plan ; and</p> <p>(e) any other information as may be required by the PPP Centre.</p> <p>(3) In case the submitted project is for an unsolicited project, the contracting authority shall annex verifiable and audited costs of undertaking the feasibility study.</p> <p>(4) Subject to the provision of section 5 of the Act, the PPP Centre shall within thirty working days from the date of receipt of project from a contracting authority, analyse the project and recommend to the PPP Steering Committee for approval.</p> <p>(5) For the purpose of sub regulation (4), the PPP Centre may constitute a multidisciplinary team of experts with knowledge on the subject matter of the project to study and consider the feasibility study for the project and all financial implications relating to the implementation of the project in a</p>	<p>(b) approval or recommendation by the National Environment Management Council;</p> <p>(c) recommendations and relevant permits and licences from the regulatory authority responsible for the project;</p> <p>(d) community engagement plan; and</p> <p>(e) any other information as may be required by the PPP Centre.</p> <p>(3) In case the submitted project is for an unsolicited project, the contracting authority shall annex verifiable and audited costs of undertaking the feasibility study.</p> <p>(4) Subject to the provision of section 5 of the Act, the PPP Centre shall within thirty working days from the date of receipt of project from a contracting authority, analyse the project and recommend to the PPP Steering Committee for approval.</p> <p>(5) For the purpose of sub regulation (4), the PPP Centre may constitute a multidisciplinary team of experts with knowledge on the subject matter of the project to study and consider the</p>		

CURRENT CITATION OF THE PPP REGULATIONS, 2020	PROPOSED AMENDMENT	REASONS FOR AMENDMENTS	PPP STAKEHOLDER'S COMMENTS
<p>manner prescribed in these Regulations.</p> <p>(6) The PPP Centre may, before expiration of thirty working days, require the contracting authority to improve the project as recommended.</p> <p>(7) The PPP Centre shall, within five working days from the date of approval, publish or cause to be published in the Gazette and PPP Centre's website, the summary of approved project for public awareness: Provided that, notice in the Gazette may be affected for such period not exceeding thirty days.</p> <p>(8) Where the PPP Centre approves the submission under this regulation, shall fill a Form prescribed in the Second Schedule and inform the contracting authority accordingly.</p>	<p>feasibility study for the project and all financial implications relating to the implementation of the project in a manner prescribed in these Regulations.</p> <p>(6) The PPP Centre may, before expiration of thirty working days, require the contracting authority to improve the project as recommended</p> <p>(7) The PPP Centre shall, within five working days from the date of approval, publish or cause to be published in the newspaper or any other platform and PPP Centre's website, the summary of approved project for public awareness: Provided that, notice in the newspaper or any other platform may be affected for such period not exceeding thirty days.</p> <p>(8) Where the PPP steering committee approves the project under this regulation, PPP Centre shall inform the contracting authority accordingly.</p>		
<p>Government support</p> <p>20.-(1) The Minister shall, for any project that requires public funding and any other forms of contribution,</p>	<p>Government support</p> <p>18.-(1) The Public Private Partnership Steering Committee</p>	<p>To provide clear guidance on the access of government support for PPP projects and state the</p>	

CURRENT CITATION OF THE PPP REGULATIONS, 2020	PROPOSED AMENDMENT	REASONS FOR AMENDMENTS	PPP STAKEHOLDER'S COMMENTS
<p>upon receipt of request for funding from the PPP Steering Committee, undertake analysis of fiscal risk and other financial matters in the manner prescribed in section 7B of the Act.</p> <p>(2) For the purpose of sub regulation (1), analysis of fiscal risk shall be undertaken by the Technical Debt Management Committee scrutinise and analyse the project prior to forwarding the same to the National Debt Management Committee for determination by the Minister.</p> <p>(3) Save as otherwise provided in Government Loans, Grants and Guarantees Act, in the course of undertaking its scrutiny and analysis, the National Debt Management Committee shall have regards to the project's-</p> <p>(a) value for money; (b) affordability; (c) bankability; (d) technology transfer; and (e) innovation.</p>	<p>shall, where a project requires public funding, any other government support or determination of matters of policy, refer the matter to the Minister for determination.</p> <p>2) The Minister shall, within twenty-one working days from the date of receipt of matters from the Public Private Partnership Steering Committee in terms of sub-Regulation (1)</p> <p>(a) in the case of matters requiring public funding, process the matter in the manner prescribed under the Government Loans, Guarantees and Grants Act;</p> <p>(b) in the case of matters requiring any government support or determination of matters of policy, make determination and direct the Public Private Partnership Steering Committee accordingly.</p> <p>(3) Notwithstanding sub-Regulation (2), the Minister shall, where a matter has not been determined within twenty-one working days, notify the</p>	<p>responsibilities of the minister and PPP steering committee.</p>	

CURRENT CITATION OF THE PPP REGULATIONS, 2020	PROPOSED AMENDMENT	REASONS FOR AMENDMENTS	PPP STAKEHOLDER'S COMMENTS
	Public Private Partnership Steering Committee with reasons thereof.		
PART IV MANAGEMENT OF PUBLIC PRIVATE PARTNERSHIP AGREEMENTS			
<p>Contracting authority's responsibility</p> <p>21.-(1) Without prejudice to the provisions of section 11 of the Act, any agreement involving the performance of an institutional function shall not divest the contracting authority the responsibility of ensuring that such institutional function is effectively and efficiently performed in the public interest or for the benefit of the public service.</p> <p>(2) An agreement that involves the use of public or government property by a private party shall not divest the contracting authority of the responsibility for ensuring that such government property is appropriately protected against forfeiture, theft, loss, wastage and misuse.</p>	<p>Contracting authority's responsibility</p> <p>19.-(1) Without prejudice to the provisions of section 11 of the Act, any agreement involving the performance of an institutional function shall not divest the contracting authority the responsibility of ensuring that such institutional function is effectively and efficiently performed in the public interest or for the benefit of the public service.</p> <p>(2) An agreement that involves the use of public or government property by a private party shall not divest the contracting authority of the responsibility for ensuring that such government property is appropriately protected against forfeiture, theft, loss, wastage and misuse.</p>	No changes	
Conduct of accounting officer in PPP projects	Conduct of accounting officer in PPP projects	Regulation 22 (2) is proposed to be amended	

CURRENT CITATION OF THE PPP REGULATIONS, 2020	PROPOSED AMENDMENT	REASONS FOR AMENDMENTS	PPP STAKEHOLDER'S COMMENTS
<p>22.-(1) For the purposes of ensuring effective implementation of the responsibilities conferred under the Act, an accounting officer shall: (a) manage the implementation of the project;</p> <p>(b) manage any monies received during processing of unsolicited proposals;</p> <p>(c) build and secure political and stakeholder support for the project;</p> <p>(d) ensure availability of adequate project resources, including budgets and suitable personnel for implementation of the project;</p> <p>(e) ensure the feasibility study and procurement processes are effectively and efficiently performed in the public interest, and protection of government property;</p> <p>(f) ensure that funds received from the Public Private Partnership Facilitation Fund are properly managed and applied for the purposes intended;</p> <p>(g) allocate budget funds to perform functions arising from public private partnership projects;</p> <p>(h) appoint appropriate and relevant PPP</p>	<p>20.-(1) For the purposes of ensuring effective implementation of the responsibilities conferred under the Act, an accounting officer shall: (a) manage the implementation of the project;</p> <p>(b) manage any monies received during processing of unsolicited proposals;</p> <p>(c) build and secure political and stakeholder support for the project;</p> <p>(d) ensure availability of adequate project resources, including budgets and suitable personnel for implementation of the project;</p> <p>(e) ensure the feasibility study and procurement processes are effectively and efficiently performed in the public interest, and protection of government property;</p> <p>(f) ensure that funds received from the Public Private Partnership Facilitation Fund are properly managed and applied for the purposes intended;</p> <p>(g) allocate budget funds to perform functions arising from</p>	<p>to provide clarity on the responsibility of the accounting officer on appointing PPP Project Management Team, Local Government Management Team or PPP Team for MDAs as the case may be</p>	

CURRENT CITATION OF THE PPP REGULATIONS, 2020	PROPOSED AMENDMENT	REASONS FOR AMENDMENTS	PPP STAKEHOLDER'S COMMENTS
<p>advisors or consultants and other experts as may be needed; and (i) provide overall oversight, monitoring and evaluation of the project. (2) The accounting officer may form a PPP team with appropriate personnel and resources for efficient discharging of roles and responsibilities regarding to the implementation, monitoring and evaluation of PPP projects of its contracting authority.</p>	<p>public private partnership projects; (h) appoint appropriate and relevant PPP advisors or consultants and other experts as may be needed; and (i) provide overall oversight, monitoring and evaluation of the project. (2) The accounting officer may form a PPP Project Management Team, Local Government Management Team or PPP Team for MDAs as the case may be with appropriate personnel and resources for efficient discharging of roles and responsibilities regarding to the implementation, monitoring and evaluation of PPP projects of its contracting authority.</p>		
<p>Project officer 23.-(1) Subject to section 17 of the Act, the contracting authority shall, in writing, appoint a project officer on full time basis from within or outside the contracting authority.</p>	<p>Project officer 21.-(1) Subject to section 17 of the Act, the contracting authority shall, in writing, appoint a project officer on full time basis from within or outside the contracting authority.</p>	No changess	

CURRENT CITATION OF THE PPP REGULATIONS, 2020	PROPOSED AMENDMENT	REASONS FOR AMENDMENTS	PPP STAKEHOLDER'S COMMENTS
<p>(2) Without prejudice to section 17(2) of the Act, the functions of the project officer shall include:</p> <p>(a) day to day supervision of the project;</p> <p>(b) be liaison officer between the accounting officer, project management team, PPP Centre and private party;</p> <p>(c) preparation of periodic, quarterly and annual reports on the development of the project;</p> <p>(d) maintaining records related to project implementation from initiation to conclusion; and</p> <p>(e) Management of the public private partnership agreement and its implementation and hand-back.</p>	<p>(2) Without prejudice to section 17(2) of the Act, the functions of the project officer shall include:</p> <p>(a) day to day supervision of the project;</p> <p>(b) be liaison officer between the accounting officer, project management team, PPP Centre and private party;</p> <p>(c) preparation of periodic, quarterly and annual reports on the development of the project;</p> <p>(d) maintaining records related to project implementation from initiation to conclusion; and</p> <p>(e) Management of the public private partnership agreement and its implementation and hand-back.</p>		
<p>PPP Project Management Team</p> <p>24.-(1) An accounting officer shall, for the purpose of implementing PPP projects during various stages of the project life cycle, constitute project management team which shall be the task force mandated to deliberate on the project in line with the provisions of the Act and these Regulations.</p> <p>(2) The project management team shall be composed of officers with</p>	<p>PPP Project Management Team</p> <p>22.-(1) An accounting officer shall, for the purpose of implementing PPP projects during various stages of the project life cycle, constitute project management team which shall be the task force mandated to deliberate on the project in line</p>	<p>Regulation 24 (2) (f) is proposed to be amended to add project officer as a member of PMT as a key person of PPP lifecycle.</p>	

CURRENT CITATION OF THE PPP REGULATIONS, 2020	PROPOSED AMENDMENT	REASONS FOR AMENDMENTS	PPP STAKEHOLDER'S COMMENTS
<p>skills and knowledge of the respective PPP project from-</p> <p>(a) the contracting authority; (b) PPP Centre; (c) PPP Node; (d) Ministry responsible for finance; (e) the Office of Attorney General.</p> <p>(3) Save as provided in sub regulation (1), the accounting officer of the contracting authority to which the project management team relates, may appoint an additional member to constitute the project management team.</p> <p>(4) Without prejudice to the generality of sub regulation (1), the functions of the Project Management Team shall include-</p> <p>(a) to advise the accounting officer as regards project feasibility study, procurement, agreements and project implementation; (b) to assist in mobilisation of human and financial resources necessary for project implementations; and (c) to ensure the project is properly monitored and evaluated in accordance with the project agreements.</p>	<p>with the provisions of the Act and these Regulations.</p> <p>(2) The project management team shall be composed of officers with skills and knowledge of the respective PPP project from-</p> <p>(a) the contracting authority; (b) PPP Centre; (c) PPP Node; (d) Ministry responsible for finance; (e) the Office of Attorney General; and (f) project officer</p> <p>(3) Save as provided in sub regulation (1), the accounting officer of the contracting authority to which the project management team relates, may appoint an additional member to constitute the project management team.</p> <p>(4) Without prejudice to the generality of sub regulation (1), the functions of the Project Management Team shall include-</p> <p>(a) to advise the accounting officer as regards project feasibility study, procurement,</p>		

CURRENT CITATION OF THE PPP REGULATIONS, 2020	PROPOSED AMENDMENT	REASONS FOR AMENDMENTS	PPP STAKEHOLDER'S COMMENTS
<p>(5) For the purpose of sub regulation (1), the "project life cycle" means a period commencing from the time of preparation of project concept note to the hand back".</p>	<p>agreements and project implementation; (b) to assist in mobilisation of human and financial resources necessary for project implementations; and (c) to ensure the project is properly monitored and evaluated in accordance with the project agreements. (5) For the purpose of sub regulation (1), the "project life cycle" means a period commencing from the time of project identification to the hand back".</p>		
<p>PPP Steering Committee</p> <p>25.-(1) Without prejudice to sections 7A and 7B of the Act, the PPP Steering Committee shall assume its responsibilities to undertake deliberations and approval of administrative matters for the PPP Centre. (2) The PPP Steering Committee may prepare internal guidelines to facilitate</p>	<p>PPP Steering Committee</p> <p>23.-(1) Without prejudice to sections 7A and 7B of the Act, the PPP Steering Committee shall assume its responsibilities to undertake deliberations and approval of administrative matters for the PPP Centre. (2) The PPP Steering Committee may prepare internal guidelines to facilitate the performance of its</p>	<p>No changess</p>	

CURRENT CITATION OF THE PPP REGULATIONS, 2020	PROPOSED AMENDMENT	REASONS FOR AMENDMENTS	PPP STAKEHOLDER'S COMMENTS
the performance of its functions under these Regulations.	functions under these Regulations.		
<p>Team of experts 26.-(1) The Executive Director may appoint or cause to be appointed, a multidisciplinary team of experts to analyses the project submitted to it by contracting authorities. (2) Persons appointed under sub regulation (1) shall be competent on the subject matter for which the PPP project relates.</p>	<p>Team of experts 24.-(1) The Executive Director may appoint or cause to be appointed, a multidisciplinary team of experts to analyses the project submitted to it by contracting authorities. (2) Persons appointed under sub regulation (1) shall be competent on the subject matter for which the PPP project relates.</p>	No changess	
<p>PPP operational guidelines 27.- The PPP Centre may prepare operational guidelines and manuals for proper functioning and management of PPP projects, and shall be approved by the PPP Steering Committee.</p>	<p>PPP operational guidelines 25.- The PPP Centre may prepare operational guidelines and manuals for proper functioning and management of PPP projects, and shall be approved by the PPP Steering Committee.</p>	No changess	
<p>PPP Procurement Guidelines 28 (1) The Authority shall prepare PPP procurement guidelines in collaboration with the Centre in line with the PPP Operational guidelines and manuals. (2) A contracting authority shall comply with and use any standardized</p>	<p>PPP Procurement Guidelines 26 (1) The Authority shall prepare PPP procurement guidelines in collaboration with the PPP Centre in line with Public Private Partnership Act, Cap. 103 and its Regulations.</p>	Regulation 28 (1) is proposed to be amended to ensure the PPP procurement guidelines are in line with Public Private Partnership Act and its Regulations instead of PPP	

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<p>procurement documents prescribed in the Guidelines, which shall include-</p> <ul style="list-style-type: none"> (a) request for qualification; (b) request for proposal; (c) evaluation guidelines; and (d) PPP agreement. 	<p>(2) A contracting authority shall comply with and use any standardized procurement documents prescribed in the Guidelines, which shall include-</p> <ul style="list-style-type: none"> (a) request for qualification; (b) request for proposal; (c) evaluation guidelines; and (d) PPP agreement. 	<p>operational guidelines and manual.</p>	
<p>Project records to be kept in a register</p> <p>29.-(1) The PPP Centre shall, immediately after approval of the concept note, record the particulars of the project in the register.</p> <p>(2) The register referred to under sub regulation (1) shall be kept by the PPP Centre.</p> <p>(3) The particulars required to be recorded in the register shall indicate:</p> <ul style="list-style-type: none"> (a) the title of the project and its location; (b) the name of contracting authority; (c) the name and address of private party; (d) the duration of the project; (e) date of commencements of the project; and (f) any other particulars as the PPP Centre may determine. 	<p>Project records to be kept in a register</p> <p>27.-(1) The PPP Centre shall, immediately after approval of the pre-feasibility study by the respective minister, record, keep and maintain the particulars of the project in the PPP project register.</p> <p>(2) The register referred to under sub regulation (1) shall provide details of the project to the public, in order to promote PPP projects, that may be in appropriate form and made available to international forums, platforms, and any other related thereof.</p> <p>(3) The PPP Centre shall update details of the project for public</p>	<p>Regulation 29 (1), (2) and (3) proposed to be amended to provide clarity and easy implementation of the Regulation by the PPP Centre.</p>	

CURRENT CITATION OF THE PPP REGULATIONS, 2020	PROPOSED AMENDMENT	REASONS FOR AMENDMENTS	PPP STAKEHOLDER'S COMMENTS
<p>(4) The PPP Centre shall keep to the register independent records for each individual project, consisting of details specific to the particular project.</p> <p>(5) The independent records under sub regulation (4) shall include: (a) feasibility study of the approved project;</p> <p>b) project agreements;</p> <p>(c) tender documents; and</p> <p>(d) records of the Government obligations and support</p>	<p>use depending on the project preparation stage.</p>		
<p>PART V PUBLIC PRIVATE PARTNERSHIP FACILITATION FUND</p>			
<p>PPP Facilitation Fund and its purposes</p> <p>30.-(1) Pursuant to section 10A of the Act, the PPP Centre shall open a bank account in Mainland Tanzania into which monies of the Public Private Partnership Facilitation Fund shall be kept.</p> <p>(2) The account opened in terms of subregulation (1), shall have three components, namely:</p> <p>(a) project development facility;</p> <p>(b) capacity development facility;</p> <p>and</p>	<p>PPP Facilitation Fund and its purposes</p> <p>28.-(1) Pursuant to section 10A of the Act, the PPP Centre shall open a bank account in Mainland Tanzania into which monies of the Public Private Partnership Facilitation Fund shall be kept.</p> <p>(2) The account opened in terms of sub regulation (1), shall have three components, namely:</p> <p>(a) project development facility;</p> <p>(b) capacity development facility;</p> <p>and</p>	<p>Regulation 30 (5), (6) and (7) proposed to be amended to provide the role of PPP facilitation fund</p>	

CURRENT CITATION OF THE PPP REGULATIONS, 2020	PROPOSED AMENDMENT	REASONS FOR AMENDMENTS	PPP STAKEHOLDER'S COMMENTS
<p>(c) Viability gap funding. (3) The PPP Centre shall issue guidelines to contracting authorities on accessing funds of the Public Private Partnership Facilitation Fund. (4) Access to the fund by the contracting authority shall be subject to the approval by the PPP Steering Committee. (5) The project development facility shall be an instrument to enable contracting authorities to finance project preparation costs, including financing of feasibility studies and costs of PPP advisors or consultants. (6) The capacity development facility shall provide funds for cross-project support functions including training project officers, public and private officials, conducting PPP awareness forums, program development and development of sector specific public private partnership guidelines. (7) A viability gap funding shall provide capital grants to support bankable projects that offer value for money and contribute to government development priorities but are not financially viable.</p>	<p>(c) Viability gap funding. (3) The PPP Centre shall issue guidelines to contracting authorities on accessing funds of the Public Private Partnership Facilitation Fund. (4) Access to the fund by the contracting authority shall be subject to the approval by the PPP Steering Committee. (5) The project development facility shall be an instrument to enable contracting authorities to finance project preparation costs, including financing of feasibility studies and costs of transaction advisors or consultants. (6) To enable PPP Centre to implement capacity building program including (a) training of project officers, public and private official; (b) conducting PPP awareness forums; (c) National PPP Programme Development; and (d) development of sector specific public private partnership guidelines.</p>		

CURRENT CITATION OF THE PPP REGULATIONS, 2020	PROPOSED AMENDMENT	REASONS FOR AMENDMENTS	PPP STAKEHOLDER'S COMMENTS
<p>(8) The PPP Centre shall from time to time establish a ceiling for access to the PPP Facilitation Fund for which a contracting authority may apply.</p>	<p>(7) A viability gap funding shall provide capital grants to support bankable projects that offer value for money and contribute to government development priorities but are not financially viable. Facilitation of Contingent liabilities (8) The PPP Centre shall from time to time establish a ceiling for access to the PPP Facilitation Fund for which a contracting authority may apply.</p>		
<p>Access to facility 31.-(1) Pursuant to section 10A of the Act, the Fund shall be coordinated by the PPP Centre. (2) The terms of funding approval, disbursement, and recovery in so far as are applicable shall be documented in a project support agreement signed between the contracting authority and the PPP Centre. (3) A contracting authority may, subject to regulation 32, request for project development facilitation, and the request shall comprise of the following minimum information:</p>	<p>Access to facility 29.-(1) Pursuant to section 10A of the Act, the Fund shall be coordinated by the PPP Centre. (2) The terms of funding approval, disbursement, and recovery in so far as are applicable shall be determined by the PPP Steering Committee (3) A contracting authority may, subject to regulation 32, request for project development facilitation, and the request shall comprise of the following minimum information:</p>	<p>Regulation 31 (2) proposed to be amended to align with a function of the PPP steering Committee as provided under Sect 7A (1) of the Act.</p>	

CURRENT CITATION OF THE PPP REGULATIONS, 2020	PROPOSED AMENDMENT	REASONS FOR AMENDMENTS	PPP STAKEHOLDER'S COMMENTS
<p>(a) evidence of approval of the pre-feasibility study by the PPP Centre; (b) the total cost of the activity; (c) disbursement schedule; (d) available funds for the activity; (e) project duration; (f) project beneficiaries; (g) project affordability; (h) project description and specification; (i) evidence of refund, including cash flow projections and financial model; and (j) evidence that it is not an unsolicited project. (4) An access to funds shall be subject to compliance by the contracting authority to the guidelines prescribed by the PPP Centre.</p>	<p>(a) evidence of approval of the pre-feasibility study by the PPP Centre; (b) the total cost of the activity; (c) disbursement schedule; (d) available funds for the activity; (e) project duration; (f) project beneficiaries; (g) project affordability; (h) project description and specification; (i) evidence of refund, including cash flow projections and financial model; and (j) evidence that it is not an unsolicited project. (4) An access to funds shall be subject to compliance by the contracting authority to the guidelines prescribed by the PPP Centre.</p>		
<p>Projects eligible for PPP Facilitation Fund 32. (1) Projects that are eligible for funding from the PPP Facilitation Fund shall be limited to: (a) payments for services that are competitively procured;</p>	<p>Projects eligible for PPP Facilitation Fund 30. (1) Projects that are eligible for funding from the PPP Facilitation Fund shall be limited to: (a) payments for services that are competitively procured;</p>	No changess	

CURRENT CITATION OF THE PPP REGULATIONS, 2020	PROPOSED AMENDMENT	REASONS FOR AMENDMENTS	PPP STAKEHOLDER'S COMMENTS
<p>(b) projects that are of high priority to the government as per national development plans; (c) projects that generate revenues from user charges or tariffs that are insufficient to recover investment costs; and (d) viability gap funding, projects with properly executed feasibility study demonstrating that the viability gap contribution requested represent value for money. (2) Notwithstanding the provision of subregulation (1), the viability gap funding to be contributed shall be determined in the manner prescribed in the project feasibility study and in the PPP Facilitation Fund guidelines.</p>	<p>(b) projects that are of high priority to the government as per national development plans; (c) projects that generate revenues from user charges or tariffs that are insufficient to recover investment costs; and (d) viability gap funding, projects with properly executed feasibility study demonstrating that the viability gap contribution requested represent value for money. (2) Notwithstanding the provision of sub regulation (1), the viability gap funding to be contributed shall be determined in the manner prescribed in the project feasibility study and in the PPP Facilitation Fund guidelines.</p>		
<p>Recovering of projects preparation costs</p> <p>33.-(1) Subject to section 10B of the Act, the private party shall be required to pay project preparation fee equivalent to one hundred percent (100%) to be deposited to the PPP Facilitation Fund Account.</p>	<p>Recovering of projects preparation costs</p> <p>31.-(1) Subject to section 10B of the Act, the private party shall be required to pay project preparation fee equivalent to one hundred percent (100%) to be deposited to the PPP Facilitation Fund Account.</p>	<p>Regulation 33(3) proposed to be amended as PPP steering committee</p>	

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<p>(2) Save as otherwise provided in subsection (1), the mode of payment and the amount to be deposited in the Facilitation Fund Account shall be as determined in the request for proposal.</p> <p>(3) Where the feasibility study reveals that the PPP project is viable and qualify for waiver for payment of project preparation costs, the Steering Committee shall consider and recommend to the Minister for waiver.</p> <p>(4) The Minister may, on considering the recommendation referred to under sub regulation (3), partially or wholly wave payment of project preparation costs.</p>	<p>(2) Save as otherwise provided in subsection (1), the mode of payment and the amount to be deposited in the Facilitation Fund Account shall be as determined in the request for proposal.</p> <p>(3) Where the feasibility study reveals that the PPP project is viable and qualify for waiver for payment of project preparation costs, the PPP Steering Committee shall consider and recommend to the Minister for waiver.</p> <p>(4) The Minister may, on considering the recommendation referred to under sub regulation (3), partially or wholly wave payment of project preparation costs.</p>		
<p>PART VI PROCUREMENT OF SOLICITED PUBLIC PRIVATE PARTNERSHIP PROJECT Principles and methods of procurement of solicited projects</p>			
<p>Procurement principles</p> <p>34-(1) A contracting authority shall adhere to procurement procedures on the basis of the fundamental principles of rules governing the</p>	<p>Procurement principles</p> <p>32-(1) A contracting authority shall adhere to procurement procedures on the basis of the fundamental principles of rules</p>	<p>No changess</p>	

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<p>award of public contracts to attain best value for money. (2) The fundamental principles shall include-</p> <ul style="list-style-type: none"> (a) economy and efficiency; (b) competition; (c) transparency and accountability; (d) fairness; and (e) promotion of the integrity and confidence in the selection process. 	<p>governing the award of public contracts to attain best value for money. (2) The fundamental principles shall include-</p> <ul style="list-style-type: none"> (a) economy and efficiency; (b) competition; (c) transparency and accountability; (d) fairness; and (e) promotion of the integrity and confidence in the selection process. 		
<p>Methods of procurement of solicited projects 35 Save as otherwise provided in the Act, methods of procurement of PPP projects and services shall be through –</p> <ul style="list-style-type: none"> (a) National competitive tendering; and (b) International competitive tendering. 	<p>Methods of procurement of solicited projects 33. (1) Save as otherwise provided in the Act, methods of procurement of PPP projects and services shall be through -</p> <ul style="list-style-type: none"> (a) National competitive tendering; (b) International competitive tendering; (c) Restrictive tendering; and (d) Direct tendering <p>(2) A Contracting authority may use national competitive tendering, otherwise known as national competitive bidding, by</p>	<p>Regulation 35 proposed to be amended to align with the following</p> <ul style="list-style-type: none"> (i). Adopts direct and restrictive tendering so as to ease procurement process in line with the procurement principles. (ii). Elaborates section 15 of the Act which is amended in order to allow contracting authority with solicited projects to 	

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	<p>inviting bidders of their nationality, by means of the procurement Standard Documents advertised only in the United Republic of Tanzania, for the Public Private Partnership potential project.</p> <p>(3) A Contracting authority may use international competitive tendering or otherwise known as international competitive bidding, by inviting bidders regardless of their nationality, by means of the procurement Standard Documents that shall be advertised nationally and internationally for the Public Private Partnership potential project.</p> <p>(4) Contracting authority may use restricted tendering where any of the following conditions are satisfied;</p> <p>(a) the complexity or specialized nature of the project is restricted to prequalified tenderers;</p> <p>(b) the cost and time required to examine and evaluate large number of tenders would be disproportionate to the value of</p>	<p>procure private party directly.</p>	

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	<p>the transaction during procurement phase;</p> <p>(c) where there is evidence to the effect that there are only a few known private operators in that similar projects of the whole market;</p> <p>(d) there is an urgent need for the project or private party that there would be insufficient time for a Contracting authority to engage in open national or international tendering, provided that the circumstances giving rise to the urgency could not have been foreseen by a Contracting authority and have not been caused by dilatory conduct on its part; and</p> <p>(5) A Contracting authority may use direct tendering for the Public Private Partnership project in accordance with the criteria provided under Section 15 of the Act.</p> <p>(6) For the purpose of this Regulation, a contracting authority may engage in</p>		

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	procurement by any of the tendering method stipulated herein in such manner as may be prescribed		
<p>Market sounding 36.-(1) The contracting authority or PPP advisor acting on behalf of the contracting authority may, during or following the preparation of the feasibility study, conduct market sounding to-</p> <ul style="list-style-type: none"> (a) inform the contracting authority's preparation of the PPP or verification of its feasibility, fiscal affordability or value for money; (b) secure investor's interest in the proposed project; (c) secure aspects that needs to be considered to improve bankability of the project; and (d) Inform potentially interested private parties, investors, lenders and other entities of PPP procurement plans and requirements. <p>(2) Any market sounding conducted under sub regulation (1) shall not-</p>	<p>Market sounding 34.-(1) The contracting authority or PPP advisor acting on behalf of the contracting authority may, during or following the preparation of the feasibility study, conduct market sounding to-</p> <ul style="list-style-type: none"> (a) inform the contracting authority's preparation of the PPP or verification of its feasibility, fiscal affordability or value for money; (b) secure investor's interest in the proposed project (c) secure aspects that needs to be considered to improve bankability of the project; and (d) Inform potentially interested private parties, investors, lenders and other entities of PPP procurement plans and requirements. 	Regulation 36(1) proposed to be amended to enable PPP Centre to issue market sounding guideline	

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<p>(a) distort competition or efficiency among potentially interested entities; or (b) Undermine the principles of fairness, value for money, transparency and proportionality.</p>	<p>(2) Any market sounding conducted under sub regulation (1) shall not- (a) distort competition or efficiency among potentially interested entities; or (b) Undermine the principles of fairness, value for money, transparency and proportionality (3) The market sounding shall be conducted in accordance with guidelines issued by the PPP Centre.</p>		
<p>Procurement of solicited projects 37.-(1) Subject to the provisions of these Regulations, a contracting authority shall, before undertaking the procurement of solicited project, carry out a feasibility study. (2) A contracting authority shall not proceed with the procurement phase of solicited public private partnership project if the feasibility study indicates that the proposed project shall not deliver value for money and improve the quality of the public service. (3) The procurement of PPP projects shall be in accordance with the provisions of the Act and guidelines</p>	<p>Procurement of solicited projects 35.-(1) Subject to the provisions of these Regulations, a contracting authority shall, before undertaking the procurement of solicited project, carry out a feasibility study. (2) A contracting authority shall not proceed with the procurement phase of solicited public private partnership project if the feasibility study indicates that the proposed project shall not deliver value for money and improve the quality of the public service.</p>	<p>No changess</p>	

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<p>issued by the Authority in collaboration with the PPP Centre.</p>	<p>(3) The procurement of PPP projects shall be in accordance with the provisions of the Act and guidelines issued by the Authority in collaboration with the PPP Centre.</p>		
<p>(b) Selection process of a private party bidding criteria of private party</p> <p>38.-(1) The selection of a private party shall-</p> <p>(a) be in accordance with the competitive bidding procedures specified under these Regulations; and</p> <p>(b) be based on the best value for money to the project for the duration of the partnership as opposed to the lowest bidder.</p> <p>(2) Factors that contribute to the value for money of a project shall include-</p> <p>(a) project plan and design;</p> <p>(b) project delivery schedule;</p> <p>(c) use of innovation;</p> <p>(d) access to expertise;</p> <p>(e) affordable and better quality of services;</p>	<p>(b) Selection process of a private party tendering criteria of private party bidding criteria of private party</p> <p>36.-(1) The selection of a private party shall-</p> <p>(a) be in accordance with the competitive tendering procedures specified under these Regulations; and</p> <p>(b) be based on the best value for money to the project for the duration of the partnership as opposed to the lowest bidder.</p> <p>(2) Factors that contribute to the value for money of a project shall include-</p> <p>(a) project plan and design;</p> <p>(b) project delivery schedule;</p> <p>(c) use of innovation;</p> <p>(d) access to expertise;</p>	<p>Regulation 38 (1) (a) is proposed to be amended the word bidding to be read as tendering</p>	

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<p>(f) project financing and user fee schedule over the duration of the partnership; and (g) any other factors as the Authority in collaboration with PPP Centre may deem necessary.</p>	<p>(e) affordable and better quality of services; (f) project financing and user fee schedule over the duration of the partnership; and (g) any other factors as the Authority in collaboration with PPP Centre may deem necessary.</p>		
<p>Issuance of pre-qualification documents</p> <p>39.-(1) Upon approval of the feasibility study, a contracting authority shall, subject to payment of a prescribed fee, if any, issue pre-qualification documents which shall include the following information: (a) terms and conditions of issuance of the pre-qualification; (b) purpose of issuing the pre-qualification; (c) outline of the contents of the pre-qualification; (d) information about the project; (e) brief description of the bidding process; (f) instructions of preparation and submission of the pre-qualification</p>	<p>Issuance of pre-qualification documents</p> <p>37.-(1) Upon approval of the feasibility study, a contracting authority shall, subject to payment of a prescribed fee, if any, issue pre-qualification documents which shall include the following information: (a) terms and conditions of issuance of the pre-qualification; (b) purpose of issuing the pre-qualification; (c) outline of the contents of the pre-qualification; (d) information about the project; (e) brief description of the bidding process;</p>	<p>Regulation 39 (2) and (3) is proposed to clarify the procurement process for activities prior to the bidding proves by taking into consideration the following RFQ does no constitute contractual relationship between contracting authority and applicants because</p>	

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<p>documents; (g) required bidders, including a list of documentary evidence to demonstrate their respective qualifications, technical, financial and managerial capacity; (h) local content plan including empowerment of Tanzanians; (i) the evaluation process, including the pre qualification criteria; (j) any other information that may be required by the contracting authority. (2) The contracting authority shall use the standard documents prepared by the Authority in collaboration with PPP Center.</p> <p>(3) When undertaking pre-qualification, the qualification of bidders by a contracting authority shall be based upon the legal capacity, capability and resources of the applicants including to perform the particular agreement satisfactorily, taking into account the bidder's-</p> <p>(a) technical capacity to carry out the project either directly or via specific major sub contractors;</p> <p>(b) experience and past performance on similar projects;</p> <p>(c) knowledge of local working conditions;</p>	<p>(f) instructions of preparation and submission of the pre-qualification documents;</p> <p>(g) required bidders, including a list of documentary evidence to demonstrate their respective qualifications, technical, financial and managerial capacity;</p> <p>(h) local content plan including empowerment of Tanzanians;</p> <p>(i) the evaluation process, including the pre qualification criteria;</p> <p>(j) any other information that may be required by the contracting authority.</p> <p>(2)(a) Notwithstanding Sub-regulation (1), and without prejudice to Regulation 124 the Contracting authority may issue Request For Qualification (RFQ) prior to the approval of the feasibility study by the PPP Steering Committee where the following conditions are satisfied;</p> <p>(a) the proposed project indicates that shall deliver value for money and improve the quality of the public service based on its Original financial model;</p>		

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<p>(d) capabilities with respect to personnel, equipment and construction or manufacturing facilities;</p> <p>(e) financial capacity to carry out the project;</p> <p>(f) current commitments and capacity to take on projects;</p> <p>(g) implementation plan for transfer of knowledge; and</p> <p>(h) compliance with required regulatory obligations.</p> <p>(4) A private party who intends to bid consequent to the issuance of pre-qualification documents under sub regulation (1) shall furnish to the contracting authority, the following key information-</p> <p>(a) relevant professional and technical qualifications;</p> <p>(b) financial capability and human resources;</p> <p>(c) legal capacity;</p> <p>(d) equipment and other physical facilities;</p> <p>(e) relevant managerial capability;</p> <p>(f) risk transference related to responsibility to project risks;</p> <p>(g) litigation and controversy, if any;</p>	<p>(b) the RFQ shall provide interested parties with information that may be useful in the formulation of their application for qualification pursuant to it;</p> <p>(c) the RFQ may not be appropriate for all persons, and it is not possible for the Contracting Authority, its employees or advisors to consider the investment objectives, financial situation and particular needs of each party who reads or uses it;</p> <p>(d) each Applicant shall conduct its own investigations and analysis and check the accuracy, adequacy, correctness, reliability and completeness of the assumptions, assessments, statements and information contained in the RFQ and obtain independent advice from appropriate sources; and</p> <p>(e) the Applicant shall bear all its costs associated with or relating to the preparation and submission of its Application including but not limited to preparation, copying, postage, delivery fees, expenses associated</p>		

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<p>(h) references regarding previous and existing projects including PPP projects;</p> <p>(i) experience necessary to carry out the project;</p> <p>(j) an in-depth review of each potential partner at the point of evaluation;</p> <p>(k) inclusion of local firms and experts in consultancy contracts;</p> <p>(l) use of local goods and experts in works and non-consultancy services; and</p> <p>(m) any other information as the contracting authority may deem necessary.</p>	<p>with any demonstrations or presentations which may be required by the Contracting Authority or any other costs incurred in connection with or relating to its Application.</p> <p>(b) For the purpose of paragraph (a) of this Regulation;</p> <p>(i) the RFQ shall neither constitutes an agreement nor an offer by the Contracting Authority to the prospective Applicants or any other person;</p> <p>(ii) the Contracting Authority, its employees and advisors shall make no representation or warranty and have no liability to any person, including any Applicant or Bidder under any law, statute, rules or regulations or tort, principles of restitution or unjust enrichment or otherwise for any loss, damages, cost or expense which may arise from or be incurred or suffered on account of anything contained in the RFQ; and</p> <p>(iii) the Contracting Authority may in its absolute discretion, but without being under any</p>		

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	<p>obligation to do so, update, amend or supplement the information, assessment or assumptions contained in the RFQ</p> <p>(3) Sub-regulations (2) shall not be construed as removing or abrogating powers of the PPP Steering Committee for assuming overall responsibility on matters assigned on the approval of Feasibility study and obligation of the Contracting authority on any other procedures relating to pre-qualification</p> <p>(4) The contracting authority shall use the standard documents prepared by the Authority in collaboration with PPP Center.</p> <p>(5) When undertaking pre-qualification, the qualification of bidders by a contracting authority shall be based upon the legal capacity, capability and resources of the applicants including to perform the particular agreement satisfactorily, taking into account the bidder's-</p> <p>(a) technical capacity to carry out the project either directly or</p>		

CURRENT CITATION OF THE PPP REGULATIONS, 2020	PROPOSED AMENDMENT	REASONS FOR AMENDMENTS	PPP STAKEHOLDER'S COMMENTS
	<p>via specific major sub-contractors;</p> <p>(b) experience and past performance on similar projects;</p> <p>(c) knowledge of local working conditions;</p> <p>(d) capabilities with respect to personnel, equipment and construction or manufacturing facilities;</p> <p>(e) financial capacity to carry out the project;</p> <p>(f) current commitments and capacity to take on projects;</p> <p>(g) implementation plan for transfer of knowledge; and</p> <p>(h) compliance with required regulatory obligations.</p> <p>(6) A private party who intends to bid consequent to the issuance of pre-qualification documents under sub regulation (1) shall furnish to the contracting authority, the following key information(a) relevant professional and technical qualifications;</p>		

CURRENT CITATION OF THE PPP REGULATIONS, 2020	PROPOSED AMENDMENT	REASONS FOR AMENDMENTS	PPP STAKEHOLDER'S COMMENTS
	<ul style="list-style-type: none"> (b) financial capability and human resources; (c) legal capacity; (d) equipment and other physical facilities; (e) relevant managerial capability; (f) risk transference related to responsibility to project risks; (g) litigation and controversy, if any; (h) references regarding previous and existing projects including PPP projects; (i) experience necessary to carry out the project; (j) an in-depth review of each potential partner at the point of evaluation; (k) inclusion of local firms and experts in consultancy contracts; (l) use of local goods and experts in works and non-consultancy services; and (m) any other information as the contracting authority may deem necessary. 		
Pre-qualification proceedings	Pre-qualification proceedings	Regulation 40 is proposed to be amended to create	

CURRENT CITATION OF THE PPP REGULATIONS, 2020	PROPOSED AMENDMENT	REASONS FOR AMENDMENTS	PPP STAKEHOLDER'S COMMENTS
<p>40.-(1) A contracting authority shall, prior to floating of a bid, undertake pre-qualification of bidders to ensure that only technically and financially capable firms having adequate managerial capability are invited to submit bids: Provided that, such pre-qualification shall solely be based upon the ability of the interested parties to deliver with satisfaction the performance and output as specified by the contracting authority.</p> <p>(2) A contracting authority may, in order-</p> <p>(a) to ensure that prospective bidders are adequately informed; and (b) to secure commitment of the prospective bidders, call a bidders' conference prior to issuance of the expression of interest document. (3) The selection of a private party including-</p> <p>(a) invitation for pre-qualification;</p> <p>(b) preparation of shortlist;</p> <p>(c) preparation and issuance of the request for proposal; and</p> <p>(d) receipt and opening of proposals and evaluation of proposals, shall follow the basic steps stipulated in the tender documents prepared by the contracting authority.</p>	<p>38.-(1) A contracting authority may, prior to floating of a tender, undertake pre-qualification of tendering to ensure that only technically and financially capable firms having adequate managerial capability are invited to submit tenders: Provided that, such pre-qualification shall solely be based upon the ability of the interested parties to deliver with satisfaction the performance and output as specified by the contracting authority.</p> <p>(2) A contracting authority may, in order-</p> <p>(a) to ensure that prospective bidders are adequately informed; and (b) to secure commitment of the prospective tenders, call a tenders conference prior to issuance of the expression of interest document. (3) The selection of a private party including-</p> <p>(a) invitation for pre-qualification;</p> <p>(b) preparation of shortlist;</p> <p>(c) preparation and issuance of the request for proposal; and</p>	<p>flexibility in tendering process.</p>	

CURRENT CITATION OF THE PPP REGULATIONS, 2020	PROPOSED AMENDMENT	REASONS FOR AMENDMENTS	PPP STAKEHOLDER'S COMMENTS
	(d) receipt and opening of proposals and evaluation of proposals, shall follow the basic steps stipulated in the tender documents prepared by the contracting authority.		
<p>Participation of consortia</p> <p>41.-(1) A contracting authority may, when requesting for submission of expressions of interest for the pre-qualification proceedings, allow potential parties to form bidding consortia and in such case the bidding consortium shall demonstrate its qualifications in accordance with these Regulations.</p> <p>(2) Where the contracting authority allows bidders to form consortia, the consortia shall appoint a leading member who shall communicate on all matters regarding the bids proceedings.</p> <p>(3) Unless otherwise authorized by a contracting authority in the pre-qualification documents, each members of a consortium may participate directly by legal</p>	<p>Participation of consortia</p> <p>39.-(1) A contracting authority may, when requesting for submission of expressions of interest for the pre-qualification proceedings, allow potential parties to form tendering consortia and in such case the tendering consortium shall demonstrate its qualifications in accordance with these Regulations.</p> <p>(2) Where the contracting authority allows tenderer to form consortia, the consortia shall appoint a leading member who shall communicate on all matters regarding the bids proceedings.</p> <p>(3) Unless otherwise authorized by a contracting authority in the pre-qualification documents, each members of a consortium may</p>	<p>Regulation 41 is proposed to be amended to align with the PPP Act amendments of 2023.</p>	

CURRENT CITATION OF THE PPP REGULATIONS, 2020	PROPOSED AMENDMENT	REASONS FOR AMENDMENTS	PPP STAKEHOLDER'S COMMENTS
<p>representation in only one consortium at the same time.</p> <p>(4) When considering the qualifications of bidding consortia, a contracting authority shall consider the capabilities of each of the consortium's members and assess whether the combined qualifications of the consortium's members are adequate to meet the needs of all phases of the project.</p> <p>(5) Bidders who are citizens of Tanzania or associations between local and foreign firms shall be eligible for grant of a margin of preference only if they meet the criteria provided in these Regulations.</p> <p>(6) A contracting authority shall, when procuring solicited or unsolicited public private partnership projects by means of national and international competitive tendering or selection, grant a margin of preference of up to ten percent for the benefit of local investors or association between local and foreign investor as prescribed in the Fifth Schedule to these Regulations.</p> <p>(7) The margin of preference shall only be applied in the cost comparison</p>	<p>participate directly by legal representation in only one consortium at the same time.</p> <p>(4) When considering the qualifications of tendering consortia, a contracting authority shall consider the capabilities of each of the consortium's members and assess whether the combined qualifications of the consortium's members are adequate to meet the needs of all phases of the project.</p> <p>(5) tenderer who are citizens of Tanzania or associations between local and foreign firms shall be eligible for grant of a margin of preference only if they meet the criteria provided in these Regulations.</p> <p>(6) A contracting authority shall, when procuring solicited or unsolicited public private partnership projects by means of national and international competitive tendering, direct procurement, restrictive tendering or selection, grant a margin of preference of up to ten percent for the benefit of local investors</p>		

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<p>of the submitted bids and the calculation of the margin of preference in the course of evaluating bids, and shall, in addition, be in accordance with the conditions and methods prescribed in the Fifth Schedule to these Regulations.</p>	<p>or association between local and foreign investor as prescribed in the Fifth Schedule to these Regulations. (7) The margin of preference shall only be applied in the cost comparison of the submitted bids and the calculation of the margin of preference in the course of evaluating tenders, and shall, in addition, be in accordance with the conditions and methods prescribed in the Fifth Schedule to these Regulations</p>		
<p>Clarification of applications for pre-qualification</p> <p>42.-(1) A contracting authority shall, not less than fourteen working days before the deadline for submission of applications to pre-qualify, respond to the request by the bidder for clarification of the pre-qualification documents received by the procuring entity: Provided that, the response by the contracting authority shall be given within seven days for bidder to make a timely submission of its application to pre-qualify.</p>	<p>Clarification of applications for pre-qualification</p> <p>40.-(1) A contracting authority shall, not less than fourteen working days before the deadline for submission of applications to pre-qualify, respond to the request by the bidder for clarification of the pre-qualification documents received by the procuring entity: Provided that, the response by the contracting authority shall be given within seven days for bidder</p>	<p>No changes</p>	

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<p>(2) The response to any request shall not necessarily require the identification of the source of the request, and shall be communicated to all bidders to which the contracting authority provides the pre-qualification documents.</p>	<p>to make a timely submission of its application to pre-qualify. (2) The response to any request shall not necessarily require the identification of the source of the request, and shall be communicated to all bidders to which the contracting authority provides the pre-qualification documents.</p>		
<p>Appointment of evaluation team 43.-(1) The accounting officer shall appoint an evaluation team to evaluate the applications for pre-qualification. (2) Any member of the evaluation team shall not be a member of the tender board of the respective contracting authority. (3) The evaluation team shall be appointed based on relevant expertise, knowledge and skills on the subject matter. (4) Members of the evaluation team may be obtained outside the contracting authority, where the required skills and expertise are not available within the contracting authority.</p>	<p>Appointment of evaluation team 41.-(1) The accounting officer shall appoint an evaluation team to evaluate the applications for pre-qualification. (2) Any member of the evaluation team shall not be a member of the tender board of the respective contracting authority. (3) The evaluation team shall be appointed based on relevant expertise, knowledge and skills on the subject matter. (4) Members of the evaluation team may be obtained outside the contracting authority, where the required skills and expertise are</p>	<p>No changess</p>	

CURRENT CITATION OF THE PPP REGULATIONS, 2020	PROPOSED AMENDMENT	REASONS FOR AMENDMENTS	PPP STAKEHOLDER'S COMMENTS
<p>(5) The evaluation team referred to in sub regulation (1) of this regulation shall consist of not less than four members.</p>	<p>not available within the contracting authority. (5) The evaluation team referred to in sub regulation (1) of this regulation shall consist of not less than four members.</p>		
<p>Receipt, evaluation of applications for pre-qualification</p> <p>44.-(1) The contracting authority shall, within thirty days from the last prescribed date of submission of applications for pre-qualification by the prospective bidders-</p> <p>(a) receive, open, and evaluate applications for expression of interest for pre-qualification;</p> <p>(b) prepare evaluation report; and</p> <p>(c) obtain approval by the tender board.</p> <p>(2) Applications received for pre-qualification of bidders shall be evaluated by the evaluation team using-</p> <p>(a) the criteria for qualification explicitly stated in these Regulations and in the invitation to pre-qualify</p> <p>(b) key information supplied in terms of regulation 39(4).</p>	<p>Receipt, evaluation of applications for pre-qualification</p> <p>42.-(1) The contracting authority shall, within thirty days from the last prescribed date of submission of applications for pre-qualification by the prospective bidders-</p> <p>(a) receive, open, and evaluate applications for expression of interest for pre-qualification;</p> <p>(b) prepare evaluation report; and</p> <p>(c) obtain approval by the tender board.</p> <p>(2) Applications received for pre-qualification of bidders shall be evaluated by the evaluation team using-</p> <p>(a) the criteria for qualification explicitly stated in these</p>	<p>No changes</p>	

CURRENT CITATION OF THE PPP REGULATIONS, 2020	PROPOSED AMENDMENT	REASONS FOR AMENDMENTS	PPP STAKEHOLDER'S COMMENTS
<p>(3) An evaluation report shall be prepared for recommending a list of firms or individuals to be considered as pre-qualified.</p> <p>(4) For the purpose of this regulation, opening and evaluation of bids shall be carried out as per guidelines issued by the Authority in collaboration with the PPP Centre.</p>	<p>Regulations and in the invitation to pre-qualify</p> <p>(b) key information supplied in terms of regulation 39(4).</p> <p>(3) An evaluation report shall be prepared for recommending a list of firms or individuals to be considered as pre-qualified.</p> <p>(4) For the purpose of this regulation, opening and evaluation of bids shall be carried out as per guidelines issued by the Authority in collaboration with the PPP Centre.</p>		
<p>Approval of shortlist</p> <p>45. The process of approval by tender board and notification of results of pre-qualification process shall follow the procedures stipulated in the pre-qualification documents.</p>	<p>Approval of shortlist and request for proposal</p> <p>43. (1) The process of approval by tender board and notification of results of pre-qualification process shall follow the procedures stipulated in the pre-qualification documents.</p> <p>(2) subject to sub Regulation (1) the tender board shall approve shortlist and Request for Proposal concurrently.</p>	<p>Regulation 45 is proposed to be amended shorten procurement process.</p>	
<p>Contents of request for proposals</p>	<p>Contents of request for proposals</p>	<p>No changess</p>	

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<p>46. The request for proposal shall include at minimum the following information:</p> <ul style="list-style-type: none"> (a) letter of invitation for bid; (b) data sheet containing information about the project; (c) instructions for preparing bids; (d) amount and manner of payment of bid security and performance guarantee, where applicable; (e) the manner, place, date and time for submission of bidding documents; (f) the manner, place, date and time of opening of bids; (g) method of procurement used by the contracting authority and the legislation relevant thereto; (h) a detailed and unambiguous evaluation criteria; (i) terms and conditions of the contract agreements, as far as already known by the contracting authority; (j) output specifications of the project; (k) the manner in which bid price is to be assessed and computed, including information about tax liability; (l) currency or currencies in which bid price is to be formulated and expressed; 	<p>44. The request for proposal shall include at minimum the following information:</p> <ul style="list-style-type: none"> (a) letter of invitation for bid; (b) data sheet containing information about the project; (c) instructions for preparing bids; (d) amount and manner of payment of bid security and performance guarantee, where applicable; (e) the manner, place, date and time for submission of bidding documents; (f) the manner, place, date and time of opening of bidders; (g) method of procurement used by the contracting authority and the legislation relevant thereto; (h) a detailed and unambiguous evaluation criterion; (i) terms and conditions of the contract agreements, as far as already known by the contracting authority; (j) output specifications of the project; (k) the manner in which bid price is to be assessed and computed, 		

CURRENT CITATION OF THE PPP REGULATIONS, 2020	PROPOSED AMENDMENT	REASONS FOR AMENDMENTS	PPP STAKEHOLDER'S COMMENTS
<p>(m)bid validity period; (n) a copy of integrity pact to be signed by the parties, where applicable; (o) detailed company profile, including legal status, location, management, financial capability and experience on undertaking similar projects; (p) composition of consortium and company profile for all members of consortium; (q) project implementation and operational plan; and (r) any other information as may be provided in the standardized document prescribed in the guidelines</p>	<p>including information about tax liability; (l) currency or currencies in which bid price is to be formulated and expressed; (m)bid validity period; (n) a copy of integrity pact to be signed by the parties, where applicable; (o) detailed company profile, including legal status, location, management, financial capability and experience on undertaking similar projects; (p) composition of consortium and company profile for all members of consortium; (q) project implementation and operational plan; and (r) any other information as may be provided in the standardized document prescribed in the guidelines</p>		
<p>Approval and issuance of request for proposals 47.-(1) The tender board of a contracting authority shall approve the request for proposal documents before submission by the accounting</p>	<p>Approval and issuance of request for proposals 45.-(1) The contracting authority shall approve the request for proposal documents before submission by the accounting</p>	<p>Regulation 47 is proposed to be amended to clarify the approval authority of the RFP shall be the Contracting Authority.</p>	

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<p>officer to the PPP Centre or PPP Node for recommendations.</p> <p>(2) The contracting authority shall issue the approved request for proposals to all approved pre-qualified bidders in accordance with the procedures and requirements specified in these Regulations.</p> <p>(3) A contracting authority shall, except for bidders who have declined in writing, provide to each approved pre-qualified bidder a complete set of approved request for proposal.</p> <p>(4) Request for proposals shall be issued at cost related to printing, photocopying and distribution and shall not include any element of profit.</p> <p>(5) For the purpose of sub regulation (1)-</p> <p>(a) the PPP Steering Committee shall approve the request for proposals submitted to it by the PPP Centre; and</p> <p>(b) the PPP Node shall forward its recommendation of the request for proposals to the Ministry responsible for local government authority for approval.</p> <p>(6) The contracting authority may conduct procurement of PPP projects through electronic means in the</p>	<p>officer to the PPP Centre or PPP Node for scrutiny to ensure there is conformity with approval of feasibility study and provide recommendations.</p> <p>(2) The contracting authority shall issue the approved request for proposals to all approved pre-qualified bidders in accordance with the procedures and requirements specified in these Regulations.</p> <p>(3) A contracting authority shall, except for bidders who have declined in writing, provide to each approved pre-qualified bidder a complete set of approved request for proposal.</p> <p>(4) Request for proposals shall be issued at cost related to printing, photocopying and distribution and shall not include any element of profit.</p> <p>(5) The contracting authority may conduct procurement of PPP projects through electronic means in the manner or procedures set out in the guidelines prepared by the Authority in collaboration with the PPP Center</p>	<p>Also, to align with responsibilities of PPP Centre / PPP Node and their functions as stipulated in Section 5(1)(h) of the PPP Act</p>	

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<p>manner or procedures set out in the guidelines prepared by the Authority in collaboration with the PPP Center.</p>			
<p>Further demonstration of fulfilment of qualification criteria 48.-(1) A contracting authority may require any bidder who is pre-qualified to demonstrate again its qualifications in accordance with the same criteria used for pre-qualification. (2) A contracting authority shall disqualify any bidder who fails to demonstrate again its qualifications if requested to do so.</p>	<p>Further demonstration of fulfilment of qualification criteria 46.-(1) A contracting authority may require any bidder who is pre-qualified to demonstrate again its qualifications in accordance with the same criteria used for pre-qualification. (2) A contracting authority shall disqualify any bidder who fails to demonstrate again its qualifications if requested to do so.</p>	<p>No changes</p>	
<p>Bid securities for solicited proposal 49.-(1) A pre-qualified bidder shall deposit with the contracting authority a bid security as determined by the contracting authority based on the project cost and such security to be deposited at the time of bid submission. (2) The contracting authority shall, within thirty days of the announcement of the preferred</p>	<p>Tender securities for solicited proposal 47.-(1) A pre-qualified bidder shall deposit with the contracting authority a bid security as determined by the contracting authority based on the project cost and such security to be deposited at the time of bid submission. (2) The contracting authority shall, within thirty days of the</p>	<p>Regulation 49 is proposed to be amended read as tender securities instead of bid securities</p>	

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bidder, return the bid security to all unsuccessful bidders in the prescribed manner	announcement of the preferred bidder, return the bid security to all unsuccessful bidders in the prescribed manner		
<p>Clarification and modification of bid documents</p> <p>50.-(1) 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 and the Sixth Schedule</p> <p>(2) A contracting authority shall re-issue the request for proposal to all pre-qualified bidders after obtaining approval of tender board if it is reasonably satisfied that there is a material infirmity or ambiguity in the request for proposal, which cannot be addressed without modifying the contents of the request for proposal.</p>	<p>Clarification and modification of bid documents</p> <p>48.-(1) 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 and the Sixth Schedule</p> <p>(2) A contracting authority shall re-issue the request for proposal to all pre-qualified bidders after obtaining approval of tender board if it is reasonably satisfied that there is a material infirmity or ambiguity in the request for proposal, which cannot be addressed without modifying the contents of the request for proposal</p>	No changess	
<p>Submission of bids</p> <p>51.(1) Bids shall be submitted on the date, place and time and in the manner specified in the request for proposal in the Fourth Schedule. (2) Any bid submitted late shall not be</p>	<p>Submission of bids</p> <p>49.(1) Bids shall be submitted on the date, place and time and in the manner specified in the request for proposal in the Fourth Schedule. (2) Any bid submitted late shall not</p>	No changess	

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<p>considered by the contracting authority.</p> <p>(3) For the avoidance of doubt, extended time stipulated in terms of regulation 50 shall be deemed to be appropriate time of submission within the requirement of sub regulation (1).</p>	<p>be considered by the contracting authority.</p> <p>(3) For the avoidance of doubt, extended time stipulated in terms of regulation 50 shall be deemed to be appropriate time of submission within the requirement of sub regulation (1).</p>		
<p>Extension of time for submission of bids</p> <p>52.-(1) A contracting authority may at any time before the actual deadline, extend the prescribed deadline for submission of bids.</p> <p>(2) Notwithstanding sub regulation (1), the contracting authority may only extend the deadline for submission of bids after the deadline where:</p> <p>(a) only one valid tender is received on the specified date, unless the appropriate tender board is unanimous in its view that wider competition is not ensured by extending the deadline;</p> <p>(b) the contracting authority is reasonably convinced that extraordinary circumstances have arisen owing to law and order</p>	<p>Extension of time for submission of bids</p> <p>50.-(1) A contracting authority may at any time before the actual deadline, extend the prescribed deadline for submission of bids</p> <p>(2) Notwithstanding sub regulation (1), the contracting authority may only extend the deadline for submission of bids after the deadline where:</p> <p>(a) only one valid tender is received on the specified date, unless contracting authority is unanimous in its view that wider competition is not ensured by extending the deadline;</p> <p>(b) the contracting authority is reasonably convinced that extraordinary circumstances have arisen owing to law and order situation or a natural calamity that</p>	<p>Regulation 52 is proposed to be amended to clarify the approval authority of the RFP shall be the Contracting Authority</p>	

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<p>situation or a natural calamity that the deadline should be extended:</p> <p>Provided that the advertisement of such extension of time shall be made in a manner similar to the original issuing of the request for proposal.</p>	<p>the deadline should be extended: Provided that the advertisement of such extension of time shall be made in a manner similar to the original issuing of the request for proposal</p>		
<p>Evaluation of submitted proposal 53.-(1) The contracting authority shall, within sixty days from the prescribed date of submission of proposal by the bidders, receive, open, and evaluate all requests for proposals. (2) The evaluation team shall prepare a detailed report on the evaluation and comparison of bids, setting forth the specific reasons, which the determination of the best value for money bid is based. (3) The evaluation team shall recommend the bids in a manner that demonstrates the best value for money criteria as specified in these Regulations. (4) The evaluation report shall be submitted to the tender board for approval and forward the same to the</p>	<p>Evaluation of submitted proposal 51.-(1) The contracting authority shall, within sixty days from the prescribed date of submission of proposal by the bidders, receive, open, and evaluate all requests for proposals. (2) The evaluation team shall prepare a detailed report on the evaluation and comparison of bids, setting forth the specific reasons, which the determination of the best value for money bid is based. (3) The evaluation team shall recommend the bids in a manner that demonstrates the best value for money criteria as specified in these Regulations (4) The evaluation report shall be submitted to the Contracting</p>	<p>Regulation 53 (4) is proposed to be amended to align with the responsibilities of the contracting authority as stipulated on PPP Act</p>	

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accounting officer for necessary action.	authority for approval and for necessary action		
<p>General Evaluation criteria 54.-(1) Evaluation of the proposals under regulation 51 shall be based on-</p> <ul style="list-style-type: none"> (a) best value to the public for the duration of the partnership and not on the basis of lowest financial bid; and (b) the criteria specified in the bidding document. <p>(2) The criteria of best value under sub regulation (1)(a) shall comprise of, among others, a combined and detailed evaluation of:</p> <ul style="list-style-type: none"> (a) project design; (b) technical and managerial skills; (c) technological capacity and innovation; (d) proposed partnership model; (e) financial structure of the Special Purpose Vehicle; (f) financial and commercial viability and bankability of project; (g) appropriate risk transfer of technical, operational or financial; (h) affordability; (i) value for money; (j) local contents and empowerment of Tanzanians; 	<p>General Evaluation criteria 52.-(1) Evaluation of the proposals under regulation 51 shall be based on-</p> <ul style="list-style-type: none"> (a) best value to the public for the duration of the partnership and not on the basis of lowest financial bid; and (b) the criteria specified in the bidding document. <p>(2) The criteria of best value under sub regulation (1)(a) shall comprise of, among others, a combined and detailed evaluation of:</p> <ul style="list-style-type: none"> (a) project design; (b) technical and managerial skills; (c) technological capacity and innovation; (d) proposed partnership model; (e) financial structure of the Special Purpose Vehicle; (f) financial and commercial viability and bankability of project; (g) appropriate risk transfer of technical, operational or financial; (h) affordability; (i) value for money; 	No changess	

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<p>(k) the extent of government support or contribution required and the manner of discharge;</p> <p>(l) extent of compliance with environmental and regulatory requirements;</p> <p>(m) financing proposal;</p> <p>(n) standard of services delivered; and</p> <p>(o) structure of envisage facilities management and handover.</p> <p>(3) In evaluating the funding sources proposed by the potential private partner, the contracting authority shall look at each proposal and its overall value for the duration of the PPP including where applicable,</p> <ul style="list-style-type: none"> - (a) the involvement of the contracting authority in proposed treatment of any profits resulting from the project; (b) any revenue sharing proposals with the contracting authority, and (c) setting, controlling and collection of user fee schedules. 	<p>(j) local contents and empowerment of Tanzanians;</p> <p>(k) the extent of government support or contribution required and the manner of discharge;</p> <p>(l) extent of compliance with environmental and regulatory requirements;</p> <p>(m) financing proposal;</p> <p>(n) standard of services delivered; and</p> <p>(o) structure of envisage facilities management and handover.</p> <p>(3) In evaluating the funding sources proposed by the potential private partner, the contracting authority shall look at each proposal and its overall value for the duration of the PPP including where applicable,</p> <ul style="list-style-type: none"> - (a) the involvement of the contracting authority in proposed treatment of any profits resulting from the project; (b) any revenue sharing proposals with the contracting authority, and (c) setting, controlling and collection of user fee schedules. 		

CURRENT CITATION OF THE PPP REGULATIONS, 2020	PROPOSED AMENDMENT	REASONS FOR AMENDMENTS	PPP STAKEHOLDER'S COMMENTS
<p>Financial evaluation criteria 55.-(1) Where appropriate, the contracting authority shall, in evaluating the responsive bids and depending on the type of the project, have due regard to the following matters:</p> <p>(a) lowest proposed tariff, toll, fee or charge at the start of operation of the project if a parametric formula for periodical tariff adjustment is specified in the request for proposal;</p> <p>(b) lowest present value of the proposed tariffs, tolls, fees and charges for the period covered by the public-private partnership agreement if there is no such formula;</p> <p>(c) lowest present value of payments from the government;</p> <p>(d) lowest present value of a government subsidy to be provided for the period covered by the public-private partnership agreement;</p> <p>(e) highest present value of the proposed payments to the contracting authority including concession fees, lease or rental payments, fixed or guaranteed payments or variable payments and percentage shares of revenues for the period covered by</p>	<p>Financial evaluation criteria 53.-(1) Where appropriate, the contracting authority shall, in evaluating the responsive bids and depending on the type of the project, have due regard to the following matters:</p> <p>(a) lowest proposed tariff, toll, fee or charge at the start of operation of the project if a parametric formula for periodical tariff adjustment is specified in the request for proposal;</p> <p>(b) lowest present value of the proposed tariffs, tolls, fees and charges for the period covered by the public-private partnership agreement if there is no such formula;</p> <p>(c) lowest present value of payments from the government;</p> <p>(d) lowest present value of a government subsidy to be provided for the period covered by the public-private partnership agreement;</p> <p>(e) highest present value of the proposed payments to the contracting authority including concession fees, lease or rental</p>	<p>No changess</p>	

CURRENT CITATION OF THE PPP REGULATIONS, 2020	PROPOSED AMENDMENT	REASONS FOR AMENDMENTS	PPP STAKEHOLDER'S COMMENTS
<p>the public-private partnership agreement; or (f) any other appropriate financial parameters approved by the Minister. (2) For the purpose of comparison of bids quoted in different currencies, price shall be converted into a single currency specified in the request for proposal and the rate of exchange shall be at the official selling rate prevailing seven working days before the date of opening of bids specified in the request for proposal, as notified by the Bank of Tanzania.</p>	<p>payments, fixed or guaranteed payments or variable payments and percentage shares of revenues for the period covered by the public-private partnership agreement; or (f) any other appropriate financial parameters approved by the Minister. (2) For the purpose of comparison of bids quoted in different currencies, price shall be converted into a single currency specified in the request for proposal and the rate of exchange shall be at the official selling rate prevailing seven working days before the date of opening of bids specified in the request for proposal, as notified by the Bank of Tanzania.</p>		
<p>Evaluation of proposals based on criteria in bidding document 56.-(1) For the purpose of regulation 54(1)(b), evaluation of proposals in bidding document may be conducted using any rating method or combination of methods, as long as they are specified in the bidding document.</p>	<p>Evaluation of proposals based on criteria in bidding document 54.-(1) For the purpose of regulation 54(1)(b), evaluation of proposals in bidding document may be conducted using any rating method or combination of</p>	<p>No changess</p>	

CURRENT CITATION OF THE PPP REGULATIONS, 2020	PROPOSED AMENDMENT	REASONS FOR AMENDMENTS	PPP STAKEHOLDER'S COMMENTS
<p>(2) The contracting authority shall determine the strength, deficiency, weakness, and concern supporting the evaluation of each proposal. (3) The criteria for evaluation of proposals shall be specified in the bidding document and shall include:</p> <p>(a) technical capacity; (b) legal capacity;</p> <p>(c) financial capability;</p> <p>(d) acceptance of risk transfer;</p> <p>(e) environmental and social management plan;</p> <p>(f) detail engineering design;</p> <p>(g) local content and empowerment of citizens;</p> <p>(h) demonstrated experience in delivery of similar projects;</p> <p>(i) demonstrated experience in working with similar public agencies;</p> <p>(j) capacity to deliver the required quantity and quality of project or services;</p> <p>(k) proposed infrastructure and end of term treatment; and</p> <p>(l) proposed timelines for the project.</p>	<p>methods, as long as they are specified in the bidding document. (2) The contracting authority shall determine the strength, deficiency, weakness, and concern supporting the evaluation of each proposal. (3) The criteria for evaluation of proposals shall be specified in the bidding document and shall include:</p> <p>(a) technical capacity; (b) legal capacity;</p> <p>(c) financial capability;</p> <p>(d) acceptance of risk transfer;</p> <p>(e) environmental and social management plan;</p> <p>(f) detail engineering design;</p> <p>(g) local content and empowerment of citizens;</p> <p>(h) demonstrated experience in delivery of similar projects;</p> <p>(i) demonstrated experience in working with similar public agencies; (j) capacity to deliver the required quantity and quality of project or services;</p> <p>(k) proposed infrastructure and end of term treatment; and</p> <p>(l) proposed timelines for the project.</p>		

CURRENT CITATION OF THE PPP REGULATIONS, 2020	PROPOSED AMENDMENT	REASONS FOR AMENDMENTS	PPP STAKEHOLDER'S COMMENTS
<p>Conduct of due diligence 57.-(1) The contracting authority shall conduct due diligence on the bidder that is recommended to be awarded the contract by:</p> <p>(a) verifying experience of the bidder to ensure that they possess the qualifications and expertise necessary to meet the contracting authority's objectives in accordance with the request for proposals; (b) verifying legal aspect relating to the bidder;</p> <p>(c) contacting a list of references provided by the bidder indicating other public agencies and projects similar to that being proposed;</p> <p>(d) ensuring that the company listed as the reference contact actually worked directly with the bidder in question and determining the capacity in which he worked;</p> <p>(e) ensuring that any litigation or controversy (if any) associated with a bidder does not affect the ability to execute the contract;</p> <p>(f) confirming the qualifications and experience that the private partner possesses through verification of financial, managerial, legal and technical capacity including years in</p>	<p>Conduct of due diligence 55(1) The contracting authority shall conduct due diligence on the bidder that is recommended to be awarded the contract by:</p> <p>(a) verifying experience of the bidder to ensure that they possess the qualifications and expertise necessary to meet the contracting authority's objectives in accordance with the request for proposals; (b) verifying legal aspect relating to the bidder;</p> <p>(c) contacting a list of references provided by the bidder indicating other public agencies and projects similar to that being proposed;</p> <p>(d) ensuring that the company listed as the reference contact actually worked directly with the bidder in question and determining the capacity in which he worked;</p> <p>(e) ensuring that any litigation or controversy (if any) associated with a bidder does not affect the ability to execute the contract;</p> <p>(f) confirming the qualifications and experience that the private partner possesses through verification of financial,</p>	<p>No changes</p>	

CURRENT CITATION OF THE PPP REGULATIONS, 2020	PROPOSED AMENDMENT	REASONS FOR AMENDMENTS	PPP STAKEHOLDER'S COMMENTS
<p>the specific business sector, experience with a project of similar size, nature, and complexity, as well as experience with public private partnership projects;</p> <p>(g) reviewing a list of ongoing and successfully completed projects by the proposed bidder to ascertain the extent of prior experiences;</p> <p>(h) verifying the potential bidder's financial capability; and</p> <p>(i) confirming the available working capital proposed for the projects as well as the bonding capability of the proposed bidder through the provided bank and surety references.</p> <p>(2) The references referred under sub regulation (1)(b), shall provide: (a) information regarding interaction of persons listed in the references with the bidder and its staff; and</p> <p>(b) insight on issues they encountered, the resolution process and the responsiveness of the bidder to any agency concerns.</p> <p>(3) The list of references shall relate to projects and public sector, which are similar to the proposed project and contracting authority respectively.</p>	<p>managerial, legal and technical capacity including years in the specific business sector, experience with a project of similar size, nature, and complexity, as well as experience with public private partnership projects;</p> <p>(g) reviewing a list of ongoing and successfully completed projects by the proposed bidder to ascertain the extent of prior experiences;</p> <p>(h) verifying the potential bidder's financial capability; and</p> <p>(i) confirming the available working capital proposed for the projects as well as the bonding capability of the proposed bidder through the provided bank and surety references.</p> <p>(2) The references referred under sub regulation (1)(b), shall provide: (a) information regarding interaction of persons listed in the references with the bidder and its staff; and</p> <p>(b) insight on issues they encountered, the resolution process and the responsiveness of the bidder to any agency concerns.</p>		

CURRENT CITATION OF THE PPP REGULATIONS, 2020	PROPOSED AMENDMENT	REASONS FOR AMENDMENTS	PPP STAKEHOLDER'S COMMENTS
	(3) The list of references shall relate to projects and public sector, which are similar to the proposed project and contracting authority respectively.		
<p>Preferred and reserve bidders 58.-(1) The contracting authority shall, upon receiving approval of preferred bidders and the reserve bidders from the tender board, submit the preferred bidder to the PPP Centre.</p> <p>(2) The PPP Centre shall, upon receipt of the preferred bidder, make recommendations and submit the same to the PPP Steering Committee for approval.</p> <p>(3) The PPP Node shall seek recommendations of the PPP Centre on the preferred bidder before obtaining an approval of the accounting officer of the Ministry responsible for local government authorities. (4) Upon receipt of the recommendations from the PPP Centre or PPP Node as referred to under sub regulations (2) and (3), the contracting authority shall within seven working days, notify the</p>	<p>Preferred and reserve bidders 56.-(1) The contracting authority shall finalize the evaluation of request for proposals and prepare evaluation and Value for Money report which provide for preferred bidder and reserved bidder(s).</p> <p>(2). The contracting authority shall submit report made under Sub Regulation (1) to the PPP Centre or PPP Node as the case maybe for recommendation.</p> <p>(3) The PPP Centre or PPP Node shall, upon receipt of the evaluation report make recommendations to the Contracting Authority.</p> <p>(4) The PPP Node recommendations of the PPP Centre on the evaluation report before obtaining an approval of the accounting officer of the Ministry responsible for local government authorities.</p>	<p>Regulation 58 (1), (2), (3) and (4) is proposed to be amended for clarity of the procurement process.</p>	

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<p>preferred bidder and the reserve bidders. (5) The PPP Centre shall, within fourteen working days after receipt of the recommendations from the Steering Committee, notify the preferred bidder and the reserve bidders. (6) The PPP Node shall, within twenty-one working days after receipt of the recommendations from the PPP Centre, notify the preferred bidder and the reserve bidders.</p>	<p>(5) Upon receipt of the recommendations from the PPP Centre or PPP Node as referred to under sub regulations (2) and (3), the contracting authority shall within seven working days, notify the preferred bidder and the reserve bidders. (6) The PPP Centre shall, within fourteen working days after receipt of the approval of the PPP Steering Committee or Accounting officer of Ministry responsible for Local Government as the case maybe, notify the preferred bidder and the reserve bidders. (7) The PPP Node shall, within twenty-one working days after receipt of the recommendations from the PPP Centre, notify the preferred bidder and the reserve bidders.</p>		
<p>Value for money report 59.-(1) The contracting authority shall prepare value for money report demonstrating among other things, the criteria for affordability, value for money and substantial technical, operational and financial risk transfer applied in evaluation of the bids.</p>	<p>Value for money report 57.-(1) The contracting authority shall prepare value for money report demonstrating among other things, the criteria for affordability, value for money and substantial technical, operational</p>	<p>No changess</p>	

CURRENT CITATION OF THE PPP REGULATIONS, 2020	PROPOSED AMENDMENT	REASONS FOR AMENDMENTS	PPP STAKEHOLDER'S COMMENTS
<p>(2) The value for money report shall include:</p> <p>(a) summary of the evaluation findings;</p> <p>(b) affordability assessment;</p> <p>(c) value-for-money assessment;</p> <p>(d) appropriate risk transfer of technical, operational or financial;</p> <p>(e) Government support required;</p> <p>(f) notes raised and bid deficiencies; and</p> <p>(g) Consideration on the options for the reserve bidder's negotiation plan.</p> <p>(3) The detailed content of value for money report shall be prescribed in the Guidelines.</p>	<p>and financial risk transfer applied in evaluation of the bids.</p> <p>(2) The value for money report shall include:</p> <p>(a) summary of the evaluation findings;</p> <p>(b) affordability assessment;</p> <p>(c) value-for-money assessment;</p> <p>(d) appropriate risk transfer of technical, operational or financial;</p> <p>(e) Government support required;</p> <p>(f) notes raised and bid deficiencies; and</p> <p>(g) Consideration on the options for the reserve bidder's negotiation plan.</p> <p>(3) The detailed content of value for money report shall be prescribed in the Guidelines.</p>		
<p>Approval of award of contract by PPP Steering Committee</p> <p>60.-(1) Upon receipt of the approved evaluation report and the supporting documents, the accounting officer shall, after satisfying himself that proper procedures are followed, forward the same to the PPP Centre or PPP Node for verification and recommendations.</p>	<p>Approval of preferred bidder and reserved bidders by the PPP Steering Committee</p> <p>58.- 1). The contracting authority upon consider recommendation received in respect of Sub Regulation 59(3) shall submit revised evaluation report to the PPP Centre for verification and submission to PPP Steering committee for approval of the</p>	<p>Regulation 60 proposed to be amended as follows:</p> <ol style="list-style-type: none"> 1. marginal notes for clarity and to align with regulation 60 2. to re write regulation 60 to enable approving of selected preferred bidder and reserved bidders to be approved by the PPP steering 	

CURRENT CITATION OF THE PPP REGULATIONS, 2020	PROPOSED AMENDMENT	REASONS FOR AMENDMENTS	PPP STAKEHOLDER'S COMMENTS
<p>(2) The PPP Node after verification and recommendations shall forward the same to the PPP Centre for scrutiny.</p> <p>(3) For the purpose of sub (1) and (2), the PPP Centre shall forward the approved evaluation report and the supporting documents to the PPP Steering Committee for approval.</p> <p>(4) The contracting authority shall not award the contract to any of the preferred or reserve bidders before receiving written recommendations from the PPP Centre and PPP Node.</p>	<p>selected preferred bidder and reserved bidders.</p> <p>(2). The PPP Centre shall, within three working days after receipt of the approval of the PPP Steering Committee, notify the Contracting Authority.</p>	<p>committee as provided under PPP Act</p>	
<p>Notice of intention to award contract</p> <p>61.-(1) Upon receipt of the recommendations from the PPP Centre or PPP Node, and after working on recommendations, the contracting authority shall, within five working days issue a notice of intention to award the contract to all bidders who participated in the tender.</p> <p>(2) Notices of notification referred under sub regulation (1), shall provide ten working days upon which the bidders may submit complaints or dispute thereof, if any.</p>	<p>Notice of intention to award contract</p> <p>59.-(1) Upon receipt of the approval under Regulation 58 the contracting authority shall, within three working days issue a notice of intention to award the contract to all bidders who participated in the tender.</p> <p>(2) Notices of notification referred under sub regulation (1), shall provide seven working days upon which the bidders may submit complaints or dispute thereof, if any.</p>	<p>Regulation 61(1) and (2) proposed to amended for clarity and reduce the time notice</p>	

CURRENT CITATION OF THE PPP REGULATIONS, 2020	PROPOSED AMENDMENT	REASONS FOR AMENDMENTS	PPP STAKEHOLDER'S COMMENTS
<p>(3) Any complaint or dispute on the tender proceedings shall be as set out in the Seventh Schedule.</p> <p>(4) Where no complaints or dispute is lodged pursuant to a notice under sub-regulation (1), or after all complaints lodged are cleared pursuant to procedure set out in sub-regulation (3), the contracting authority shall issue a notice of acceptance to the preferred bidder, and proceed to issue a provisional award.</p> <p>(5) The notification referred to in sub-regulations (4) shall be communicated in written form as prescribed in the request for proposal and signed by the contracting authority.</p> <p>(6) The contracting authority shall send a copy of the provisional award letter to the PPP Centre, Ministry responsible for PPP, the Authority, the institution responsible for Planning, the Controller and Auditor General, the Office of Attorney General, the Tanzania Revenue Authority, the Internal Auditor General and the PPP Node for local government project, for information.</p>	<p>(3) Any complaint or dispute on the tender proceedings shall be as set out in the Seventh Schedule.</p> <p>(4) Where no complaints or dispute is lodged pursuant to a notice under sub-regulation (1), or after all complaints lodged are cleared pursuant to procedure set out in sub-regulation (3), the contracting authority shall issue a notice of acceptance to the preferred bidder, and proceed to issue a provisional award.</p> <p>(5) The notification referred to in sub-regulations (4) shall be communicated in written form as prescribed in the request for proposal and signed by the contracting authority.</p> <p>(6) The contracting authority shall send a copy of the provisional award letter to the PPP Centre, Ministry responsible for PPP, the Authority, the institution responsible for Planning, the Controller and Auditor General, the Office of Attorney General, the Tanzania Revenue Authority, the Internal Auditor General and the PPP Node</p>		

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<p>(7) The provisional award shall be 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, environmental and technological experience and resources to carry out the contract effectively.</p> <p>(8) The bidder shall be responsible for due diligence and value for money tests undertaken in regulations 57 and 59.</p> <p>(9) Subject to sub-regulation (7), the contracting authority shall notify the reserve bidder or bidders accordingly and such notice shall state the fact on the appointment is subject to unsuccessful negotiations with the preferred bidder in that order.</p> <p>(10) After completing the competitive selection process as set out under these Regulations, a contracting authority shall invite the preferred bidder, for final negotiation of the agreement in accordance with provisions of these Regulations.</p>	<p>for local government project, for information.</p> <p>(7) The provisional award shall be 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, environmental and technological experience and resources to carry out the contract effectively.</p> <p>(8) The bidder shall be responsible for due diligence and value for money tests undertaken in regulations 57 and 59.</p> <p>(9) Subject to sub-regulation (7), the contracting authority shall notify the reserve bidder or bidders accordingly and such notice shall state the fact on the appointment is subject to unsuccessful negotiations with the preferred bidder in that order.</p> <p>(10) After completing the competitive selection process as set out under these Regulations, a contracting authority shall invite</p>		

CURRENT CITATION OF THE PPP REGULATIONS, 2020	PROPOSED AMENDMENT	REASONS FOR AMENDMENTS	PPP STAKEHOLDER'S COMMENTS
	the preferred bidder, for final negotiation of the agreement in accordance with provisions of these Regulations		
PART VII PROCUREMENT PROCEDURES FOR UNSOLICITED PROPOSAL			
<p>Procurement of unsolicited PPP 62.-(1) Pursuant to section 15 of the Act, all unsolicited public private partnership projects shall be procured through an open and competitive bidding process.</p> <p>(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. (3) The contracting authority shall not conduct a procurement process for unsolicited project proposal which:</p> <p>(a) does not meet conditions set under these regulations;</p> <p>(b) provide for exclusivity;</p> <p>(c) require any form of government financial support at any stage of the pre-feasibility study, procurement or pre-development;</p>	<p>Procurement of unsolicited PPP 60.-(1) Pursuant to section 15 of the Act, all unsolicited public private partnership projects shall be procured through an open and competitive bidding process.</p> <p>(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. (3) The contracting authority shall not conduct a procurement process for unsolicited project proposal which:</p> <p>(a) does not meet conditions set under these regulations;</p> <p>(b) provide for exclusivity;</p> <p>(c) require any form of government financial support at any stage of the pre-feasibility</p>	No changes	

CURRENT CITATION OF THE PPP REGULATIONS, 2020	PROPOSED AMENDMENT	REASONS FOR AMENDMENTS	PPP STAKEHOLDER'S COMMENTS
<p>(d) does not serve the public interest or fall within the national development plans;</p> <p>(e) in any way interferes with an ongoing solicited or unsolicited project under competitive tendering or under preparation for competitive bidding; and</p> <p>(f) in any way interferes with a government development project under the Act or any other regime where the government has already incurred development cost.</p> <p>(4) The government may suspend the unsolicited process before signing the contract without incurring any liabilities, if a private party submits a pre-feasibility study or feasibility study that does not comply with the provisions of the Act and these Regulations.</p> <p>(5) Tendering of unsolicited projects may not necessarily require pre-qualification procedure in case of only one expression of interest is received, otherwise it shall follow the same procedures as prescribed in the solicited projects.</p>	<p>study, procurement or pre-development;</p> <p>(d) does not serve the public interest or fall within the national development plans;</p> <p>(e) in any way interferes with an ongoing solicited or unsolicited project under competitive tendering or under preparation for competitive bidding; and</p> <p>(f) in any way interferes with a government development project under the Act or any other regime where the government has already incurred development cost.</p> <p>(4) The government may suspend the unsolicited process before signing the contract without incurring any liabilities, if a private party submits a pre-feasibility study or feasibility study that does not comply with the provisions of the Act and these Regulations.</p> <p>(5) Tendering of unsolicited projects may not necessarily require pre-qualification procedure in case of only one expression of interest is received, otherwise it shall follow the same</p>		

CURRENT CITATION OF THE PPP REGULATIONS, 2020	PROPOSED AMENDMENT	REASONS FOR AMENDMENTS	PPP STAKEHOLDER'S COMMENTS
	procedures as prescribed in the solicited projects.		
<p>Approval process of unsolicited proposal 63.-(1) A contracting authority shall submit a feasibility study of unsolicited proposal to the PPP Steering Committee through the PPP Centre for approval in the manner set out under these Regulations. (2) Where the PPP Steering Committee is of the opinion that an approved feasibility study suffices to be exempted from competitive tendering, it shall, upon the request of the proponent, forward the approved feasibility study to the Minister for determination under section 15(2) of the Act.</p>	<p>Approval process of unsolicited proposal 61.-(1) A contracting authority shall submit a feasibility study of unsolicited proposal to the PPP Steering Committee through the PPP Centre for approval in the manner set out under these Regulations. (2) Where the PPP Steering Committee is of the opinion that an approved feasibility study suffices to be exempted from competitive tendering, it shall, upon the request of the proponent, forward the approved feasibility study to the Minister for determination under section 15(2) of the Act.</p>	No changess	
<p>Bidders conference 64.-(1) 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 request for proposal. (2) All proposals for tendering under unsolicited proposal shall be</p>	<p>Bidders conference 62.-(1) The contracting authority may, in order to ensure that prospective bidders are adequately informed and to secure their commitments, call a bidders' conference prior to issuance of request for proposal.</p>	No changess	

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<p>accompanied by bid security as prescribed by the contracting authority in the request for proposal.</p> <p>(3) The request for proposal shall spell out that the winning bidder shall be required to reimburse the original proponent, reasonable verifiable costs incurred in undertaking the feasibility study within thirty days after signing the contract.</p> <p>(4) The winning bidder shall reimburse the original proponent of audited and verified cost incurred in undertaking the feasibility study. (5) In reaching a fair cost of the feasibility study the contracting authority shall lead the process of negotiation between the winning bidder and the original proponent who is required to be reimbursed the on the cost incurred and the project reverting to the winning bidder.</p> <p>(6) Request for proposals shall be issued at cost related to printing, photocopying and distribution and shall not include any element of profit.</p>	<p>(2) All proposals for tendering under unsolicited proposal shall be accompanied by bid security as prescribed by the contracting authority in the request for proposal.</p> <p>(3) The request for proposal shall spell out that the winning bidder shall be required to reimburse the original proponent, reasonable verifiable costs incurred in undertaking the feasibility study within thirty days after signing the contract.</p> <p>(4) The winning bidder shall reimburse the original proponent of audited and verified cost incurred in undertaking the feasibility study.</p> <p>(5) In reaching a fair cost of the feasibility study the contracting authority shall lead the process of negotiation between the winning bidder and the original proponent who is required to be reimbursed the on the cost incurred and the project reverting to the winning bidder.</p> <p>(6) Request for proposals shall be issued at cost related to printing,</p>		

CURRENT CITATION OF THE PPP REGULATIONS, 2020	PROPOSED AMENDMENT	REASONS FOR AMENDMENTS	PPP STAKEHOLDER'S COMMENTS
	<p>photocopying and distribution and shall not include any element of profit.</p>		
<p>Advertisement of request for proposal 65.-(1) A request for proposal shall be-</p> <ul style="list-style-type: none"> (a) prepared by the contracting authority and approved by the tender board; (b) advertised in media of wide circulation both locally and internationally including the Tanzania Procurement Journal, PPP Centre, Contracting Authority and PPRA websites and TANePS; and (c) in the advertisement as prescribed in the Third Schedule to these regulations <p>(2) The request for proposal shall include the following information:</p> <ul style="list-style-type: none"> (a) letter of invitation for bid; (b) data sheet containing information about the project; (c) instructions for preparing bids; (d) amount and manner of payment of bid security and performance guarantee, where applicable; (e) the manner, place, date and time for submission of bidding documents; 	<p>Advertisement of request for qualification 63.-(1) A request for qualification shall be-</p> <ul style="list-style-type: none"> (a) prepared by the contracting authority and approved; (b) advertised in media of wide circulation both locally and internationally including the Tanzania Procurement Journal, PPP Centre, Contracting Authority and PPRA websites and TANePS; and (c) in the advertisement as prescribed in the Third Schedule to these regulations <p>(2) The request for proposal shall include the following information:</p> <ul style="list-style-type: none"> (a) letter of invitation for bid; (b) data sheet containing information about the project; (c) instructions for preparing bids; (d) amount and manner of payment of bid security and performance guarantee, where applicable; 	<p>Regulation 65 proposed to be amended as follows:</p> <ol style="list-style-type: none"> 1. marginal notes for clarity and to align with regulation 65 2. Regulation 65(1) (a) proposed to be amended for clarity by remove the word tender board 	

CURRENT CITATION OF THE PPP REGULATIONS, 2020	PROPOSED AMENDMENT	REASONS FOR AMENDMENTS	PPP STAKEHOLDER'S COMMENTS
<p>(f) the manner, place, date and time of opening of bids;</p> <p>(g) mechanism of providing a fair advantage to the bidder established by the contracting authority and approved by the PPP Steering Committee accordance to these Regulations;</p> <p>(h) detailed and unambiguous evaluation criteria;</p> <p>(i) terms and conditions of the agreements, as far as already known by the contracting authority;</p> <p>(j) technical specifications for the infrastructure to be procured and terms of reference for the services to be rendered;</p> <p>(k) the manner in which bid price is to be assessed and computed, including information about tax liability;</p> <p>(l) currency or currencies in which bid price is to be formulated and expressed;</p> <p>(m)bid validity period;</p> <p>(n) a copy of integrity pact to be signed by the parties, where applicable; and</p> <p>(o) any other information specified in guidelines issued by the PPP Centre.</p>	<p>(e) the manner, place, date and time for submission of bidding documents;</p> <p>(f) the manner, place, date and time of opening of bids g)</p> <p>mechanism of providing a fair advantage to the bidder established by the contracting authority and approved by the PPP Steering Committee accordance to these Regulations;</p> <p>(h) detailed and unambiguous evaluation criteria;</p> <p>(i) terms and conditions of the agreements, as far as already known by the contracting authority;</p> <p>(j) technical specifications for the infrastructure to be procured and terms of reference for the services to be rendered;</p> <p>(k) the manner in which bid price is to be assessed and computed, including information about tax liability;</p> <p>(l) currency or currencies in which bid price is to be formulated and expressed;</p> <p>(m)bid validity period;</p>		

CURRENT CITATION OF THE PPP REGULATIONS, 2020	PROPOSED AMENDMENT	REASONS FOR AMENDMENTS	PPP STAKEHOLDER'S COMMENTS
<p>(3) 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>	<p>(n) a copy of integrity pact to be signed by the parties, where applicable; and (o) any other information specified in guidelines issued by the PPP Centre. (3) 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>		
<p>Bid securities for unsolicited proposal. 66.-(1) Save as otherwise provided under regulation 47, the interested bidder shall, during bid submission, required to deposit to the contracting authority a bid security as prescribed in the tender documents. (2) Subject to sub regulation (1), the bid security may be in the form of a bid bond from a bank that meets the criteria, if the contracting authority direct so in the tender documents. (3) The contracting authority shall, within thirty days of the announcement of the preferred bidder, return the bid security to all</p>	<p>Bid securities for unsolicited proposal. 64.-(1) Save as otherwise provided under regulation 47, the interested bidder shall, during bid submission, required to deposit to the contracting authority a bid security as prescribed in the tender documents. (2) Subject to sub regulation (1), the bid security may be in the form of a bid bond from a bank that meets the criteria, if the contracting authority direct so in the tender documents. (3) The contracting authority shall, within thirty days of the</p>	<p>No changess</p>	

CURRENT CITATION OF THE PPP REGULATIONS, 2020	PROPOSED AMENDMENT	REASONS FOR AMENDMENTS	PPP STAKEHOLDER'S COMMENTS
<p>unsuccessful bidders in the prescribed manner.</p> <p>(4) The contracting authority shall return the bid security to the successful bidder upon submission of performance bond and before signing of PPP agreement.</p> <p>(5) Processes for submission and release of bid security and performance bond shall be prescribed in the guidelines</p>	<p>announcement of the preferred bidder, return the bid security to all unsuccessful bidders in the prescribed manner.</p> <p>(4) The contracting authority shall return the bid security to the successful bidder upon submission of performance bond and before signing of PPP agreement.</p> <p>(5) Processes for submission and release of bid security and performance bond shall be prescribed in the guidelines</p>		
<p>Bid submission and extension of time</p> <p>67.-(1) Bid under this Part shall be submitted on the place, date and time and in a manner specified in the request for proposal.</p> <p>(2) Any bid submitted late contrary to sub regulation (1) due to any reason whatsoever, shall not be considered by the contracting authority.</p> <p>(3) The submitted proposals shall contain all the necessary information as prescribed in the guidelines to these Regulations.</p> <p>(4) The original proponent shall also submit a bid proposal as prescribed in these Regulations.</p>	<p>Bid submission and extension of time</p> <p>65.-(1) Bid under this Part shall be submitted on the place, date and time and in a manner specified in the request for proposal.</p> <p>(2) Any bid submitted late contrary to sub regulation (1) due to any reason whatsoever, shall not be considered by the contracting authority.</p> <p>(3) The submitted proposals shall contain all the necessary information as prescribed in the guidelines to these Regulations.</p>	<p>No changess</p>	

CURRENT CITATION OF THE PPP REGULATIONS, 2020	PROPOSED AMENDMENT	REASONS FOR AMENDMENTS	PPP STAKEHOLDER'S COMMENTS
<p>(5) The contracting authority shall extend the deadline or re-issue the invitation for proposal only once after the deadline, if no bid has been submitted apart from original project proponent.</p> <p>(6) The contracting authority shall proceed to appoint the original project proponent as the preferred bidder, if no bid has been submitted after the first extension of deadline or after issuing a modified invitation for proposal.</p>	<p>(4) The original proponent shall also submit a bid proposal as prescribed in these Regulations.</p> <p>(5) The contracting authority shall extend the deadline or re-issue the invitation for proposal only once after the deadline, if no bid has been submitted apart from original project proponent.</p> <p>(6) The contracting authority shall proceed to appoint the original project proponent as the preferred bidder, if no bid has been submitted after the first extension of deadline or after issuing a modified invitation for proposal.</p>		
<p>Criteria for selection of preferred bidder</p> <p>68.-(1) The selection of the preferred bidder shall follow an open and competitive approach using the Bonus System and shall further be detailed in the guidelines issued by the Authority in collaboration PPP Center.</p> <p>(2) The tender board shall proceed to appoint the original proponent as the preferred bidder if qualifies and the next best proposal as the reserve bidder.</p>	<p>Criteria for selection of preferred bidder</p> <p>66.-(1) The selection of the preferred bidder shall follow an open and competitive approach using the Bonus System and shall further be detailed in the guidelines issued by the Authority in collaboration PPP Center.</p> <p>(2) The contracting authority shall, in consultation with the PPP Centre, develop the following criteria to determine the best</p>	<p>Regulation 68 is proposed to be amended by interchange sub regulation (2) to (3) flow of criteria of selection of preferred bidder</p>	

CURRENT CITATION OF THE PPP REGULATIONS, 2020	PROPOSED AMENDMENT	REASONS FOR AMENDMENTS	PPP STAKEHOLDER'S COMMENTS
<p>(3) The contracting authority shall, in consultation with the PPP Centre, develop the following criteria to determine the best proposal: (a) adheres to the provisions of the Act; (b) lowest per unit charge of output; (c) local content and empowerment; (d) requires lowest Government contributions; (e) value for money; and (f) any other criteria to be determined by the contracting authority.</p>	<p>proposal: (a) adheres to the provisions of the Act; (b) lowest per unit charge of output; (c) local content and empowerment; (d) requires lowest Government contributions; (e) value for money; and (f) any other criteria to be determined by the contracting authority.</p> <p>(3) The tender board contracting authority shall proceed to appoint the original proponent as the preferred bidder if qualifies and the next best proposal as the reserve bidder</p>		
<p>Method of selection of preferred bidder 69.-(1) The tender board shall prescribe criteria and scores to be used in the selection of preferred bidder. (2) Subject to sub regulation (1), the PPP Centre shall prepare standard guidance to assist contracting authorities on selection of preferred bidder.</p>	<p>Method of selection of preferred bidder 67.-(1) The Contracting authority shall prescribe criteria and scores to be used in the selection of preferred bidder. (2) Subject to sub regulation (1), the PPP Centre shall prepare standard guidance to assist contracting authorities on selection of preferred bidder.</p>	<p>Regulation 69 is proposed to be amended by exchange the word tender board with contracting authority</p>	

CURRENT CITATION OF THE PPP REGULATIONS, 2020	PROPOSED AMENDMENT	REASONS FOR AMENDMENTS	PPP STAKEHOLDER'S COMMENTS
<p>(3) Once the scores are approved by the tender board, the original proponent shall receive a bonus of ten points of the score, added to its score.</p> <p>(4) The contracting authority may, in consultation with the PPP Centre, determine an alternative method of selection of preferred bidder in case the bonus system shall not guarantee the best value for money.</p>	<p>(3) Once the scores are approved by the tender board contracting authority, the original proponent shall receive a bonus of ten points of the score, added to its score.</p> <p>(4) The contracting authority may, in consultation with the P PP Centre, determine an alternative method of selection of preferred bidder in case the bonus system shall not guarantee the best value for money</p>		
<p>Approval and notification of unsolicited bidder</p> <p>70. The contracting authority shall follow procedures for approval of preferred bidder and notification of the preferred bidder using procedures stipulated under these Regulations.</p>	<p>Approval and notification of unsolicited bidder</p> <p>68. The contracting authority shall follow procedures for approval of preferred bidder and notification of the preferred bidder using procedures stipulated under these Regulations</p>	No changess	
PART VIII PROCUREMENT PROCEDURES FOR PPP ADVISORS			
<p>selection and engagement of PPP advisor</p> <p>71.-(1) A contracting authority may, where independent expertise is required, or it is unlikely that all kinds of expertise, experienced and human resources needed to develop and implement a Public Private Partnership</p>	<p>selection and engagement of PPP advisor</p> <p>69.-(1) A contracting authority may, in collaboration with the PPP Center where independent expertise is required, or it is unlikely that all kinds of expertise, experienced and human resources</p>	<p>Regulation 71 is proposed to be amended as follows;</p> <p>(1) Broadens the procurement scope for the Transaction advisors who may not be known by the Contracting authority</p>	

CURRENT CITATION OF THE PPP REGULATIONS, 2020	PROPOSED AMENDMENT	REASONS FOR AMENDMENTS	PPP STAKEHOLDER'S COMMENTS
<p>project is not available in-house, engage a PPP advisor. (2) A PPP advisor engaged shall have the appropriate skills and experience to assist and advise the contracting authority on matters related to the project development and its implementation.</p> <p>(3) Without prejudice to the generality of sub regulation (2), a PPP advisor shall possess the following minimum qualities-</p> <p>(a) possess knowledge of the subject matter of the project under consideration;</p> <p>(b) evidence of experience in undertaking feasibility studies for PPP Projects;</p> <p>(c) if PPP advisor, evidence of experience in PPP project structuring, tendering and advisory services on various components of the project, drafting of PPP Agreements and facilitation through to financial close;</p> <p>(d) relevant experience in the drafting and negotiating of PPP agreements; and</p> <p>(e) competence in project planning management.</p>	<p>needed to develop and implement a Public Private Partnership project is not available in-house, engage a PPP advisor.</p> <p>(2) For the purpose of Sub-regulations (1), the PPP center may establish and maintain the <i>data-base</i> relating to the list and information of the PPP advisor.</p> <p>(3) A PPP advisor engaged shall have the appropriate skills and experience to assist and advise the contracting authority on matters related to the project development and its implementation.</p> <p>(4) Without prejudice to the generality of sub regulation (3), a PPP advisor shall possess the following minimum qualities-</p> <p>(a) possess knowledge of the subject matter of the project under consideration;</p> <p>(b) evidence of experience in undertaking feasibility</p>	<p>(2) Shortens procurement process and enhances selection confined on the procuring Transaction advisors who have adequate skills, knowledge and competence on the projects in question</p>	

CURRENT CITATION OF THE PPP REGULATIONS, 2020	PROPOSED AMENDMENT	REASONS FOR AMENDMENTS	PPP STAKEHOLDER'S COMMENTS
<p>(4) The PPP advisor shall be selected and engaged using the procedures for selection and engagement of PPP advisors pursuant to these Regulations and as shall be elaborated further in the Guidelines.</p>	<p>studies for PPP Projects;</p> <p>(c)if PPP advisor, evidence of experience in PPP project structuring, tendering and advisory services on various components of the project, drafting of PPP Agreements and facilitation through to financial close;</p> <p>(d)relevant experience in the drafting and negotiating of PPP agreements; and</p> <p>(e)competence in project planning management.</p> <p>(5) The PPP advisor shall be selected and engaged using the procedures for selection and engagement of PPP advisors pursuant to these Regulations and as shall be elaborated further in the Guidelines.</p> <p>(6) Sub-regulations (1), and (2) shall not be construed as removing or abrogating powers of the contracting authority for</p>		

CURRENT CITATION OF THE PPP REGULATIONS, 2020	PROPOSED AMENDMENT	REASONS FOR AMENDMENTS	PPP STAKEHOLDER'S COMMENTS
	<p>assuming overall responsibility on matters assigned to it on the procurement of the PPP advisor</p>		
<p>Procuring entity's contributions 72.-(1) The contributions which the contracting authority is in a position to make to the PPP advisor's assignment shall be defined in the terms of reference indicated in the requests for proposals and finalized in the contract. (2) The nature and type of the contributions shall be reviewed during negotiations and shall not be included in the cost of the services. Except for a budgetary allocation to cover the entire or part of the local expenditure, the contributions shall include-</p> <ul style="list-style-type: none"> (a) office space with electricity, water, telephone, equipment, vehicles and maintenance; (b) housing; (c) support staff such as secretary, messenger, driver, administrative and technical service; and (d) information, documentation and all studies relating to the assignment. 	<p>contracting authorities' contributions 70.-(1) The contributions which the contracting authority is in a position to make to the PPP advisor's assignment shall be defined in the terms of reference indicated in the requests for proposals and finalized in the contract. (2) The nature and type of the contributions shall be reviewed during negotiations and shall not be included in the cost of the services. Except for a budgetary allocation to cover the entire or part of the local expenditure, the contributions shall include-</p> <ul style="list-style-type: none"> (a) office space with electricity, water, telephone, equipment, vehicles and maintenance; (b) housing; (c) support staff such as secretary, messenger, driver, 	<p>Regulation 72 is proposed to be amended to remove ambiguity between contacting authority and procuring entity on marginal notes and 73(3)</p>	

CURRENT CITATION OF THE PPP REGULATIONS, 2020	PROPOSED AMENDMENT	REASONS FOR AMENDMENTS	PPP STAKEHOLDER'S COMMENTS
<p>(3) The value and type of the procuring entity's contributions shall be finally concluded during the negotiations.</p>	<p>administrative and technical service; and (d) information, documentation and all studies relating to the assignment. (3) The value and type of the contracting authorities contributions shall be finally concluded during the negotiations</p>		
<p>Basic steps for selection of PPP advisors 73. A contracting authority may, in order to secure a wide range of services, promote streamlining and harmonization, and reduce administrative complexities and transaction costs, choose from a range of selection methods specified in these Regulations, and the selection process shall comprise of- (a) preparation of the terms of reference; (b) preparation of cost estimate and the budget; (c) advertising the request for expression of interest or prequalification of the consultancy services; (d) preparation of the short list of PPP advisors or consultants;</p>	<p>Basic steps for selection of PPP advisors 71. A contracting authority may, in order to secure a wide range of services, promote streamlining and harmonization, and reduce administrative complexities and transaction costs, choose from a range of selection methods specified in these Regulations, and the selection process shall comprise of- (a) preparation of the terms of reference; (b) preparation of cost estimate and the budget; (c) advertising the request for expression of interest or prequalification of the consultancy services;</p>	<p>No changess</p>	

CURRENT CITATION OF THE PPP REGULATIONS, 2020	PROPOSED AMENDMENT	REASONS FOR AMENDMENTS	PPP STAKEHOLDER'S COMMENTS
<p>(e) determination of the selection procedures and criteria for selection; (f) preparation and issuance of the request for proposals; (g) invitation of the PPP advisors to submit proposals; (h) receipt of proposals; (i) evaluation of technical proposals; (j) evaluation of financial proposal; (k) final evaluation of quality and cost; (l) post qualification where necessary; (m) negotiations; (n) award of the contract to the selected PPP advisor; and (o) signing and concluding the contract.</p>	<p>(d) preparation of the short list of PPP advisors or consultants; (e) determination of the selection procedures and criteria for selection; (f) preparation and issuance of the request for proposals; (g) invitation of the PPP advisors to submit proposals; (h) receipt of proposals; (i) evaluation of technical proposals; (j) evaluation of financial proposal; (k) final evaluation of quality and cost; (l) post qualification where necessary; (m) negotiations; (n) award of the contract to the selected PPP advisor; and (o) signing and concluding the contract</p>		
<p>Terms of reference 74.-(1) A contracting authority shall prepare detailed terms of reference for the PPP advisor which clearly mention the scope of work and services required, and deliverables and their timeframes. (2) The PPP</p>	<p>Terms of reference 72.-(1) A contracting authority shall prepare detailed terms of reference for the PPP advisor which clearly mention the scope of work and services required, and deliverables and their</p>	<p>No changess</p>	

CURRENT CITATION OF THE PPP REGULATIONS, 2020	PROPOSED AMENDMENT	REASONS FOR AMENDMENTS	PPP STAKEHOLDER'S COMMENTS
<p>advisor shall have qualifications on project planning, financial, legal and technical expertise and the terms of reference shall place emphasis on output, outcome and service standards rather than specifying the technical parameters of input.</p> <p>(3) In preparation of terms of reference, the contracting authority shall have regards to the following contents-</p> <p>(a) a precise statement of the objectives and goals sought;</p> <p>(b) a clear description of the nature and scope of the services required, their context and the time interval in which they are provided;</p> <p>(c) a description of the duties and responsibilities of the PPP advisor; (d) a description of the duties and responsibilities of the contracting authority;</p> <p>(e) information on any counterpart staff and its role;</p> <p>(f) information on training and the transfer of technology, where necessary;</p> <p>(g) a summary of the data, a list of all available studies and information on the assignment, facilities and services</p>	<p>timeframes. (2) The PPP advisor shall have qualifications on project planning, financial, legal and technical expertise and the terms of reference shall place emphasis on output, outcome and service standards rather than specifying the technical parameters of input.</p> <p>(3) In preparation of terms of reference, the contracting authority shall have regards to the following contents-</p> <p>(a) a precise statement of the objectives and goals sought;</p> <p>(b) a clear description of the nature and scope of the services required, their context and the time interval in which they are provided;</p> <p>(c) a description of the duties and responsibilities of the PPP advisor;</p> <p>(d) a description of the duties and responsibilities of the contracting authority;</p> <p>(e) information on any counterpart staff and its role;</p> <p>(f) information on training and the transfer of technology, where necessary;</p>		

CURRENT CITATION OF THE PPP REGULATIONS, 2020	PROPOSED AMENDMENT	REASONS FOR AMENDMENTS	PPP STAKEHOLDER'S COMMENTS
<p>which the procuring entity will provide to the PPP advisor; and (h) a clear statement of the criteria to be used in the selection procedure; and (i) any other information as the contracting authority may require and as shall be prescribed in the guideline. (4) The contracting authority shall, prior to negotiation of agreement, submit the terms of reference to PPP Centre or, as the case may be, PPP Node for recommendation.</p>	<p>(g) a summary of the data, a list of all available studies and information on the assignment, facilities and services which the contracting authority will provide to the PPP advisor; and (h) a clear statement of the criteria to be used in the selection procedure; and (i) any other information as the contracting authority may require and as shall be prescribed in the guideline. (4) The contracting authority shall, prior to negotiation of agreement, submit the terms of reference to PPP Centre or, as the case may be, PPP Node for recommendation</p>		
<p>Transfer of skills and capacity building 75.-(1) A qualified counterpart staff employed by the contracting authority or its executing agency shall be engaged in the assignment of a PPP advisor with a view to build in-house capacity. (2) The number of counterparts shall be determined on an individual basis depending on the importance of the</p>	<p>Transfer of skills and capacity building 73.-(1) A qualified counterpart staff employed by the contracting authority or its executing agency shall be engaged in the assignment of a PPP advisor with a view to build in-house capacity. (2) The number of counterparts shall be determined on an individual basis depending on the</p>	No changess	

CURRENT CITATION OF THE PPP REGULATIONS, 2020	PROPOSED AMENDMENT	REASONS FOR AMENDMENTS	PPP STAKEHOLDER'S COMMENTS
<p>assignment, and the requirements of the executing agency or the contracting authority. (3) The counterpart staff shall-</p> <p>(a) through a day-to-day contact with the PPP advisor's experts, benefit from a transfer of skills and thus receive on-the-job training; and</p> <p>(b) liaise between the organs of the contracting authority and the PPP advisor and assist the latter with data collection, providing it with all available information, documentation and studies on the assignment.</p>	<p>importance of the assignment, and the requirements of the executing agency or the contracting authority. (3) The counterpart staff shall-</p> <p>(a) through a day-to-day contact with the PPP advisor's experts, benefit from a transfer of skills and thus receive on-the-job training; and</p> <p>(b) liaise between the organs of the contracting authority and the PPP advisor and assist the latter with data collection, providing it with all available information, documentation and studies on the assignment.</p>		
<p>Association between PPP advisors</p> <p>76.-(1) A PPP advisor may associate with each other to complement their respective areas of expertise, or for other reasons in which case such association may be for the long term independent of any particular assignment or for a specific assignment and may take the form of a joint venture or of a sub-consultancy.</p>	<p>Association between PPP advisors</p> <p>74.-(1) A PPP advisor may associate with each other to complement their respective areas of expertise, or for other reasons in which case such association may be for the long term independent of any particular assignment or for a specific assignment and may take the form of a joint venture or of a sub-consultancy.</p>	<p>Regulation 76 (7) is proposed to be amended exchange the word tender board with contracting authority on approval of short listed firm</p>	

CURRENT CITATION OF THE PPP REGULATIONS, 2020	PROPOSED AMENDMENT	REASONS FOR AMENDMENTS	PPP STAKEHOLDER'S COMMENTS
<p>(2) In the case of a joint venture, all members of the joint venture shall be jointly and severally liable for the entire assignment.</p> <p>(3) A joint venture of firms may pre-qualify by combining the capabilities and past experience of each firm.</p> <p>(4) A firm shall not associate with more than one partner in the same pre-qualification proceedings.</p> <p>(5) A firm which is individually pre-qualified may form a joint venture in order to submit a technical proposal.</p> <p>(6) Firms which are pre-qualified as partners in a joint venture shall not submit individual technical proposals.</p> <p>(7) Where the short list is finalized and request for proposals is issued, any association in the form of joint venture or sub-consultancy among short listed firms shall be permissible only with the prior approval of the tender board.</p>	<p>(2) In the case of a joint venture, all members of the joint venture shall be jointly and severally liable for the entire assignment.</p> <p>(3) A joint venture of firms may pre-qualify by combining the capabilities and past experience of each firm.</p> <p>(4) A firm shall not associate with more than one partner in the same pre-qualification proceedings.</p> <p>(5) A firm which is individually pre-qualified may form a joint venture in order to submit a technical proposal.</p> <p>(6) Firms which are pre-qualified as partners in a joint venture shall not submit individual technical proposals.</p> <p>(7) Where the short list is finalized and request for proposals is issued, any association in the form of joint venture or sub-consultancy among short listed firms shall be permissible only with the prior approval of the contracting authority.</p>		
Cost estimate and budget	Cost estimate and budget	No changess	

CURRENT CITATION OF THE PPP REGULATIONS, 2020	PROPOSED AMENDMENT	REASONS FOR AMENDMENTS	PPP STAKEHOLDER'S COMMENTS
<p>77.-(1) The cost estimate shall be made on the basis of the cost of the consulting assignment on the assessment of the resources needed to carry out the assignment, staff time, logistical support, and physical inputs.</p> <p>(2) The cost estimate and budget shall be based on the terms of reference, in which case the budget shall be as detailed and accurate as possible, and shall be broken down into foreign and local currency where applicable.</p> <p>(3) The principal cost categories and characteristics on which the cost estimate may be based are as follows-</p> <p>(a) the PPP advisors' staff, time spent at headquarters and in the field;</p> <p>(b) other professional and support staff;</p> <p>(c) direct costs and any reimbursable that may arise;</p> <p>(d) the cost of physical inputs and materials such as equipment, vehicles and office supplies;</p> <p>(e) other expenditure such as offices, communications, services; and (f) costs for special services, if any.</p>	<p>75.-(1) The cost estimate shall be made on the basis of the cost of the consulting assignment on the assessment of the resources needed to carry out the assignment, staff time, logistical support, and physical inputs.</p> <p>(2) The cost estimate and budget shall be based on the terms of reference, in which case the budget shall be as detailed and accurate as possible, and shall be broken down into foreign and local currency where applicable.</p> <p>(3) The principal cost categories and characteristics on which the cost estimate may be based are as follows-</p> <p>(a) the PPP advisors' staff, time spent at headquarters and in the field;</p> <p>(b) other professional and support staff;</p> <p>(c) direct costs and any reimbursable that may arise;</p> <p>(d) the cost of physical inputs and materials such as equipment, vehicles and office supplies;</p> <p>(e) other expenditure such as offices, communications, services;</p>		

CURRENT CITATION OF THE PPP REGULATIONS, 2020	PROPOSED AMENDMENT	REASONS FOR AMENDMENTS	PPP STAKEHOLDER'S COMMENTS
	and (f) costs for special services, if any.		
<p>Advertisement for request of expression of interest 78.-(1) The contracting authority shall include, in the general procurement notice, a list of expected consulting assignments which shall be updated as the contracting authority considers necessary for all outstanding procurement. (2) The invitation for expression of interest shall be advertised by the contracting authority in the Journal and Tender Portal in accordance with the Third Schedule to these Regulations. (3) In the advertisement, the contracting authority shall request the applicants to submit adequate information for the contracting authority to make decision on the firm's suitability and the advertisement shall not be complex as to discourage PPP advisors from expressing interest. (4) A minimum period prescribed in the Fourth Schedule to these Regulations shall apply for submission of expressions of interest.</p>	<p>Advertisement for request of expression of interest 76.-(1) The contracting authority shall include, in the general procurement notice, a list of expected consulting assignments which shall be updated as the contracting authority considers necessary for all outstanding procurement. (2) The invitation for expression of interest shall be advertised by the contracting authority in the Journal and Tender Portal in accordance with the Third Schedule to these Regulations. (3) In the advertisement, the contracting authority shall request the applicants to submit adequate information for the contracting authority to make decision on the firm's suitability and the advertisement shall not be complex as to discourage PPP advisors from expressing interest. (4) A minimum period prescribed in the Fourth Schedule to these Regulations shall apply for</p>	No changess	

CURRENT CITATION OF THE PPP REGULATIONS, 2020	PROPOSED AMENDMENT	REASONS FOR AMENDMENTS	PPP STAKEHOLDER'S COMMENTS
<p>(5) A PPP advisor who wishes to provide the requested services may express his desire in writing to be short-listed to the contracting authority concerned.</p> <p>(6) Notwithstanding sub-regulation (5), an expression of interest to participate in the provision of services shall not oblige the contracting authority to include the applicant in the short list.</p> <p>(7) In evaluating the expression of interest, a contracting authority shall accord first consideration to firms that possess the relevant qualifications.</p>	<p>submission of expressions of interest.</p> <p>(5) A PPP advisor who wishes to provide the requested services may express his desire in writing to be short-listed to the contracting authority concerned.</p> <p>(6) Notwithstanding sub-regulation (5), an expression of interest to participate in the provision of services shall not oblige the contracting authority to include the applicant in the short list.</p> <p>(7) In evaluating the expression of interest, a contracting authority shall accord first consideration to firms that possess the relevant qualifications.</p>		
<p>Preparation of short list 79.-(1) A contracting authority shall prepare a short-list to be made up of PPP advisors or consultants who, in the view of a contracting authority, possess the required capabilities and experience to provide the specific services.</p> <p>(2) A shortlist shall be prepared for every new request for proposals and shall comprise of five to ten firms, at</p>	<p>Preparation of short list 77.-(1) A contracting authority shall prepare a short-list to be made up of PPP advisors or consultants who, in the view of a contracting authority, possess the required capabilities and experience to provide the specific services.</p> <p>(2) A shortlist shall be prepared for every new request for</p>	<p>Regulation 79 sub regulation (4) is proposed to be amended so as to shorten the process of procurement Sub regulation (6) for clarity of contracting authority mandate instead of tender board</p>	

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<p>least three of which shall be national firms.</p> <p>(3) Where there are no qualified firms from Tanzania and for the purposes of establishing the short list, the nationality of a firm shall be the country in which the firm is registered or incorporated.</p> <p>(4) A tender board may require the procurement management unit to expand or reduce a short list and where a tender board has approved a short list, a procurement management unit shall not add or delete names without an approval of the tender board.</p> <p>(5) Prior to the issue of the request for proposal documents, the PPP advisors shall be requested to confirm their desire to participate in the competition.</p> <p>(6) Subject to sub-regulation (2), the procurement management unit shall, with the tender board's consent, replace firms that have communicated to the contracting authority in writing that they shall not participate or firms which did not confirm their participation pursuant to sub-</p>	<p>proposals and shall comprise of five to ten firms, at least three of which shall be national firms.</p> <p>(3) Where there are no qualified firms from Tanzania and for the purposes of establishing the short list, the nationality of a firm shall be the country in which the firm is registered or incorporated.</p> <p>(4) Prior to the issue of the request for proposal documents, the PPP advisors shall be requested to confirm their desire to participate in the competition.</p> <p>(5) Subject to sub-regulation (2), the procurement management unit shall, with the contacting authority consent, replace firms that have communicated to the contracting authority in writing that they shall not participate or firms which did not confirm their participation by other firms where available.</p>		

CURRENT CITATION OF THE PPP REGULATIONS, 2020	PROPOSED AMENDMENT	REASONS FOR AMENDMENTS	PPP STAKEHOLDER'S COMMENTS
regulation (4), by other firms where available.			
<p>Provision of final shortlist 80. Firms that expressed interest, as well as any other firm that specifically so requests, shall be provided with the final short list of firms.</p>	<p>Provision of final shortlist 78. Firms that expressed interest, as well as any other firm that specifically so requests, shall be provided with the final short list of firms.</p>	No changess	
<p>Criteria to be used where no expression of interest is provided 81. Where a contracting authority has not invited expression of interest, it may use the following sources when drawing up the short list of PPP advisors or consultant: (a) contracting authority's own experience of consulting firms and individual PPP advisors; (b) soliciting interest directly from qualified firms based on its own knowledge; or (c) established standard list of PPP advisors who have performed similar services in other contracting authorities or donor funded assignments, where available.</p>	<p>Criteria to be used where no expression of interest is provided 79. Where a contracting authority has not invited expression of interest, it may use the following sources when drawing up the short list of PPP advisors or consultant: (a) contracting authority's own experience of consulting firms and individual PPP advisors; (b) soliciting interest directly from qualified firms based on its own knowledge; or (c) established standard list of PPP advisors who have performed similar services in other contracting authorities or donor funded assignments, where available.</p>	No changess	
Composition of firm of PPP advisors	Composition of firm of PPP advisors	Regulation 82 (3) is proposed to be amended	

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<p>82.-(1) A firm of PPP advisors shall comprise of local and foreign PPP advisors: Provided that, at least thirty percent of the firm's PPP advisors are Tanzania citizens.</p> <p>(2) Notwithstanding sub regulation (1), A short list may entirely comprise of local or foreign PPP advisors if-</p> <p>(a) a sufficient number of qualified local or, as the case may be foreign firms are available for having a short list of firms with competitive costs;</p> <p>(b) a competition that include local or foreign PPP advisors is prima facie not justified; or</p> <p>(c) local or foreign PPP advisors have not expressed interest.</p> <p>(3) A short list which is not approved by the tender board shall not be used for the selection of a PPP advisor.</p>	<p>80.-(1) A firm of PPP advisors shall comprise of local and foreign PPP advisors: Provided that, at least thirty percent of the firm's PPP advisors are Tanzania citizens.</p> <p>(2) Notwithstanding sub regulation (1), A short list may entirely comprise of local or foreign PPP advisors if-</p> <p>(a) a sufficient number of qualified local or, as the case may be foreign firms are available for having a short list of firms with competitive costs;</p> <p>(b) a competition that include local or foreign PPP advisors is prima facie not justified; or</p> <p>(c) local or foreign PPP advisors have not expressed interest.</p> <p>(3) A short list which is not approved by the contracting authority shall not be used for the selection of a PPP advisor.</p>	<p>for clarity to replace the word tender board with contracting authority</p>	
<p>Tender board not to object PPP advisor</p> <p>83. Where an eligible PPP advisor has satisfactorily carried out feasibility studies for a project, and is technically qualified to undertake detailed project</p>	<p>contracting authority not to object PPP advisor</p> <p>81. Where an eligible PPP advisor has satisfactorily carried out feasibility studies for a project, and is technically qualified to</p>	<p>Regulation 83 and its marginal notes is proposed to be amended by replace the word tender board with Contracting authority not object PPP advisor to</p>	

CURRENT CITATION OF THE PPP REGULATIONS, 2020	PROPOSED AMENDMENT	REASONS FOR AMENDMENTS	PPP STAKEHOLDER'S COMMENTS
<p>or engineering design, preparation of tender documents or, supervision of implementation, a tender board shall not object the PPP advisor if the PPP advisor is appointed to carry out such subsequent functions.</p>	<p>undertake detailed project or engineering design, preparation of tender documents or, supervision of implementation, contracting authority-shall not object the PPP advisor if the PPP advisor is appointed to carry out such subsequent functions</p>	<p>undertake further assignments</p>	
<p>Pre-qualification 84.-(1) In the case of major and complex services, the short list shall be prepared by either inviting PPP advisors renowned for their experience and skills or by means of an announcement to PPP advisors to express their interest in the assignment. (2) The announcement shall contain a brief outline of the assignment and only request PPP advisors to submit a detailed statement of capability and experience relevant to the assignment in the format to be provided by the contracting authority in line with standard prequalification documents issued by the Authority. (3) The criteria used in pre-qualification shall not be applied during the follow-up evaluation of the technical proposals.</p>	<p>Pre-qualification 82.-(1) In the case of major and complex services, the short list shall be prepared by either inviting PPP advisors renowned for their experience and skills or by means of an announcement to PPP advisors to express their interest in the assignment. (2) The announcement shall contain a brief outline of the assignment and only request PPP advisors to submit a detailed statement of capability and experience relevant to the assignment in the format to be provided by the contracting authority in line with standard prequalification documents issued by the Authority. (3) The criteria used in pre-qualification shall not be applied</p>	<p>Regulation 84 (5) is proposed to be amended by replace the word tender board with Contracting authority</p>	

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<p>(4) Pre-qualification shall be mandatory in all situations where a contracting authority intends to engage into restricted architectural competition in accordance with architectural competition procedures prescribed by the relevant regulatory board and subject to the approval of the Authority.</p> <p>(5) The contracting authority shall evaluate the responses and information obtained and shall prepare a short list to be approved by the tender board, by including the best qualified firms.</p> <p>(6) The maximum period prescribed in the Fourth Schedule to these Regulations shall apply for submission of pre-qualification application</p>	<p>during the follow-up evaluation of the technical proposals.</p> <p>(4) Pre-qualification shall be mandatory in all situations where a contracting authority intends to engage into restricted architectural competition in accordance with architectural competition procedures prescribed by the relevant regulatory board and subject to the approval of the Authority.</p> <p>(5) The contracting authority shall evaluate the responses and information obtained and shall prepare a short list to be approved by the contracting authority, by including the best qualified firms.</p> <p>(6) The maximum period prescribed in the Fourth Schedule to these Regulations shall apply for submission of pre-qualification application</p>		
<p>Preparation and issuance of request for proposals</p> <p>85.-(1) Before inviting proposals, a procurement management unit shall furnish to the tender board for its review, the short list and the proposed</p>	<p>Preparation and issuance of request for proposals</p> <p>83.-(1) Before inviting proposals, a procurement management unit shall furnish to the tender board for its review, the short list and</p>	<p>Regulation 85 (1) and (2) is proposed to be amended by replace the word tender board with Contracting authority</p>	

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<p>request for proposal and shall make modifications to the short list and the documents as the tender board shall reasonably direct.</p> <p>(2) Any further modification shall require the tender board's prior approval before the request for proposal is issued to the short-listed PPP advisors.</p> <p>(3) The contracting authority shall invite proposals from five to ten qualified and experienced PPP advisors, and shall, through a suitable selection procedure, choose the PPP advisor most qualified for the assignment.</p> <p>(4) Contracting Authorities shall use standard request for proposals documents issued by the Authority and shall list all the documents included in the request for proposals.</p> <p>(5) The request for proposals shall contain-</p> <p>(a) a letter of invitation;</p> <p>(b) instructions to PPP advisors, including a data sheet and evaluation criteria;</p> <p>(c) terms of reference;</p> <p>(d) proposed contract;</p>	<p>the proposed request for proposal and shall make modifications to the short list and the documents as the authority shall reasonably direct.</p> <p>(2) Any further modification shall require the contracting authority prior approval before the request for proposal is issued to the short-listed PPP advisors.</p> <p>(3) The contracting authority shall invite proposals from five to ten qualified and experienced PPP advisors, and shall, through a suitable selection procedure, choose the PPP advisor most qualified for the assignment.</p> <p>(4) Contracting Authorities shall use standard request for proposals documents issued by the Authority and shall list all the documents included in the request for proposals.</p> <p>(5) The request for proposals shall contain-</p> <p>(a) a letter of invitation;</p> <p>(b) instructions to PPP advisors, including a data sheet and evaluation criteria;</p> <p>(c) terms of reference;</p>		

CURRENT CITATION OF THE PPP REGULATIONS, 2020	PROPOSED AMENDMENT	REASONS FOR AMENDMENTS	PPP STAKEHOLDER'S COMMENTS
<p>(e) technical and financial proposal standard forms; and (f) anti-bribery pledge. (6) The procuring entity shall send the request for proposals to PPP advisors on the short list. (7) The contracting authority may use electronic system to request proposals if the Authority is satisfied with the adequacy of such system and the system shall be secured to avoid modifications to the request for proposals and shall not restrict the access of short-listed PPP advisors to the request for proposals.</p>	<p>(d) proposed contract; (e) technical and financial proposal standard forms; and (f) anti-bribery pledge. (6) The procuring entity shall send the request for proposals to PPP advisors on the short list. (7) The contracting authority may use electronic system to request proposals if the Authority is satisfied with the adequacy of such system and the system shall be secured to avoid modifications to the request for proposals and shall not restrict the access of short-listed PPP advisors to the request for proposals</p>		
<p>Letter of invitation 86. The letter of invitation shall state the intention of the contracting authority to enter into a contract for the provision of consulting services, the source of funds, the details of the client and the date, time, and address for submission of proposals.</p>	<p>Letter of invitation 84. The letter of invitation shall state the intention of the contracting authority to enter into a contract for the provision of consulting services, the source of funds, the details of the client and the date, time, and address for submission of proposals.</p>	No changess	

CURRENT CITATION OF THE PPP REGULATIONS, 2020	PROPOSED AMENDMENT	REASONS FOR AMENDMENTS	PPP STAKEHOLDER'S COMMENTS
<p>Instruction to PPP advisors 87.-(1) The instruction to PPP advisors shall-</p> <p>(a) contain all necessary information to help PPP advisors to prepare responsive proposals, and shall manifest the transparency in the selection procedure by providing information on the evaluation process and by indicating the evaluation criteria and factors and their respective weights and the minimum passing quality score;</p> <p>(b) indicate the expected input of key professional staff time and the PPP advisors or consultants and shall be free to prepare their own estimates of staff time necessary to carry out the assignment;</p> <p>(c) specify the proposal validity period which shall not be less than sixty days and not exceeding one hundred and twenty days.</p> <p>(2) The instructions to PPP advisors or consultants shall include the following aspects of the assignment:</p> <p>(a) a brief description of the assignment;</p> <p>(b) the names and contact information of officials to whom clarifications shall</p>	<p>Instruction to PPP advisors 85.-(1) The instruction to PPP advisors shall-</p> <p>(a) contain all necessary information to help PPP advisors to prepare responsive proposals, and shall manifest the transparency in the selection procedure by providing information on the evaluation process and by indicating the evaluation criteria and factors and their respective weights and the minimum passing quality score;</p> <p>(b) indicate the expected input of key professional staff time and the PPP advisors or consultants and shall be free to prepare their own estimates of staff time necessary to carry out the assignment;</p> <p>(c) specify the proposal validity period which shall not be less than sixty days and not exceeding one hundred and twenty days.</p> <p>(2) The instructions to PPP advisors or consultants shall include the following aspects of the assignment:</p>	<p>No changes</p>	

CURRENT CITATION OF THE PPP REGULATIONS, 2020	PROPOSED AMENDMENT	REASONS FOR AMENDMENTS	PPP STAKEHOLDER'S COMMENTS
<p>be addressed and with whom the PPP advisors' or consultants' representative shall meet, if necessary;</p> <p>(c) details of the selection procedure to be followed, including:</p> <ul style="list-style-type: none"> i. a listing of the technical evaluation criteria and weights given to each criterion; ii. the details of the financial evaluation; iii. the relative weights for quality and cost in the case of quality and cost based selection; iv. the minimum pass score for quality; v. the details on the public opening of financial proposals; and vi. available budget in the case of fixed budget selection; <p>(d) an estimate of the level of key staff inputs (in staff-months) required of the PPP advisors, and indication of minimum experience, academic achievement, and so forth, expected of key staff or the total budget, if a given figure cannot be exceeded;</p> <p>(e) details and status of any external and internal financing;</p>	<p>(a) a brief description of the assignment;</p> <p>(b) the names and contact information of officials to whom clarifications shall be addressed and with whom the PPP advisors' or consultants' representative shall meet, if necessary;</p> <p>(c) details of the selection procedure to be followed, including:</p> <ul style="list-style-type: none"> i. a listing of the technical evaluation criteria and weights given to each criterion; ii. the details of the financial evaluation; iii. the relative weights for quality and cost in the case of quality and cost based selection; iv. the minimum pass score for quality; v. the details on the public opening of financial proposals; and vi. available budget in the case of fixed budget selection; <p>(d) an estimate of the level of key staff inputs (in staff-months) required of the PPP advisors, and indication of minimum experience,</p>		

CURRENT CITATION OF THE PPP REGULATIONS, 2020	PROPOSED AMENDMENT	REASONS FOR AMENDMENTS	PPP STAKEHOLDER'S COMMENTS
<p>(f) information on negotiations; and financial and other information that shall be required of the selected firm during negotiation of the contract;</p> <p>(g) the deadline for the submission of proposals;</p> <p>(h) currency in which the costs of services shall be expressed, compared, and paid;</p> <p>(i) reference to any written laws in Tanzania that may be particularly relevant to the proposed PPP advisors' or consultants' contract;</p> <p>(j) a statement that the firm and any of its affiliates shall be disqualified from providing downstream goods, works, or services under the project if, in the contracting authority judgement, such activities constitute a conflict of interest with the services provided under the assignment;</p> <p>(k) the method in which the proposal shall be submitted, including the requirement that the technical proposals and price proposals be sealed and submitted separately in a manner that shall ensure that the technical evaluation is not influenced by price;</p> <p>(l) a request that the invited firm:</p>	<p>academic achievement, and so forth, expected of key staff or the total budget, if a given figure cannot be exceeded;</p> <p>(e) details and status of any external and internal financing;</p> <p>(f) information on negotiations; and financial and other information that shall be required of the selected firm during negotiation of the contract;</p> <p>(g) the deadline for the submission of proposals;</p> <p>(h) currency in which the costs of services shall be expressed, compared, and paid;</p> <p>(i) reference to any written laws in Tanzania that may be particularly relevant to the proposed PPP advisors' or consultants' contract;</p> <p>(j) a statement that the firm and any of its affiliates shall be disqualified from providing downstream goods, works, or services under the project if, in the contracting authority judgement, such activities constitute a conflict of interest</p>		

CURRENT CITATION OF THE PPP REGULATIONS, 2020	PROPOSED AMENDMENT	REASONS FOR AMENDMENTS	PPP STAKEHOLDER'S COMMENTS
<p>(i) acknowledges receipt of the request for proposal; and</p> <p>(ii) informs the contracting authority whether or not it will be submitting a proposal;</p> <p>(m) the short list of PPP advisors or consultants being invited to submit proposals, and whether or not associations between shortlisted PPP advisors are acceptable;</p> <p>(n) the anticipated date on which the selected PPP advisor shall be expected to commence the assignment;</p> <p>(o) any requirements of the contracting authority with respect to the issuer and the nature, form, amount and other principal terms and conditions for the performance security for the procurement contract to be provided by the PPP advisors who enters into the contract;</p> <p>(p) a statement indicating:</p> <p>(i) whether or not the PPP advisors' contract and personnel shall be taxfree; and</p> <p>(ii) what the likely tax burden will be or where this information can be obtained, and a statement requiring that the PPP advisor shall include in its</p>	<p>with the services provided under the assignment;</p> <p>(k) the method in which the proposal shall be submitted, including the requirement that the technical proposals and price proposals be sealed and submitted separately in a manner that shall ensure that the technical evaluation is not influenced by price;</p> <p>(l) a request that the invited firm:</p> <p>(i) acknowledges receipt of the request for proposal; and</p> <p>(ii) informs the contracting authority whether or not it will be submitting a proposal;</p> <p>(m) the short list of PPP advisors or consultants being invited to submit proposals, and whether or not associations between short listed PPP advisors are acceptable;</p> <p>(n) the anticipated date on which the selected PPP advisor shall be expected to commence the assignment;</p> <p>(o) any requirements of the contracting authority with respect to the issuer and the nature,</p>		

CURRENT CITATION OF THE PPP REGULATIONS, 2020	PROPOSED AMENDMENT	REASONS FOR AMENDMENTS	PPP STAKEHOLDER'S COMMENTS
<p>financial proposal a separate amount clearly identified, to cover taxes; (q) if not included in the terms of reference or in the draft contract, details of the services, facilities, equipment, and staff to be provided by the contracting authority; (r) phasing of the assignment, if appropriate; and likelihood of follow-up assignments; (s) the procedure to handle clarifications about the information given in the request for proposals; and (t) any conditions for subcontracting part of the assignment.</p>	<p>form, amount and other principal terms and conditions for the performance security for the procurement contract to be provided by the PPP advisors who enters into the contract; (p) a statement indicating: (i) whether or not the PPP advisors' contract and personnel shall be tax free; and (ii) what the likely tax burden will be or where this information can be obtained, and a statement requiring that the PPP advisor shall include in its financial proposal a separate amount clearly identified, to cover taxes; (q) if not included in the terms of reference or in the draft contract, details of the services, facilities, equipment, and staff to be provided by the contracting authority; (r) phasing of the assignment, if appropriate; and likelihood of follow-up assignments; (s) the procedure to handle clarifications about the information given in the request for proposals; and</p>		

CURRENT CITATION OF THE PPP REGULATIONS, 2020	PROPOSED AMENDMENT	REASONS FOR AMENDMENTS	PPP STAKEHOLDER'S COMMENTS
	(t) any conditions for subcontracting part of the assignment.		
<p>Procurement contract 88.-(1) A contracting authority shall use the appropriate standardized documents to be prepared as prescribed under these Regulations with necessary alterations to address specific project issues. (2) The alterations in the standard contract shall be introduced through the special conditions of contract. (3) Where the forms are not available for a specific service, contracting authorities shall use other contract forms acceptable to the Authority.</p>	<p>Procurement contract 86.-(1) A contracting authority shall use the appropriate standardized documents to be prepared as prescribed under these Regulations with necessary alterations to address specific project issues. (2) The alterations in the standard contract shall be introduced through the special conditions of contract. (3) Where the forms are not available for a specific service, contracting authorities shall use other contract forms acceptable to the Authority.</p>	No changess	
PART IX NEGOTIATIONS AND AGREEMENT			
<p>Negotiation team 89.-(1) The accounting officer of a contracting authority shall, within twenty one days from date of notification of award, form a multi-disciplinary negotiation team to negotiate with the private party on the terms, conditions and other issues of an agreement.</p>	<p>Negotiation team 87.-(1) The accounting officer of a contracting authority in collaboration with PPP center shall, within twenty-one days from date of notification of award, form a multi-disciplinary negotiation team to negotiate with the private party</p>	Regulation 89 is proposed to be amended to enable PPP center to provide technical assistance to contracting authority in the process of forming negotiation team.	

CURRENT CITATION OF THE PPP REGULATIONS, 2020	PROPOSED AMENDMENT	REASONS FOR AMENDMENTS	PPP STAKEHOLDER'S COMMENTS
<p>(2) The negotiation team shall be comprised of not less than five members with knowledge, experience and skills on the subject matter of the project which may include among others, experts in economics, law, finance and banking, engineering and PPP management.</p> <p>(4) The negotiation team shall perform functions stipulated in the Act and advise the accounting officer accordingly.</p> <p>(5) Before commencement of the negotiations, the negotiation team shall prepare a negotiation plan to be endorsed by the relevant accounting officer.</p>	<p>on the terms, conditions and other issues of an agreement.</p> <p>(2) The negotiation team shall be comprised of not less than five members with knowledge, experience and skills on the subject matter of the project which may include among others, experts in economics, law, finance and banking, engineering and PPP management. Chairperson of the team shall be appointed among the negotiation team with vast experience in negotiation.</p> <p>(3) where the required skills or experience is not available within the contracting authority or where there is conflict of interest, a member of a negotiation team may be sourced from outside the contracting authority.</p> <p>(4) The negotiation team shall perform functions stipulated in the Act and advise the accounting officer accordingly.</p> <p>(5) Before commencement of the negotiations, the negotiation team shall prepare a negotiation plan to be endorsed by the relevant accounting officer.</p>		

CURRENT CITATION OF THE PPP REGULATIONS, 2020	PROPOSED AMENDMENT	REASONS FOR AMENDMENTS	PPP STAKEHOLDER'S COMMENTS
<p>Procedures for negotiation of agreement</p> <p>90.-(1) Negotiation shall commence with the preferred bidder upon the approval and announcement of preferred and reserve bidders.</p> <p>(2) Where the negotiation with the preferred bidder is terminated, the contracting authority shall invite the reserve bidder for negotiation, and continue in that order of reserve bidders until the list is exhausted.</p> <p>(3) The contracting authority shall, after successful completion of negotiations with the preferred bidder and before signing of any contract, submit to the PPP Steering Committee through PPP Center for final approval of the project agreement in accordance with the provision of the Act.</p> <p>(4) The submission referred to under sub regulation (3), shall be accompanied by brief summary of the agreement which may include the following:</p> <p>(a) final negotiated project costs;</p> <p>(b) value for money and affordability analysis;</p>	<p>Procedures for negotiation of agreement</p> <p>88.-(1) Negotiation shall commence with the preferred bidder upon the approval and announcement of preferred and reserve bidders.</p> <p>(2) Where the negotiation with the preferred bidder do not reach to an agreement, the contracting authority shall invite the reserve bidder for negotiation, and continue in that order of reserve bidders until the list is exhausted.</p> <p>(3) Upon conclusion of the negotiation and before signing of agreement the contracting authority shall finalize the agreement.</p> <p>(4) The finalized agreement referred to under sub regulation (3), shall be accompanied by brief summary of the agreement which may include the following:</p> <p>(a) final negotiated project costs;</p> <p>(b) value for money and affordability analysis;</p>	<p>Regulation 90 (2), (4) and (5) is proposed to be amended for clear procedure for negotiation</p>	

CURRENT CITATION OF THE PPP REGULATIONS, 2020	PROPOSED AMENDMENT	REASONS FOR AMENDMENTS	PPP STAKEHOLDER'S COMMENTS
<p>(c) the proposed PPP model and terms of the public-private partnership agreement;</p> <p>(d) all financial liabilities borne directly or indirectly by the Government;</p> <p>(e) contracting authority's public-private partnership agreement management plan;</p> <p>(f) legal due diligence on competency of parties to enter into public-private partnership agreement; and</p> <p>(g) any material changes to the terms and conditions of the project, in particular Government's obligations and liabilities, from the feasibility as approved by the PPP Steering Committee.</p> <p>(5) Any material variation, change or amendment, agreement to the project, including those needed to achieve financial close, refinancing, renegotiations or other conditions precedent, shall be approved in advance, in writing by the PPP Steering Committee.</p> <p>(6) Negotiation for procurement of private party shall be conducted on key areas for negotiation as provided in section 11(3) and (4) of the Act.</p>	<p>(c) the proposed PPP model and terms of the public-private partnership agreement;</p> <p>(d) all financial liabilities borne directly or indirectly by the Government;</p> <p>(e) contracting authority's public-private partnership agreement management plan;</p> <p>(f) legal due diligence on competency of parties to enter into public-private partnership agreement; and</p> <p>(g) any material changes to the terms and conditions of the project, in particular Government's obligations and liabilities, from the feasibility as approved by the PPP Steering Committee.</p> <p>(5) Any material variation, change or amendment to the project agreement, including those needed to achieve financial close, refinancing, renegotiations or other conditions precedent, shall be approved in advance, in writing by the PPP Steering Committee.</p>		

CURRENT CITATION OF THE PPP REGULATIONS, 2020	PROPOSED AMENDMENT	REASONS FOR AMENDMENTS	PPP STAKEHOLDER'S COMMENTS
	(6) Negotiation plan endorsed by the relevant accounting officer in accordance with Section 11(3) and (4) of the Act.		
<p>Approval and finalization of agreement</p> <p>91.-(1) Upon conclusion of the negotiation the contracting authority shall finalize the agreement and submit all related documents to the PPP Centre for recommendation.</p> <p>(2) The PPP Centre and shall, within fourteen working days recommend on the submitted agreement and forward to the PPP Steering Committee for approval before further submission to contracting authority for further action.</p>	<p>Approval and finalization of agreement</p> <p>89.-(1) The contracting authority shall, after finalization of the agreement and documents to be accompanied as listed under regulation 88.-(4) submit the same to the PPP Center for recommendation and approval by the PPP Steering Committee in accordance with the provision of the PPP Act.</p> <p>Upon conclusion of the negotiation the contracting authority shall finalize the agreement and submit all related documents to the PPP Centre for recommendation.</p> <p>(2) The PPP Centre shall, within fourteen working days upon receipt of the agreement do the following</p>	<p>Regulation 91 is proposed to be amended to clear the procedure for finalization of PPP agreement</p>	

CURRENT CITATION OF THE PPP REGULATIONS, 2020	PROPOSED AMENDMENT	REASONS FOR AMENDMENTS	PPP STAKEHOLDER'S COMMENTS
	<p>a. Provide recommendation to contracting authority for consideration, or</p> <p>b. Recommend to the PPP Steering Committee to approve the submitted agreement.</p>		
<p>Submission of draft agreement to Attorney General</p> <p>92.-(1) The contracting authority shall submit to the Attorney General the draft agreement as approved by the PPP Steering Committee and agreed by both parties for vetting.</p> <p>(2) The draft agreement submitted to the Attorney General shall be accompanied by other documents as relating to the project or contracting parties as may be necessary for clarity during vetting.</p> <p>(3) The Attorney General shall, after consideration of the draft agreement and any other attached documents, provide a legal opinion on the draft agreement within fourteen working days in accordance with the Office of the Attorney Generals' (Discharge of Duties) Act,</p> <p>(4) The contracting authority shall, after receiving the opinion of the Attorney General on the draft</p>	<p>Submission of draft agreement to Attorney General</p> <p>90.-(1) The contracting authority shall submit to the Attorney General the draft agreement as approved by the PPP Steering Committee and agreed by both parties for vetting.</p> <p>(2) The draft agreement submitted to the Attorney General shall be accompanied by other documents as relating to the project or contracting parties as may be necessary for clarity during vetting.</p> <p>(3) The Attorney General shall, after consideration of the draft agreement and any other attached documents, provide a legal opinion on the draft agreement within fourteen working days in accordance with the Office of the Attorney</p>	<p>No changess</p>	

CURRENT CITATION OF THE PPP REGULATIONS, 2020	PROPOSED AMENDMENT	REASONS FOR AMENDMENTS	PPP STAKEHOLDER'S COMMENTS
<p>agreement, consider the opinion and prepare the final draft of the agreement.</p> <p>(5) Where the opinion of the Attorney General has an impact on the terms and conditions of the draft agreement as agreed by the parties, the contracting authority shall immediately notify the private party on the new terms or consideration of new terms.</p> <p>(6) Upon agreement by both parties, a final agreement shall be prepared for signature by the parties.</p>	<p>Generals' (Discharge of Duties) Act,</p> <p>(4) The contracting authority shall, after receiving the opinion of the Attorney General on the draft agreement, consider the opinion and prepare the final draft of the agreement.</p> <p>(5) Where the opinion of the Attorney General has an impact on the terms and conditions of the draft agreement as agreed by the parties, the contracting authority shall immediately notify the private party on the new terms or consideration of new terms.</p> <p>(6) Upon agreement by both parties, a final agreement shall be prepared for signature by the parties.</p>		
<p>Signing of agreement</p> <p>93.-(1) The accounting officer shall, upon being satisfied with the contents of the agreement, signs the agreement on behalf of the contracting authority.</p>	<p>Signing of agreement</p> <p>91.-(1) The accounting officer shall, upon being satisfied with the contents of the agreement, signs the agreement on behalf of the contracting authority.</p>	<p>Regulation 93 is proposed to be amended to accommodate SPV on signing PPP agreement with contracting authority</p>	

CURRENT CITATION OF THE PPP REGULATIONS, 2020	PROPOSED AMENDMENT	REASONS FOR AMENDMENTS	PPP STAKEHOLDER'S COMMENTS
<p>(2) After the signing of the agreement, the contracting authority together with the private party shall commence the process for implementation of the project.</p>	<p>(2) Without prejudice to Section 18A of the Act, the private party shall, before the signing of the PPP agreement, establish a special purpose vehicle in accordance with the Companies Act, for the purpose of undertaking the project.</p> <p>(3) For the purpose of Sub regulation (2), a special purpose vehicle may include a public entity as a minority shareholder provided that the public entity shall be:</p> <p>(a) hold shares not exceeding 25 percent of equity contribution in the special purpose vehicle;</p> <p>(b) demonstrates financial capacity on the contribution of equity in the special purpose vehicle; and</p> <p>(c) demonstrates capacity to bear and mitigate risk associated with the implementation of the project.”.</p> <p>(4) After the signing of the agreement, the contracting authority together with the private party shall commence the</p>		

CURRENT CITATION OF THE PPP REGULATIONS, 2020	PROPOSED AMENDMENT	REASONS FOR AMENDMENTS	PPP STAKEHOLDER'S COMMENTS
	process for implementation of the project.		
<p>Copies of agreement</p> <p>94.-(1) Upon signing of the agreement, the accounting officer shall forward copies of the agreement to the PPP Centre, PPP Node, Ministry responsible for finance, authority responsible for National Planning, Office of Attorney General, Controller and Auditor General, Tanzania Revenue Authority, Internal Auditor General and to the Authority for record keeping, monitoring and auditing implementation of the public private partnership projects.</p> <p>(2) Details of the agreement shall be recorded and entered into the registers separately prepared, kept and maintained for that purpose by both the contracting authority and the PPP Centre.</p>	<p>Copies of agreement</p> <p>92.-(1) Upon signing of the agreement, the accounting officer shall forward copies of the agreement to the PPP Centre, Ministry responsible for finance, authority responsible for National Planning, Office of Attorney General, Controller and Auditor General, Tanzania Revenue Authority, and to the Authority for record keeping and monitoring or auditing implementation of the public private partnership projects.</p> <p>(2) Details of the agreement shall be recorded and entered into the registers separately prepared, kept and maintained for that purpose by both the contracting authority and the PPP Centre.</p>	<p>Regulation 94(1) is proposed to be amended to clarify where copies of the agreement will be submitted to enable proper implementation of PPP agreement</p>	
Role of Controller and Auditor General	Role of Controller and Auditor General	No changess	

CURRENT CITATION OF THE PPP REGULATIONS, 2020	PROPOSED AMENDMENT	REASONS FOR AMENDMENTS	PPP STAKEHOLDER'S COMMENTS
<p>95- (1) The Controller and Auditor General shall audit the implementation of PPP Contract.</p> <p>(2) The PPP Center in collaboration with the Office of Controller and Auditor General shall prepare guidelines for auditing public private partnership projects.</p> <p>(3) The guidelines to be prepared under sub regulation (1), shall include the scope and methodology of auditing PPP projects covering the aspects of financial, performance, compliance and value for money audits in the course of preparation and implementing PPP projects.</p>	<p>93- (1) The Controller and Auditor General shall audit the implementation of PPP Contract.</p> <p>(2) The PPP Center in collaboration with the Controller and Auditor General shall prepare guidelines for auditing public private partnership projects.</p> <p>(3) The guidelines to be prepared under sub regulation (1), shall include the scope and methodology of auditing PPP projects covering the aspects of financial, performance, compliance and value for money audits in the course of preparation and implementing PPP projects.</p>		
PART X PROJECT MANAGEMENT PLAN			
<p>Management of project after financial close</p> <p>96.-(1) Upon conclusion of financial close, the services of PPP advisor shall be deemed to cease to apply provided that the Terms of Reference specify that the scope of advisory services for the advisor end at conclusion of financial close.</p> <p>(2) The accounting officer shall ensure that information about the project is</p>	<p>Management of project after financial close</p> <p>94.-(1) Upon conclusion of negotiation, contracting authority or PPP advisor as the case may be in collaboration of the private party shall prepare project management plan which will identify, monitor and manage risks and ensure performance of the private party to meet terms</p>	<p>Regulation 96 (1) and (6) proposed to be amended to accommodate procedure for preparation of project management plan for execution of PPP project</p>	

CURRENT CITATION OF THE PPP REGULATIONS, 2020	PROPOSED AMENDMENT	REASONS FOR AMENDMENTS	PPP STAKEHOLDER'S COMMENTS
<p>carefully kept, managed, and appropriate knowledge and skills are passed over to personnel who may oversee the next phases of the project.</p> <p>(3) Without prejudice to sub-regulation (2), the contracting authority shall execute a sound Project Management Plan for the specific project based on the signed partnership agreement, to enable the accounting officer to effectively manage, enforce, monitor, and report on the Public Private Partnership Agreement.</p> <p>(4) The accounting officer shall ensure that the Project Management Plan demonstrates the value for money, affordability, and risk transfer expected from the agreement are not eroded after the signing of the agreement.</p> <p>(5) The contracting authority shall, in collaboration with the private party and immediately after successful negotiation, prepare management plan which shall consist of:</p> <p>(a) performance criteria;</p> <p>(b) external audit and reporting requirements;</p>	<p>and condition specified in the agreement.</p> <p>(2) The services of PPP advisor shall be deemed to cease to apply provided that the Terms of Reference specify that the scope of advisory services for the advisor end at conclusion of financial close.</p> <p>(3) The project management plan shall ensure that information about the project is carefully kept, managed, and appropriate knowledge and skills are passed over to personnel who may oversee the implementation of the agreement.</p> <p>(4) Without prejudice to sub-regulation (3), the contracting authority shall execute a sound Project Management Plan for the specific project based on the signed partnership agreement, to enable the accounting officer to effectively manage, enforce, monitor, and report on the Public Private Partnership Agreement.</p> <p>(5) The accounting officer shall ensure that the Project</p>		

CURRENT CITATION OF THE PPP REGULATIONS, 2020	PROPOSED AMENDMENT	REASONS FOR AMENDMENTS	PPP STAKEHOLDER'S COMMENTS
<p>(c) submission of progress reports; (d) verification of project assets and value; (e) stakeholders' communications (f) monitoring and evaluation; (g) a clear and objective definition of performance standards required; (h) self-monitoring and reporting by the private party; (i) a scheduled independent review of the private party's monitoring and reporting system; (j) mechanism to get feedback from users which may reveal performance issues; (k) mechanism for the monitoring team to check files and the operating system; (l) penalties which incentivize correction of performance problems; (m) management of project, assets and facilities by the private party; and (n) Warnings for consistent poor performance. (6) For the purpose of protecting users interest, imposition of fees and tariffs, and their alterations from time to time, shall be regulated by the relevant regulatory authority with</p>	<p>Management Plan demonstrates the value for money, affordability, and risk transfer expected from the agreement are not eroded after the signing of the agreement. (6) The Project Management Plan shall consist of the following: (a) performance criteria; (b) external audit and reporting requirements; (c) submission of progress reports; (d) verification of project assets and value; (e) stakeholders' communications (f) monitoring and evaluation; (g) a clear and objective definition of performance standards required; (h) self-monitoring and reporting by the private party; (i) a scheduled independent review of the private party's monitoring and reporting system; (j) mechanism to get feedback from users which may reveal performance issues;</p>		

CURRENT CITATION OF THE PPP REGULATIONS, 2020	PROPOSED AMENDMENT	REASONS FOR AMENDMENTS	PPP STAKEHOLDER'S COMMENTS
<p>mandate on the service to be provided.</p>	<p>(k) mechanism for the monitoring team to check files and the operating system; (l) penalties which incentivize correction of performance problems; (m) management of project, assets and facilities by the private party; and (n) Warnings for consistent poor performance. (7) For the purpose of protecting users interest, imposition of fees and tariffs, and their alterations from time to time, shall be regulated by the relevant regulatory authority with mandate on the service to be provided.</p>		
<p>Implementation of projects 97.-(1) After the signing of the agreement and commencement of the project, the accounting officer shall, through its Project Management Team designated under these regulations, ensure that the agreement is properly implemented, managed, enforced, monitored and reported on from its inception up to the expiry or its termination. (2) Without prejudice to sub-regulation (1), the accounting officer</p>	<p>Implementation of projects 95.-(1) After the signing of the agreement and commencement of the project, the accounting officer shall, through its Project Management Team or Local Government PPP team or contracting authority PPP team as designated under these regulations, ensure that the agreement is properly implemented, managed, enforced, monitored and reported on from</p>	<p>Regulation 97 is proposed to be amended to accommodate project management team for MDAs and LGAs</p>	

CURRENT CITATION OF THE PPP REGULATIONS, 2020	PROPOSED AMENDMENT	REASONS FOR AMENDMENTS	PPP STAKEHOLDER'S COMMENTS
<p>shall maintain a mechanism or procedures for-</p> <p>(a) measuring the outputs of the project under the agreement;</p> <p>(b) monitoring the implementation of, and performance of the project under the agreement;</p> <p>(c) liaising with the private party;</p> <p>(d) resolving disputes and differences with the private party;</p> <p>(e) generally overseeing the day to day management of the project;</p> <p>(f) reviewing of costing and tariffs in view of the long lifetime involved for the project; and</p> <p>(g) preparation of annual reports and other reports on the project at any time, if circumstances dictate.</p> <p>(3) The accounting officer shall be responsible for the service delivery through the project facilities as if the facilities were being managed and operated directly by the Government, and in so doing shall ensure-</p> <p>(a) regular follow up of maintenance of the facilities developed by the project;</p> <p>(b) service delivery is at an acceptable level in terms of quality and reliability;</p>	<p>its inception up to the expiry or its termination.</p> <p>(2) Without prejudice to sub-regulation (1), the accounting officer shall maintain a mechanism or procedures for-</p> <p>(a) measuring the outputs of the project under the agreement;</p> <p>(b) monitoring the implementation of, and performance Implementation of projects under the agreement;</p> <p>(c) liaising with the private party;</p> <p>(d) resolving disputes and differences with the private party;</p> <p>(e) generally overseeing the day to day management of the project;</p> <p>(f) reviewing of costing and tariffs in view of the long lifetime involved for the project; and</p> <p>(g) preparation of annual reports and other reports on the project at any time, if circumstances dictate.</p> <p>(3) The accounting officer shall be responsible for the service delivery through the project facilities as if the facilities were</p>		

CURRENT CITATION OF THE PPP REGULATIONS, 2020	PROPOSED AMENDMENT	REASONS FOR AMENDMENTS	PPP STAKEHOLDER'S COMMENTS
<p>(c) regular and annual performance reports are submitted to the PPP Centre and PPP Node in accordance with the Act and these regulations;</p> <p>(d) the facilities are subjected to regular accounting and auditing;</p> <p>(e) technology transfer and training of counterpart management to take over the management of the facility; and</p> <p>(f) smooth transfer of assets during hand-back.</p>	<p>being managed and operated directly by the Government, and in so doing shall ensure-</p> <p>(a) regular follow up of maintenance of the facilities developed by the project;</p> <p>(b) service delivery is at an acceptable level in terms of quality and reliability;</p> <p>(c) regular and annual performance reports are submitted to the PPP Centre and PPP Node in accordance with the Act and these regulations;</p> <p>(d) the facilities are subjected to regular accounting and auditing;</p> <p>(e) technology transfer and training of counterpart management to take over the management of the facility; and</p> <p>(f) smooth transfer of assets during hand-back.</p>		
<p>Evaluation and monitoring of project</p> <p>98. Every public private partnership project shall be monitored and evaluated by the contracting authority and the PPP Centre to ensure that the project is implemented in accordance with the agreement.</p>	<p>Monitoring and Evaluation of project</p> <p>96. Every public private partnership project shall be monitored and evaluated by the contracting authority and the PPP Centre to ensure that the project</p>	<p>No changess</p>	

CURRENT CITATION OF THE PPP REGULATIONS, 2020	PROPOSED AMENDMENT	REASONS FOR AMENDMENTS	PPP STAKEHOLDER'S COMMENTS
	is implemented in accordance with the agreement.		
<p>Variation 99.-(1) Any variations to the agreement shall be agreed and amended by the parties provided that such variations are approved by the respective contracting authority and PPP Steering Committee, and shall be vetted by the Office of Attorney General.</p> <p>(2) Notwithstanding the requirement in sub regulation (1), all amendments to the agreement shall not affect the value for money, affordability, agreed technical, operational and financial risk transfer to the private party.</p> <p>(3) Any variations effected under sub-regulation (1), shall ensure that the costs associated with such variations are fairly compensated amongst the parties in accordance with standard commercial terms.</p>	<p>Variation 97.-(1) Any variations to the agreement shall be agreed and amended by the parties to the agreement provided that such variations are approved by the PPP Steering Committee, and shall be vetted by the Office of Attorney General.</p> <p>(2) Notwithstanding the requirement in sub regulation (1), all amendments to the agreement shall not affect the value for money, affordability, agreed technical, operational and financial risk transfer to the private party.</p> <p>(3) Any variations effected under sub-regulation (1), shall ensure that the costs associated with such variations are fairly compensated amongst the parties in accordance with standard commercial terms.</p>	Regulation 99 is proposed to be amended to clarify that the PPP steering committee has the role of approving variation of PPP agreement as provided in the PPP Act	
<p>Refinancing of project 100.-(1) Any proposed refinancing of debt extended by lenders to the project shall be done subject to the consent and of the contracting</p>	<p>Refinancing of project 98.-(1) Any proposed refinancing of debt extended by lenders to the project shall be done subject to the consent and of the contracting</p>	No changes	

CURRENT CITATION OF THE PPP REGULATIONS, 2020	PROPOSED AMENDMENT	REASONS FOR AMENDMENTS	PPP STAKEHOLDER'S COMMENTS
<p>authority and the ministry responsible for finance.</p> <p>(2) Any proposed refinancing of debt that affect the scope of project, value for money and end user cost extended by lenders to the private party shall be done subject to the contracting authority's consent and approved by the Ministry responsible for finance.</p> <p>(3) Subject to the provision of section 28(3) of the Act, the Minister shall develop guidelines for monitoring, evaluating and managing all fiscal risks, debts, contingent liabilities and other financial matters.</p>	<p>authority and the ministry responsible for finance.</p> <p>(2) Any proposed refinancing of debt that affect the scope of project, value for money and end user cost extended by lenders to the private party shall be done subject to the contracting authority's consent and approved by the Ministry responsible for finance.</p> <p>(3) Subject to the provision of section 28(3) of the Act, the Minister shall develop guidelines for monitoring, evaluating and managing all fiscal risks, debts, contingent liabilities and other financial matters.</p>		
<p>Termination of project</p> <p>101. -(1) The parties shall have a right to terminate the project if any party to the project fails to fulfil its commitment set under the agreement. (2) The reasons and compensation for termination shall be solely those set out in the agreement. (3) The agreement shall include provisions to achieve the conditions set out in sub regulation (2) of this regulation.</p>	<p>Termination of agreement</p> <p>99. -(1) The parties shall have a right to terminate the agreement if any party to the project fails to fulfil its commitment set thereof. (2) The reasons and compensation for termination shall be solely those set out in the agreement. (3) Where the agreement is terminated for the failure of the either party to meet its obligations set under the agreement, such</p>	<p>Regulation 101 is proposed to be amended;</p> <ol style="list-style-type: none"> 1. To provide clarity on the marginal note that agreement may be terminated and not the project. 2. Regulation 101 (3) and (5) are deleted since the same are supposed to be covered on PPP agreement i.e. 	

CURRENT CITATION OF THE PPP REGULATIONS, 2020	PROPOSED AMENDMENT	REASONS FOR AMENDMENTS	PPP STAKEHOLDER'S COMMENTS
<p>(4) Where the agreement is terminated for the failure of the either private party to meet its obligations set under the agreement, such party shall, within the time stipulated in the agreement, compensate the other party for damages or losses suffered.</p> <p>(5) Upon termination of the agreement, the contracting authority may, in accordance to the provisions of the Act and these Regulations, engage another private partner to implement the project.</p>	<p>party shall, within the time stipulated in the agreement, compensate the other party for damages or losses suffered.</p>	<p>conditions for termination and compensation.</p>	
PART XI PARTICIPATION OF MINISTRIES, LOCAL GOVERNMENT AUTHORITIES, GOVERNMENT DEPARTMENTS AND AGENCIES IN SMALL-SCALE PUBLIC PRIVATE PARTNERSHIP			
<p>Small scale public-private partnerships</p> <p>102.-(1) A small-scale PPP may be undertaken by the public sector according to the procedures set out in these Regulations.</p> <p>(2) For the purpose of this regulation, a small scale PPP is a public-private partnership whose total project value does not exceed US\$ 20 million; and</p> <p>(3) For the purpose of sub regulation (2), project value shall be the total capital investment during the project duration as will be determined by the</p>	<p>Small scale public-private partnerships</p> <p>100.-(1) A small-scale PPP may be undertaken by the public sector according to the procedures set out in these Regulations.</p> <p>(2) For the purpose of this regulation, a small scale PPP is a public-private partnership whose total project value does not exceed US\$ 20 million; and</p> <p>(3) For the purpose of sub regulation (2), project value shall be the capital investment of the project as will be determined by</p>	<p>No changess</p>	

CURRENT CITATION OF THE PPP REGULATIONS, 2020	PROPOSED AMENDMENT	REASONS FOR AMENDMENTS	PPP STAKEHOLDER'S COMMENTS
contracting authority during project preparation.	the contracting authority during project preparation.		
<p>Establishment of PPP Node 103. The Accounting Officer of the Ministry responsible for local government shall establish a PPP Node.</p>	<p>Establishment of PPP Node 101. (1) The Accounting Officer of the Ministry responsible for local government shall establish a PPP Node to make analysis of the small scale PPP project, provided that where the project does not fall within the ambit of small scale PPP project, the PPP Node shall coordinate the implementation of the project.</p> <p>(2) For the purpose of Sub regulation (1) the PPP Node shall comprise of the experts with adequate skills, knowledge and competence in Public Private Partnership or any other related qualification.</p>	Regulation 103 (1) and (2) is proposed to be added to stipulate the establishment of PPP Node and provide for its responsibility	
<p>Establishment of PPP Desk 104. The Accounting Officer of a Ministry undertaking small scale PPP project shall designate within the Ministry, a PPP Desks to coordinate the implementation of a PPP project of</p>	<p>Establishment of PPP Desk 102. (1) The Accounting Officer of a Ministry undertaking PPP project shall designate within the Ministry, a PPP Desks to coordinate the implementation of a PPP project of the respective government</p>	Regulation 104 is proposed to be amended to clarify the establishment of PPP desk and provide for its responsibility	

CURRENT CITATION OF THE PPP REGULATIONS, 2020	PROPOSED AMENDMENT	REASONS FOR AMENDMENTS	PPP STAKEHOLDER'S COMMENTS
<p>the respective ministry, government department authority or agency</p>	<p>ministry, department, agency, local government authority or regional secretariat.</p> <p>(2) For the purpose of Sub regulation (1) the PPP Desk shall comprise of the experts with adequate skills, knowledge and competence in Public Private Partnership or any other related qualification.</p>		
<p>Identification of small-scale PPP projects</p> <p>105.-(1) A contracting authority that intends to undertake a small-scale PPP shall submit a concept note to the PPP Node or as the case may be, PPP Desk, for scrutiny.</p> <p>(2) The PPP Node or as the case may be, PPP Desk shall, within twenty one working days from the date of receipt of the project concept note, forward the concept note to the respective minister who shall either approve or reject the concept note.</p> <p>(3) Upon approval of the concept note, a contracting authority may proceed to conduct a pre-feasibility study in accordance with the</p>	<p>Identification of small scale PPP projects</p> <p>103.-(1) A contracting authority that intends to undertake a small-scale PPP shall submit a pre feasibility study to the PPP Node or as the case may be, PPP Desk, for scrutiny.</p> <p>(2) The PPP Node or as the case may be, PPP Desk shall, within twenty one working days from the date of receipt of the project pre feasibility study to make analysis of the same and recommend to the respective minister who shall either approve or reject the pre feasibility study.</p> <p>(3) A pre-feasibility study made under sub regulation (1) and (2)</p>	<p>Regulation 105 (2) and (3) is proposed to be amended to clarify the procedure for approve pre-feasibility from PPP node or as a case may be PPP desk to PPP center</p>	

CURRENT CITATION OF THE PPP REGULATIONS, 2020	PROPOSED AMENDMENT	REASONS FOR AMENDMENTS	PPP STAKEHOLDER'S COMMENTS
<p>requirements stipulated under these regulations.</p> <p>(4) A contracting authority shall submit a prefeasibility study report prepared in terms of sub regulation (3) to the PPP Node or as the case may be, PPP Desk for scrutiny.</p> <p>(5) The PPP Node or as the case may be, PPP Desk shall upon receiving recommendations from the Centre, within twenty one working days, forward the pre-feasibility study report to the respective Minister for approval or direct otherwise.</p> <p>(6) A prefeasibility study report for small scale PPP project shall conform to the criteria and content as provided in regulation 3B and 3C respectively.</p>	<p>be in accordance with the requirement made under this regulation.</p> <p>(4) Upon approval of the concept note, pre feasibility study a contracting authority may proceed to conduct a pre-feasibility study in accordance with the requirements stipulated under these regulations.</p> <p>(5) A contracting authority shall submit a feasibility study report prepared in terms of sub regulation (4) to the PPP Node or as the case may be, PPP Desk for scrutiny and forward the same to PPP center for recommendation.</p>		
<p>Recommendation by PPP Centre 106.-(1) The PPP Node or as the case may be, PPP Desk, shall submit the project prefeasibility and feasibility studies to the PPP Centre to seek recommendations.</p> <p>(2) The PPP Centre shall give recommendations within thirty working days as regards to the project prefeasibility and feasibility study.</p> <p>(3) On receipt of the recommendations of the PPP Centre,</p>	<p>Recommendation by PPP Centre 104.-(1) The PPP Node or as the case may be, PPP Desk, shall submit the project feasibility studies to the PPP Centre to seek recommendations.</p> <p>(2) The PPP Centre upon receipt of feasibility study from PPP Node or as the case may be, PPP Desk, shall give recommendations within thirty working days</p>	<p>Regulation 106 (2) is proposed to be amended to clarify the function of PPP center as stipulated in PPP Act</p>	

CURRENT CITATION OF THE PPP REGULATIONS, 2020	PROPOSED AMENDMENT	REASONS FOR AMENDMENTS	PPP STAKEHOLDER'S COMMENTS
<p>the PPP Node or as the case may be, the PPP Desk shall, in writing, forward to the contracting authority, the project together with specific recommendations for considerations. (4). The Contracting Authority shall work upon the consolidated recommendations from the PPP Node or as the case may be, PPP Desk, PPP Centre and re-submit the project to the respective responsible Minister for approval.</p>	<p>(3) On receipt of the recommendations of the PPP Centre, the PPP Node or as the case may be, the PPP Desk shall, in writing, forward to the contracting authority, the project together with specific recommendations for considerations.</p>		
<p>Pre-feasibility and feasibility study for unsolicited proposals 107. The procedure for submission of project pre-feasibility and conducting feasibility studies for the unsolicited projects under these Regulations shall apply to small scale PPP project under this Part.</p>	<p>Pre-feasibility and feasibility study for unsolicited proposals 105. The procedure for submission of project pre-feasibility and conducting feasibility studies for the unsolicited projects under these Regulations shall apply to small scale PPP project under this Part.</p>	No changess	
<p>Approval of small scale PPP's 108. All powers in respect to approvals of small scale PPP feasibility study and procurement prescribed under these Regulations shall be undertaken by the accounting officer of the respective Ministry, local government authority, Authority, Department or Agency.</p>	<p>Approval of small scale PPP's 106 (1). The Contracting Authority shall work upon the consolidated recommendations from the PPP Node or as the case may be, PPP Desk, PPP Centre and re-submit the project to the accounting</p>	<p>Regulation 108 is proposed to be amended to clarify on the approval of the feasibility study to be by the accounting officer of the respective ministry</p>	

CURRENT CITATION OF THE PPP REGULATIONS, 2020	PROPOSED AMENDMENT	REASONS FOR AMENDMENTS	PPP STAKEHOLDER'S COMMENTS
	<p>officer of the respective ministry for approval.</p> <p>(2) After approval of the feasibility study the contracting authority shall proceed with procurement of the private party in the manner provided in these regulations and the accounting officer of the respective ministry shall approval selection of the preferred bidder.</p>		
<p>Approval of PPP agreement 109.-(1) Upon completion of the procurement process for the small-scale PPP, the contracting authority may enter into an agreement with the private party, which shall comply with the requirements as set out under the Act and these Regulations. (2) Before entering into such agreement, the contracting authority shall submit the draft agreement to the PPP Node or as the case may be, PPP Desk for recommendation, based on its assessment of whether the project complies with the requirements out in the Act and these Regulations.</p>	<p>Approval of PPP agreement 107.-(1) Upon completion of the procurement process for the small-scale PPP, the contracting authority may enter into an agreement with the private party, which shall comply with the requirements as set out under the Act and these Regulations. (2) Before entering into such agreement, the contracting authority shall submit the draft agreement to the PPP Node or as the case may be, PPP Desk for recommendation, based on its assessment of whether the project complies with the requirements set</p>	<p>Regulation 109 (7) is proposed to be amended to clarify the submission of PPP agreement to attorney general for vetting to be by accounting officer</p>	

CURRENT CITATION OF THE PPP REGULATIONS, 2020	PROPOSED AMENDMENT	REASONS FOR AMENDMENTS	PPP STAKEHOLDER'S COMMENTS
<p>(3) On receipt of the draft agreement, the PPP Node or as the case may be, the PPP Desk, shall work upon and provide its recommendations within thirty working days.</p> <p>(4) The PPP Node or as the case may be, PPP Desk shall, after the expiry of thirty working days from the date of receipt, forward the project and recommendations to the PPP Centre for recommendation.</p> <p>(5) The PPP Centre shall provide recommendations on the draft agreement within thirty working days, and forward to the PPP Node. (6) The PPP Node or as the case may be, PPP Desk on receipt of the recommendations on the Draft Agreement, shall compile all recommendations and submits to the contracting authority for finalization.</p> <p>(7) As soon as the accounting officer finalizes the PPP agreement, shall submit the same to the PPP Node or as the case may be, PPP Desk for onward submission to the Office of the Attorney for vetting.</p>	<p>out in the Act and these Regulations.</p> <p>(3) On receipt of the draft agreement, the PPP Node or as the case may be, the PPP Desk, shall work upon and provide its recommendations within thirty working days.</p> <p>(4) The PPP Node or as the case may be, PPP Desk shall, after the expiry of thirty working days from the date of receipt, forward the project and recommendations to the PPP Centre for recommendation.</p> <p>(5) The PPP Centre shall provide recommendations on the draft agreement within thirty working days and forward to the PPP Node or as the case may be, PPP Desk.</p> <p>(6) The PPP Node or as the case may be, PPP Desk on receipt of the recommendations on the draft Agreement, shall compile all recommendations and submits to the contracting authority for finalization.</p> <p>(7) As soon as the accounting officer finalizes the PPP agreement, shall submit the same</p>		

CURRENT CITATION OF THE PPP REGULATIONS, 2020	PROPOSED AMENDMENT	REASONS FOR AMENDMENTS	PPP STAKEHOLDER'S COMMENTS
	to the Office of the Attorney for vetting.		
<p>Copies of agreements 110.-(1) Upon signing of the agreement, the accounting officer of the contracting authority shall forward copies of the agreement to the PPP Node, the PPP Centre, Ministry responsible for PPP, Attorney General, Controller and Auditor General, Tanzania Revenue Authority, Internal Auditor General and to the Authority, as the case may be, for record keeping and monitoring of implementation of the project. (2) Details of the agreement shall be recorded and entered into the registers separately prepared, kept and maintained for that purpose by both the local government authority, PPP Centre and PPP Node or as the case may be, PPP Desk.</p>	<p>Copies of agreements 108.-(1) Upon signing of the agreement, the accounting officer shall forward copies of the agreement to the PPP Centre, Ministry responsible for finance, authority responsible for National Planning, Office of Attorney General, Controller and Auditor General, Tanzania Revenue Authority, and to the Authority for record keeping and monitoring or auditing implementation of the public private partnership projects. (2) Details of the agreement shall be recorded and entered into the registers separately prepared, kept and maintained for that purpose by both the contracting authority and the PPP Centre.</p>	Regulation 110 (1) is proposed to be amended to clarify where copies of the agreement will be submitted to enable proper implementation of PPP agreement	
<p>Duration and extension of an agreement 111.-(1) The duration of an agreement for a small-scale PPP shall</p>	<p>Duration and extension of an agreement 109.-(1) The duration of an agreement for a small-scale PPP</p>	Regulation 111 (1) is proposed to be amended to clarify on the duration and extension of an	

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<p>be determined by the financial model, and shall be negotiated by the parties.</p> <p>(2) The duration of the agreement shall not be extended unless:</p> <p>(a) there is a delay in completion or interruption of operations due to circumstances beyond any party's control;</p> <p>(b) the project is suspended for reasons not caused by the private party; or</p> <p>(c) There is an increase in costs arising from requirements of the contracting authority which was not foreseen or included in the agreement.</p>	<p>shall be determined by the agreed financial model,</p> <p>(2) The duration of the agreement shall not be extended unless:</p> <p>(a) there is a delay in completion or interruption of operations due to circumstances beyond any party's control;</p> <p>(b) the project is suspended for reasons not caused by the private party; or</p> <p>(c) There is an increase in costs arising from requirements of the contracting authority which was not foreseen or included in the agreement.</p>	<p>agreement to be determined by financial model instead of negotiated by the parties.</p>	
<p>Monitoring and evaluation</p> <p>112.-(1) All small-scale PPP projects undertaken under these Regulations shall be monitored by the contracting authority that implements the respective project in order to ensure an effective management of the performance under the corresponding agreement.</p> <p>(2) All small-scale public-private partnerships undertaken under these Regulations shall be registered in a project concept note to be maintained</p>	<p>Monitoring and evaluation</p> <p>110.-(1) All small-scale PPP projects undertaken under these Regulations shall be monitored and evaluated by the contracting authority that implements the respective project in order to ensure an effective management of the performance under the corresponding agreement.</p> <p>(2) All small-scale public-private partnerships undertaken under these Regulations shall be registered in a project register to</p>	<p>Regulation 112 (1) is proposed to be amended by adding the word evaluated.</p> <p>112 (2) is proposed to be amended by removing concept note to align with the amendments of PPP Act</p>	

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<p>and updated at least semi-annually by the small-scale PPP Node.</p> <p>(3) Each contracting authority that is undertaking a small-scale public-private partnership shall provide to the small-scale PPP Node or as the case may be, PPP Desk and the PPP Centre the information regarding the project's execution, semi-annually, including information on:</p> <p>(a) the overall contract performance measured against the targets as set out in the agreement;</p> <p>(b) any disputes having arisen between the parties to the agreement; (c) any contractual penalties arising; and</p> <p>(d) any other information as it deems necessary</p>	<p>be maintained and updated at least semi-annually by the PPP Node or as the case may be, PPP Desk.</p> <p>(3) Each contracting authority that is undertaking a small-scale public-private partnership shall provide to the PPP Node or as the case may be, PPP Desk and the PPP Centre the information regarding the project's execution, semi-annually, including information on:</p> <p>(a) the overall contract performance measured against the targets as set out in the agreement;</p> <p>(b) any disputes having risen between the parties to the agreement;</p> <p>(c) any contractual penalties arising; and</p> <p>(d) any other information as it deems necessary</p>		
<p>Local Government PPP team</p> <p>113.-(1) Each contracting authority under this Part who intends to implement a PPP may form a PPP team with the responsibility to</p>	<p>Local Government PPP team</p> <p>111.-(1) Each contracting authority under this Part who intends to implement a PPP may form a PPP team with the responsibility to perform the</p>	<p>Regulation 113 is proposed to be amended to clarify the function contracting authority on the formation of LGAs PPP team;</p>	

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<p>perform the functions of a contracting authority for PPP to:</p> <p>(a) advice contracting authorities on identification, appraisal and procurement of PPP projects;</p> <p>(b) lead negotiations with the preferred bidder;</p> <p>(c) Monitor the respective PPP during its execution.</p> <p>(2) The PPP team shall consist of:</p> <p>(a) one local government officer with expertise in finance and or planning;</p> <p>(b) one local government officer with expertise in infrastructure and public works;</p> <p>(c) one local government officer with expertise in land management;</p> <p>(d) one local government officer with expertise in procurement;</p> <p>(e) one local government officer with expertise in legal affairs;</p> <p>(f) two officers, one of whom shall be a representative of the PPP Node and the other of the PPP Centre; and</p> <p>(g) Three persons not being public officers with expertise in matters relating to commercial investment, infrastructure finance and public private partnerships to be appointed by the respective head of local</p>	<p>functions of a contracting authority for PPP to:</p> <p>(a) advice contracting authorities on identification, appraisal and procurement of PPP projects;</p> <p>(b) Monitor and evaluate the respective PPP project during its execution.</p> <p>(2) The PPP team shall consist of:</p> <p>(a) one local government officer with expertise in finance, economics and or planning;</p> <p>(b) one local government officer with expertise in infrastructure and public works;</p> <p>(c) one local government officer with expertise in land management;</p> <p>(d) one local government officer with expertise in procurement;</p> <p>(e) one local government officer with expertise in legal affairs;</p> <p>(f) two officers, one of whom shall be a representative of the PPP Node and the other of the PPP Centre; and</p> <p>(g) Three persons not being public officers with expertise in matters relating to commercial investment, infrastructure finance and public</p>		

CURRENT CITATION OF THE PPP REGULATIONS, 2020	PROPOSED AMENDMENT	REASONS FOR AMENDMENTS	PPP STAKEHOLDER'S COMMENTS
<p>government in a manner prescribed in the guidelines to be prepared by the PPP Node.</p> <p>(3) The functions of the PPP team shall be as set out in the By-laws to be passed by the local government.</p>	<p>private partnerships to be appointed by the respective accounting officer of the local government authority in a manner prescribed in the guidelines.</p> <p>(3) The functions of the PPP team shall be as set out in the By-laws to be passed by the local government</p>		
<p>Approval of projects exceeding stipulated threshold</p> <p>114.-(1) Notwithstanding the provisions of Regulation 82, feasibility studies and procurements processes for all PPP projects exceeding the stipulated threshold shall follow the normal procedure stipulated under the Act and these Regulations.</p> <p>(2) Subject to the provision of sub regulation (1), the contracting authority shall, before submission of pre-feasibility, feasibility study and PPP agreements to the PPP Centre, obtain recommendations from the PPP Node or as the case may be, the PPP Desk.</p>	<p>Approval of projects exceeding stipulated threshold</p> <p>112.-(1) Notwithstanding the provisions of Regulation 80, feasibility studies and procurements processes for all PPP projects exceeding the stipulated threshold shall follow the normal procedure stipulated under the Act and these Regulations.</p> <p>(2) Subject to the provision of sub regulation (1), the contracting authority shall, before submission of pre-feasibility, feasibility study and PPP agreements to the PPP Centre, obtain recommendations from the PPP Node or as the case may be, the PPP Desk.</p>	<p>No changes</p>	
<p>Contracting authority PPP team for MDA's</p>	<p>MDA's PPP team</p>	<p>Regulation 115 (a) is proposed to be amended</p>	

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<p>115. The PPP team for MDA's shall consist of:</p> <p>(a) one executive representative from contracting authority responsible for finance and or planning;</p> <p>(b) one executive representative from contracting authority responsible for infrastructure and public works</p> <p>(c) one executive representative from contracting authority responsible for procurement;</p> <p>(d) one executive representative from contracting authority responsible for legal affairs;</p> <p>(e) one executive representative from sector ministry PPP's desk responsible for legal affairs;</p> <p>(f) one executive representative from PPP Centre responsible for small scale projects; and</p> <p>(g) one person not being public officers with expertise in matters relating to commercial investment, infrastructure finance and publicprivate partnerships to be appointed by the respective head of contracting Authority for a term of three years in a manner prescribed in the guidelines to be prepared by the PPP Centre.</p>	<p>113.-(1) Each contracting authority under this Part who intends to implement a PPP may form a PPP team with the responsibility to perform the functions of a contracting authority for PPP to:</p> <p>(a) advice contracting authorities on identification, appraisal and procurement of PPP projects;</p> <p>(b) Monitor and evaluate the respective PPP project during its execution.</p> <p>(2) The MDA's PPP team shall consist of:</p> <p>(a) one executive representative from contracting authority responsible for finance and or planning;</p> <p>(b) one executive representative from contracting authority responsible for infrastructure and public works</p> <p>(c) one executive representative from contracting authority responsible for procurement;</p> <p>(d) one executive representative from contracting authority responsible for legal affairs;</p>	<p>to clarify the function contracting authority on the formation of MDAs PPP team and a name MDAs PPP team on marginal note</p>	

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	<p>(e) one executive representative from sector ministry PPP's desk responsible for legal affairs;</p> <p>(f) one executive representative from PPP Centre responsible for small scale projects; and</p> <p>(g) Three person not being public officers with expertise in matters relating to commercial investment, infrastructure finance and public private partnerships to be appointed by the respective head of contracting Authority for a term of three years in a manner prescribed in the guidelines.</p>		
PART XII PROCUREMENT OVERSIGHT BY THE AUTHORITY			
<p>Monitoring of procurement 116.-(1) The head of internal audit unit of each contracting authority shall prepare and submit to the contracting authority quarterly audit report which shall include a report on whether the provisions of the Act and these Regulations have been complied with. (2) After receiving the report under sub-regulation (1), the contracting authority shall, within fourteen days, submit to the Authority a copy of such report.</p>	<p>Monitoring of procurement 114.-(1) The head of internal audit unit of each contracting authority shall prepare and submit to the contracting authority quarterly audit report which shall include a report on whether the provisions of the Act and these Regulations have been complied with. (2) After receiving the report under sub-regulation (1), the</p>	<p>No changess</p>	

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<p>(3) Upon receipt of the report, the Authority may, if it considers necessary, require the contracting authority to submit a detailed report on any procurement implemented in violation of the Act and these Regulations for review and necessary action.</p> <p>(4) Upon the request by the Authority, the contracting authority shall submit the requested report within fourteen working days after receiving the request.</p> <p>(5) The report under this regulation shall be in the format prescribed by the Authority.</p>	<p>contracting authority shall, within fourteen days report.</p> <p>(3) Upon receipt of the report, the Authority may, if it considers necessary, require the contracting authority to submit a detailed report on any procurement implemented in violation of the Act and these Regulations for review and necessary action.</p> <p>(4) Upon the request by the Authority, the contracting authority shall submit the requested report within fourteen working days after receiving the request.</p> <p>(5) The report under this regulation shall be in the format prescribed by the Authority.</p>		
<p>Continuous monitoring 117.-(1) The Authority in the process of monitor procurement activities under the public private partnership projects and contract implementation, shall subject the contracting authorities to submit to the Authority-</p> <p>(a) feasibility study report for solicited or unsolicited public private partnership projects which include a procurement plan for both solicited</p>	<p>Continuous monitoring 115.-(1) The contracting Authority shall submit to the authority for the purpose of continues monitoring procurement activities under the public private partnership projects and agreement the following:</p> <p>(a) feasibility study report for solicited or unsolicited public private partnership projects which</p>	<p>Regulation 117(1) (a) is proposed to be amended for clarity</p>	

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<p>and unsolicited proposals and which comply with the requirements of the Act and these regulations not later than fourteen working days after approval by relevant approving authorities;</p> <p>(b) information on prequalification process, invitations for expression of interest, the shortlist, request for proposal within seven working days after submission of proposals,</p> <p>(c) monthly and quarterly procurement implementation reports within seven working days after the end of respective month or quarter and annual procurement implementation reports within thirty working days after the end of the respective financial year; and (d) any other information as may be required by the Authority for monitoring purpose.</p> <p>(2) The contracting authority shall</p> <p>(a) within thirty working days from the date of award, notify the Authority the name of the person or body to whom the contract is awarded, the amount of proposal and the date on which the award was made;</p>	<p>include a procurement plan for solicited or unsolicited proposals as a case may be which comply with the requirements of the Act and these regulations not later than fourteen working days after approval by relevant approving authorities;</p> <p>(b) information on prequalification process, invitations for expression of interest, the shortlist, request for proposal within seven working days after submission of proposals,</p> <p>(c) monthly and quarterly procurement implementation reports within seven working days after the end of respective month or quarter and annual procurement implementation reports within thirty working days after the end of the respective financial year; and (d) any other information as may be required by the Authority for monitoring purpose.</p> <p>(2) The contracting authority shall</p>		

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<p>(b) inform the Authority, not later than fourteen working days from the date of terminating any contract and give details on measures taken by it before terminating the contract;</p> <p>(c) not later than seven working days after issuing the instruction to amend, alter or vary any solicited or unsolicited contract and submit a report to the Authority of any amendment, alteration or variation made thereof, by giving details on the reasons, cost implication and approvals.</p> <p>(3) The contracting authority and the Chief Executive Officer of the Appeals Authority shall submit to the Authority not later than fourteen days after issuing their decisions, copies of the decisions concerning, complaints or disputes arising out of procurement process under these Regulations.</p> <p>(4)The Authority may, upon receipt of reports of findings from the contracting authority or decision of the Appeals Authority, recommend to the competent authority to take disciplinary measures against the concerned person or body implicated in the report or decision, as the case</p>	<p>(a) within thirty working days from the date of award, notify the Authority the name of the person or body to whom the contract is awarded, the amount of proposal and the date on which the award was made;</p> <p>(b) inform the Authority, not later than fourteen working days from the date of terminating any contract and give details on measures taken by it before terminating the contract;</p> <p>(c) not later than seven working days after issuing the instruction to amend, alter or vary any solicited or unsolicited contract and submit a report to the Authority of any amendment, alteration or variation made thereof, by giving details on the reasons, cost implication and approvals.</p> <p>(3) The contracting authority and the Chief Executive Officer of the Appeals Authority shall submit to the Authority not later than fourteen days after issuing their decisions, copies of the decisions concerning, complaints or</p>		

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<p>may be, in accordance with the provisions of this Act and the Public Procurement Act.</p>	<p>disputes arising out of procurement process under these Regulations.</p>		
<p>Procurement, contract and performance audits 118.-(1) Subject to the criteria prescribed by the Authority, the Authority may, at any time and where circumstances requires, select any contracting authority project, or contract for audit. (2) Before the audit, the Authority shall inform the relevant contracting authority on the intention, objectives and compliance indicators to be used for the audit. (3) For the purpose of enabling the Authority to carry out the audit, the contracting authorities shall make available all documents requested for auditing in a timely manner prescribed by the Authority. (4) For ease of procurement information retrieval, contracting authorities shall be required to keep procurement records in a proper manner as prescribed in the Procurement Records Guideline prepared by the Authority.</p>	<p>Procurement, contract and performance audits 116.-(1) Subject to the criteria prescribed by the Authority, the Authority may, at any time and where circumstances requires, select any contracting authority project, or contract for audit. (2) Before the audit, the Authority shall inform the relevant contracting authority on the intention and objectives of and the audit. (3) For the purpose of enabling the Authority to carry out the audit, the contracting authorities shall make available all documents requested for auditing in a timely manner prescribed by the Authority. (4) Upon completion of the audit and before issuing the final audit report, the Authority shall submit, in writing, the audit findings, if any to the audited contracting authority.</p>	<p>Regulation 118 is proposed to be amended for clarity on the procedure for procurement, contract and performance audits</p>	

CURRENT CITATION OF THE PPP REGULATIONS, 2020	PROPOSED AMENDMENT	REASONS FOR AMENDMENTS	PPP STAKEHOLDER'S COMMENTS
<p>(5) Upon completion of the audit and before issuing the final audit report, the Authority shall submit, in writing, the audit findings to the audited contracting authority.</p> <p>(6) A contracting authority shall submit to the Authority detailed responses to the audit findings within fourteen working days after receipt of the audit findings.</p> <p>(7) After approval of the audit findings by the Board of Directors of the Authority, the audit report shall be submitted to the contracting authority together with recommendations of the Authority.</p>	<p>(5) A contracting authority shall submit to the Authority detailed responses to the audit findings within fourteen working days after receipt of the audit findings.</p> <p>(6) After approval of the audit findings by the Authority, the audit report shall be submitted to the contracting authority</p>		
<p>Procurement investigation 119.-(1) The Authority shall conduct investigation on any matter it considers necessary or desirable stipulated in the Act and these Regulations.</p> <p>(2) The budget approving authority may submit to the Authority a request to carry out investigation on any procurement if it is not satisfied with the implementation of any procurement by the contracting authority.</p>	<p>Procurement investigation 117.-(1) The Authority shall conduct investigation on any matter it considers necessary or desirable stipulated in the Act and these Regulations.</p> <p>(2) The budget approving authority may submit to the Authority a request to carry out investigation on any procurement if it is not satisfied with the implementation of any procurement by the contracting authority.</p>	No changess	

CURRENT CITATION OF THE PPP REGULATIONS, 2020	PROPOSED AMENDMENT	REASONS FOR AMENDMENTS	PPP STAKEHOLDER'S COMMENTS
<p>(3) Subject to the provisions of the Act, the Authority may require any officer or member of a public body or any other person, who, in its opinion, is able to give any assistance in relation to the investigation of any matter, to furnish information and produce any document under his control and such information shall be submitted within seven working days from the date of the request.</p>	<p>(3) Subject to the provisions of the Act, the Authority may require any officer or member of a public body or any other person, who, in its opinion, is able to give any assistance in relation to the investigation of any matter, to furnish information and produce any document under his control and such information shall be submitted within seven working days from the date of the request.</p>		
<p>Cooperation with other authorities 120. In the course of or after conducting an investigation, or procurement, contract and performance audit, the Authority may cooperate with the law enforcement organs, and for that purpose the Authority may establish a mechanism for sharing of information relating to the investigation or procurement, contract and performance audit, or enforcing the findings.</p>	<p>Cooperation with other authorities 118. In the course of or after conducting an investigation, or procurement audit, contract and performance audit, the Authority may cooperate with the law enforcement organs, and for that purpose the Authority may establish a mechanism for sharing of information relating to the investigation or procurement, contract and performance audit, or enforcing the findings.</p>	No changess	
<p>Actions to be taken in the course of monitoring procurement activities</p>	<p>Actions to be taken in the course of monitoring procurement activities</p>	No changess	

CURRENT CITATION OF THE PPP REGULATIONS, 2020	PROPOSED AMENDMENT	REASONS FOR AMENDMENTS	PPP STAKEHOLDER'S COMMENTS
<p>121.-(1) The Authority shall, after conducting an investigation or procurement, contract and performance audit, produce a written report containing its findings and recommendations to the competent authority.</p> <p>(2) The recommendations may include the-</p> <p>(a) disciplining of the accounting officer, chairman or member of the tender board, the head of procurement management unit, a member of the tender evaluation committee or any other officer concerned with the procurement process;</p> <p>(b) replacement of the head of procurement management unit, the chairman, or any member of the tender board, as the case may be; (c) termination of the procurement proceeding;</p> <p>(d) rectification of the contravention by taking actions as may be necessary to rectify the same; and</p> <p>(e) suspension of the officer concerned to participate in procurement related activities for a specified period.</p>	<p>119.-(1) The Authority shall, after conducting an investigation or procurement audit, contract and performance audit, produce a written report containing its findings and recommendations to the competent authority.</p> <p>(2) The recommendations may include the-</p> <p>(a) disciplining of the accounting officer, chairman or member of the tender board, the head of procurement management unit, a member of the tender evaluation committee or any other officer concerned with the procurement process;</p> <p>(b) replacement of the head of procurement management unit, the chairman, or any member of the tender board, as the case may be; (c) termination of the procurement proceeding;</p> <p>(d) rectification of the contravention by taking actions as may be necessary to rectify the same; and</p> <p>(e) suspension of the officer concerned to participate in</p>		

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	procurement related activities for a specified period.		
<p>Response and implementation of Authority's recommendations</p> <p>122. The competent authority shall respond in writing to the recommendations of the Authority within fourteen working days from the date of receipt of the recommendations indicating the actions to be taken and shall, in addition, prepare and submit to the Authority a report on implementation status within three months from the date of receiving the recommendations</p>	<p>Response and implementation of Authority's recommendations</p> <p>120. The competent authority shall respond in writing to the recommendations of the Authority within fourteen working days from the date of receipt of the recommendations indicating the actions to be taken and shall, in addition, prepare and submit to the Authority a report on implementation status within three months from the date of receiving the recommendations</p>	No changess	
<p>Oversight, Guidelines and Management</p> <p>123. For effective discharging of its functions, the authority in consultation with the PPP Centre may prepare Guidelines for oversight function.</p>	<p>Oversight, Guidelines and Management</p> <p>121. For effective discharging of its functions, the authority in consultation with the PPP Centre may prepare Guidelines for oversight function.</p>	No changess	
PART XIII GENERAL PROVISIONS			

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<p>Non responsive bids 124.-(1) Where the contracting authority floats Request For Qualification (RFQ) and Request For Proposal (RFP) and gets unresponsive bids, the contracting authorities may, in consultation with Authority and PPP Center, undertake one of the following options, where-</p> <p>(a) none of the bids is received, assess and correct for the deficiencies in the issued tender documents and re-issue;</p> <p>(b) only one bid is received on the grounds that all procurement processes were properly followed, conduct a thorough due diligence and select a sole bidder if such a sole bidder provides value for money solutions to the government; or</p> <p>(c) More than one non-compliant bids are received, assess the reasons for non-compliance; re-package the tender and re-issue.</p> <p>(2) If it happens that unresponsive bids are due to difficult criteria stipulated in the bid documents and necessitate review of the project feasibility study, the contacting authority shall initiate the review</p>	<p>Non submission or Non responsive bids 122.-(1) Where the contracting authority floats Request For Qualification (RFQ) and Request For Proposal (RFP) and no bids is submission or gets unresponsive bids the contracting authorities may, undertake one of the following options, where-</p> <p>(a) none of the bids is received, assess and correct for the deficiencies in the issued tender documents and re-issue;</p> <p>(b) All received bids are non-compliant; assess the reasons for non-compliance; re-package the tender and re-issue.</p> <p>(2) If it happens that unresponsive bids are due to difficult criteria stipulated in the bid documents and necessitate review of the project feasibility study, the contacting authority shall initiate the review process and submit the feasibility study and tender documents for approval, in line with the provisions of these Regulations</p>	<p>Regulation 124 is proposed to be amended;</p> <ol style="list-style-type: none"> 1. Marginal notes and regulation 124 (1) to cover non submission of bids 2. 124 (3) and (4) is proposed to be deleted to align with 124 (1) 	

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<p>process and submit the feasibility study and tender documents for approval, in line with the provisions of these Regulations</p> <p>(3) In the event that two or more bids prove equally advantageous, the contracting authority shall identify the Private Party by asking the respective bidders to provide their best and final offer</p> <p>(4) The bidder offering the most advantageous revised bid shall be adjudged the winner</p>			
<p>Hand-back 125.-(1) The provisions relating to handing-over the asset back to the contracting authority in the agreement shall include: (a) provisions for knowledge transfer; (b) clear description of the asset to be handed over including its scope and estimated value; (c) maintenance requirements on hand-back; and (d) the right of the contracting authority to inspect the assets sometime before hand-back and to remedy any defects at the private party's expense.</p>	<p>Hand-back 123.-(1) The provisions relating to handing-over the asset back to the contracting authority in the agreement shall include: (a) provisions for knowledge transfer; (b) clear description of the asset to be handed over including its scope and estimated value; (c) maintenance requirements on hand-back; and (d) the right of the contracting authority to inspect the assets sometime before hand-back and to remedy any defects at the private party's expense.</p>	<p>Regulation 125 is proposed to be amended to align with PPP steering committee function</p>	

CURRENT CITATION OF THE PPP REGULATIONS, 2020	PROPOSED AMENDMENT	REASONS FOR AMENDMENTS	PPP STAKEHOLDER'S COMMENTS
<p>(2) The project officer shall prepare exit strategy based on the provisions contained in the agreement in relation to termination and expiry of the project and such exit strategy shall be approved by the contracting authority.</p> <p>(3) The private party shall ensure that the project is free from any financial liabilities before handing over to the contracting authority as provided for under the agreement.</p> <p>(4) The exit strategy prepared under subregulation (2) shall ensure that the contracting authority has the capacity to bring the project to an end efficiently.</p> <p>(5) Details of the agreement shall be recorded and entered into the registers separately prepared, kept and maintained for that purpose by both the contracting authority and the PPP Centre.</p> <p>(6) The exit strategy shall be submitted to the PPP Centre for approval by the PPP Steering Committee in its next meeting.</p> <p>(7) The accounting officer and the project officer shall ensure that the exit strategy is properly and appropriately executed to its finality.</p>	<p>(2) The project officer shall prepare exit strategy based on the provisions contained in the agreement in relation to termination and expiry of the project and such exit strategy shall be approved by the contracting authority.</p> <p>(3) The private party shall ensure that the project is free from any financial liabilities before handing over to the contracting authority as provided for under the agreement.</p> <p>(4) The exit strategy prepared under sub regulation (2) shall ensure that the contracting authority has the capacity to bring the project to an end efficiently.</p> <p>(5) Details of the agreement shall be recorded and entered into the registers separately prepared, kept and maintained for that purpose by both the contracting authority and the PPP Centre.</p> <p>(6) The accounting officer and the project officer shall ensure that the exit strategy is properly and appropriately executed to its finality.</p>		

CURRENT CITATION OF THE PPP REGULATIONS, 2020	PROPOSED AMENDMENT	REASONS FOR AMENDMENTS	PPP STAKEHOLDER'S COMMENTS
<p>Guarantees and Fiscal obligations 126 (1) Any guarantee or fiscal obligations for PPP Projects shall be subject to the relevant laws on loans, guarantees and grants. (2) Save as otherwise provided under section 21 of the Act, the fiscal obligations shall be complied in line with the tax laws administered by the Tanzania Revenue Authority.</p>	<p>Guarantees and Fiscal obligations 124 (1) Any guarantee or fiscal obligations for PPP Projects shall be subject to the relevant laws on loans, guarantees and grants. (2) Save as otherwise provided under section 21 of the Act, the fiscal obligations shall be complied in line with the tax laws administered by the Tanzania Revenue Authority.</p>	<p>No changess</p>	
<p>Local content and corporate social responsibility 127. Save as otherwise provided in these regulations, every operator of an approved PPP project shall enshrine and implement local content and corporate social responsibility as stipulated in section 25 and section 28(2)(g) of the Act.</p>	<p>Local content and corporate social responsibility 125. Save as otherwise provided in these regulations, every operator of an approved PPP project shall enshrine and implement local content and corporate social responsibility as stipulated in section 25 and section 28(2)(g) of the Act.</p>	<p>No changess</p>	
<p>Preference to local goods 128. In contracts for goods and related services to be awarded on the basis of international competitive tendering or national competitive tendering, procuring entities shall grant a margin of preference of up to fifteen percent to domestically</p>	<p>Preference to local goods 126. In contracts for goods and related services to be awarded on the basis of international competitive tendering or national competitive tendering, contracting authority may grant a margin of preference of up to fifteen</p>	<p>Regulation 128 is proposed to be amended to clarify the responsible authority, to ensure preference to local goods is managed by the contracting authority and not procuring entity (private party).</p>	

CURRENT CITATION OF THE PPP REGULATIONS, 2020	PROPOSED AMENDMENT	REASONS FOR AMENDMENTS	PPP STAKEHOLDER'S COMMENTS
<p>manufactured or produced goods and related services as prescribed in the Regulations</p>	<p>percent to domestically manufactured or produced goods and related services during evaluation of the private-</p>		
<p>Promotion and empowerment of citizens 129.-(1) Save as otherwise provided under these Regulations and the Act, parties to a PPP agreement shall, at any appropriate point in the course of implementing a PPP project, endeavour to-</p> <p>(a) prioritize acquisition of goods and services, in the first instance, in favour of local service provider or locally manufactured goods, provided that such goods or services are of competitive terms and meet standards acceptable by Tanzania Bureau of Standards or other internationally acceptable standards;</p> <p>(b) ensure that qualified Tanzanians are afforded first opportunity for employment;</p> <p>(c) ensure prioritization of on-job training for Tanzanians;</p> <p>(d) ensure availability of succession plan, where applicable;</p>	<p>Promotion and empowerment of citizens 127.-(1) Save as otherwise provided under these Regulations and the Act, parties to a PPP agreement shall, at any appropriate point in the course of implementing a PPP project, endeavor to-</p> <p>(a) prioritize acquisition of goods and services, in the first instance, in favor of local service provider or locally manufactured goods, provided that such goods or services are of competitive terms and meet standards acceptable by Tanzania Bureau of Standards or other internationally acceptable standards;</p> <p>(b) ensure that qualified Tanzanians are afforded first opportunity for employment;</p> <p>(c) ensure prioritization of on-job training for Tanzanians;</p>	<p>Regulation 129 is proposed to be amended as follows;</p> <ol style="list-style-type: none"> 1. Regulation 129 (2) (a) (v-viii), is proposed to be deleted to remove duplication 2. Regulation 129 (4) and (5) is proposed to be deleted because is part of procurement process and therefore, does not require approval from Minister 	

CURRENT CITATION OF THE PPP REGULATIONS, 2020	PROPOSED AMENDMENT	REASONS FOR AMENDMENTS	PPP STAKEHOLDER'S COMMENTS
<p>(e) ensure that a Tanzanian citizen is given priority in any matter relating to the technology transfer, research, development and innovation in any Public Private Partnership related activities; and</p> <p>(f) adhere to the Corporate Social Responsibility and its disclosure requirements.</p> <p>(2) For the purpose of sub-regulation (1) and without prejudice to section 5(1) of the Act, and any other written law relating thereto, the PPP Centre may at any reasonable time requires any such person to prepare and submit to the Minister a detailed employment and training plan which shall include:</p> <p>(a) forecast of the hiring and training needs of any person which shall, among others, contain:</p> <ol style="list-style-type: none"> i. a specification of the skills needed; ii. the anticipated skill shortages in the Tanzanian workforce; iii. the specific training requirements; iv. the anticipated expenditure that will be incurred by the PPP project in implementing the 	<p>(d) ensure availability of succession plan, where applicable;</p> <p>(e) ensure that a Tanzanian citizen is given priority in any matter relating to the technology transfer, research, development and innovation in any Public Private Partnership related activities; and</p> <p>(f) adhere to the Corporate Social Responsibility and its disclosure requirements.</p> <p>(2) For the purpose of sub-regulation (1) and without prejudice to section 5(1) of the Act, and any other written law relating thereto, the PPP Centre may at any reasonable time requires any such person to prepare and submit to the Minister a detailed employment and training plan which shall include:</p> <p>(a) forecast of the hiring and training needs of any person which shall, among others, contain:</p> <ol style="list-style-type: none"> i. a specification of the skills needed; ii. the anticipated skill shortages in the Tanzanian workforce; 		

CURRENT CITATION OF THE PPP REGULATIONS, 2020	PROPOSED AMENDMENT	REASONS FOR AMENDMENTS	PPP STAKEHOLDER'S COMMENTS
<p>Employment and Training Plan and Succession Plan as forecasted under PPP arrangement;</p> <p>v. a specification of the skills needed;</p> <p>vi. the anticipated skill shortages in the Tanzanian workforce;</p> <p>vii. the specific training requirements; and</p> <p>viii. the anticipated expenditure that will be incurred by the PPP project in implementing the Employment and Training Plan and Succession Plan as forecasted under PPP arrangement.</p> <p>(b) a time frame within which the PPP project will provide employment opportunities for the Tanzanian workforce for all phases of PPP life cycle to enable members of the Tanzanian workforce be prepared for such opportunities; and</p> <p>(c) efforts made and procedures adopted for the accelerated training of Tanzanians.</p> <p>(3) A contracting party as the case may be a private party or any such</p>	<p>iii. the specific training requirements;</p> <p>iv. the anticipated expenditure that will be incurred by the PPP project in implementing the Employment and Training Plan and Succession Plan as forecasted under PPP arrangement;</p> <p>(b) a time frame within which the PPP project will provide employment opportunities for the Tanzanian workforce for all phases of PPP life cycle to enable members of the Tanzanian workforce be prepared for such opportunities; and</p> <p>(c) efforts made and procedures adopted for the accelerated training of Tanzanians.</p> <p>(3) A contracting party as the case may be a private party or any such other person shall provide to the PPP Centre, a semi-annual report on-</p> <p>(a) employment and training activities for the reporting period; and (b) a comparative analysis of the employment and training plan</p>		

CURRENT CITATION OF THE PPP REGULATIONS, 2020	PROPOSED AMENDMENT	REASONS FOR AMENDMENTS	PPP STAKEHOLDER'S COMMENTS
<p>other person shall provide to the PPP Centre, a semi-annual report on-</p> <p>(a) employment and training activities for the reporting period; and (b) a comparative analysis of the employment and training plan with the employment and training activities undertaken to monitor compliance</p> <p>(4) Notwithstanding sub regulations (1), (2) and (3) a non-local company which intends to provide goods, works or services to the PPP projects within the country shall, subject to the Minister's approval, after thorough scrutiny by the PPP Centre and recommendation by the Public Private Steering Committee to the Minister, enter into any arrangement which will guarantee a local participation of at least ten percent shares, interest or equity of the contract value for the provisions of the works, goods and services provided that such arrangement does not divert from the Public Private Partnership arrangement.</p> <p>(5) In the event that formation of arrangements in the form prescribed in sub regulation (4) fails, and upon application by the contracting party as</p>	<p>with the employment and training activities undertaken to monitor compliance</p>		

CURRENT CITATION OF THE PPP REGULATIONS, 2020	PROPOSED AMENDMENT	REASONS FOR AMENDMENTS	PPP STAKEHOLDER'S COMMENTS
<p>the case may be private party or any such other person, after thorough scrutiny by the PPP Centre and upon recommendation by the Public Private Partnership Steering Committee, the Minister shall grant approval for the said applicant to source such works, goods and services through any other arrangement which will provide the local company with a transfer of competence and technology.</p>			
<p>Revocation GN No. 542 of 2015 130. The Public Private Partnership Regulations, 2015 are hereby revoked.</p>	<p>Revocation GN No. 37 of 2020 128. The Public Private Partnership Regulations, 2020 are hereby revoked</p>	<p>Amendments of PPP Regulation of 2020</p>	