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

PROPOSED AMENDMENT	REASONS FOR	PPP STAKEHOLDER'S COMMENTS		
PART T	AMENUMENTS	COMMENTS		
Citation Review of the regulations				
	111 2023			
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	No changes			
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	No changes			
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	PART I PRELIMINARY PROVIS Citation 1. These Regulations may be cited as the Public Private Partnership Regulations, 2023. Interpretation 2. In these Regulations unless the context otherwise requires "Act" means the Public Private Partnership Act;	PART I PRELIMINARY PROVISSIONS Review of the regulations in 2023 In these Regulations may be cited as the Public Private Partnership Regulations, 2023. Interpretation 2. In these Regulations unless the context otherwise requires "Act" means the Public Private Partnership Act; "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		

CURRENT CITATION OF THE PPP REGULATIONS, 2020	PROPOSED AMENDMENT	REASONS FOR AMENDMENTS	PPP STAKEHOLDER'S COMMENTS
	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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"Partnership model" means any form of engagement of the private party by the public party to which may include among others the form of: (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		This part needs to be reviewed. The review to include definitions of each model	
(I) lease, develop and operate. "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	"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,		

CURRENT CITATION OF THE PPP REGULATIONS, 2020	PROPOSED AMENDMENT	REASONS FOR AMENDMENTS	PPP STAKEHOLDER'S COMMENTS
accordance with the requirements of the Act;	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;	fund established under section 10A of the Act;		
"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;	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;	created in the Ministry responsible	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	following the amendment of	

CURRENT CITATION OF THE PPP REGULATIONS, 2020	PROPOSED AMENDMENT	REASONS FOR AMENDMENTS	PPP STAKEHOLDER'S COMMENTS
	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	following the amendment of	

CURRENT CITATION OF THE PPP REGULATIONS, 2020	PROPOSED AMENDMENT	REASONS FOR AMENDMENTS	PPP STAKEHOLDER'S COMMENTS
	have other parties including a		
	public entity as members, whose		
	liabilities and financial risk		
	exposure are limited by shares;"		
"Solicited proposal" means any	"Solicited proposal" means any	No changes	
proposal related to the	proposal related to the		
implementation of a project	implementation of a project		
which is submitted in response	which is submitted in		
to a request or solicitation	response to a request or		
issued by the contracting	solicitation issued by the		
authority within the context of			
a competitive selection	the context of a competitive		
procedure for the project	selection procedure for the		
initiated by the public sector;	project initiated by the		
	public sector;		
Technical Debt Management		No changes	
Committee has the meaning	Committee has the meaning		
ascribed to it under the	ascribed to it under the		
Government Loans Guarantees	Government Loans		
and Grants Act;	Guarantees and Grants Act;		
"Tender board" Means a tender board	"Tender board" Means a tender	No changes	
of the respective contracting	board of the respective		
authority;	contracting authority;	The second has a discuss here.	
"Tender period" means the period	"Tender period" means the period		
between the date of the first	between the date of the first	,	
publication of the invitation to	publication of the invitation to	regulation	
tender or the date of the	tender and the closing date for the		
mailing of the invitation to tender and the closing date for	submission of tenders;		
the submission of tenders;			
the submission of tenders;			

CURRENT CITATION OF THE PPP	PROPOSED AMENDMENT	REASONS FOR	PPP STAKEHOLDER'S
REGULATIONS, 2020		AMENDMENTS	COMMENTS
"Value for money" means the	"Value for money" means the	No changes	
provision of a service by a	provision of a service by a		
Private Party under a PPP	Private Party under a PPP		
Agreement that results in a net	I		
benefit to the Government in	net benefit to the		
terms of cost, price, quality,			
quantity, risk transfer or a	cost, price, quality,		
combination thereof;	quantity, risk transfer or a		
	combination thereof;		
"Financial close" means when the		No changes	
agreement has been signed, or	agreement has been		
conditions precedent for	signed, or conditions		
financing has been satisfied	precedent for financing has		
and financing is in place to	been satisfied and financing		
enable the SPV commence	is in place to enable the SPV		
implementation of the project;	commence implementation		
	of the project;		
	PART II IDENTIFICATION OF PR	POJECTS	
	(a) solicited propo		
Identification of solicited	Remove (a) solicited propo	To comply with	
proposals	Remove	amendment of PPP Act	
(a) 3(1) The Minister shall, at		amenament of the Act	
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.			

CURRENT CITATION OF THE PPP	PROPOSED AMENDMENT	REASONS FOR	PPP STAKEHOLDER'S
REGULATIONS, 2020	PROPOSED AMENDMENT	AMENDMENTS	COMMENTS
(2) The contracting		AMERICA	COMPLNIS
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 –			
(a) ensure that the concept			
note has assessed whether			
the project is worthwhile,			
viable, affordable and			
appropriate at that			
particular time, and			
(b) submit the concept note			
to the responsible Minister			
for approval.			
(2) Subject to sub			
(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			

CURRENT CITATION OF THE PPP REGULATIONS, 2020	PROPOSED AMENDMENT	REASONS FOR AMENDMENTS	PPP STAKEHOLDER'S COMMENTS
contracting authority on		APILINDPILINIS	COMMENTS
concept note of potential			
projects undertaken			
through public private			
partnership, and			
contracting authority shall			
proceed to undertake pre-			
feasibility.			
(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.			
(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.			
(6) The analysis made			
under sub regulation (3)			
and scrutiny under sub			

CURRENT CITATION OF THE PPP	PROPOSED AMENDMENT	REASONS FOR AMENDMENTS	PPP STAKEHOLDER'S COMMENTS
regulation (5) shall ensure that the project submitted – (a) is in line with the National Development priorities and within the budget cycle; and (b) contains preliminary affordability and value for money statements and justification for		AMENDMENTS	COMMENTS
contents of concept note 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:	Remove	To comply with amendment of PPP Act	
 (a) project summary; (b) project description including: (i) statement of the problem; (ii) project objectives and outputs; (iii) geographic description of the project; (iv) needs and options analysis; and (v) suitability for PPP procurement. (c) project administration; (d) relevance of the project to the National Development Priorities; (e) economic feasibility; 			

CURRENT CITATION OF THE PPP	PROPOSED AMENDMENT	REASONS FOR	PPP STAKEHOLDER'S
REGULATIONS, 2020		AMENDMENTS	COMMENTS
(f) project financing analysis,			
including project			
costs, revenues and cash flow;			
(g) marketing and commercial			
assessment;			
(h) value for money analysis;			
(i) affordability assessment;			
(j) assessment of risks;			
(k) stakeholder's analysis;			
(I) legal requirement;			
(m) approval of the project by the			
respective			
Minister;			
(n) implementation Action Plan;			
(o) any other information relevant to			
the			
project; and			
(p) annexes, if any.			

General requirements for prefeasibility study

- 5.-(1). The PPP Centre shall analyze the proposed PPP project, determine whether it is likely to be 3.-(1), contracting authority shall, 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 feasibility study to the respective 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 prefeasibility study

Identification of solicited proposals 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 bv the respective minister.
- (3) Before submitting preminister, 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

- (d) the project presents a new and cost-effective method of service delivery;
- (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
- (g) the project includes adequate risk analysis and optimal risk allocation.
- (3) A contracting authority shall submit its pre-feasibility study report to the PPP Centre for consideration.
- (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.
- (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.
- (6) Nothing in sub regulation (4) or regulation 3 of these Regulations shall preclude the PPP Centre from forwarding the concept note or prefeasibility study to the PPP Steering Committee for record after registration of the project proposal

- project from the contracting authority, cause such study to be forwarded to the PPP Centre for analysis.
- (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
- (6) Prior to notification under (5) PPP Centre shall provide recommendation to the relevant contracting authority on prefeasibility study and contracting authority shall proceed to undertake feasibility study.

CURRENT CITATION OF THE PPP REGULATIONS, 2020	PROPOSED AMENDMENT	REASONS FOR AMENDMENTS	PPP STAKEHOLDER'S COMMENTS
Contents of pre -feasibility study	Contents of pre -feasibility	To comply with PPP	COMMENTS
6. A prefeasibility study to be	study	Amendment Act 2023	
prepared in terms of this regulation	4. A prefeasibility study to be		
shall include the following contents	prepared in terms of this		
and information:	regulation shall include the		
(a) executive summary of the report;	following contents and		
(b) background of the project;	information:		
(i) detailed project description;	(a) executive summary of the		
(ii) project objectives and outputs;	report;		
and	(b) background of the project;		
(iii) project scope and rationale;	(i) detailed project description;		
(c) preliminary economic analysis;	(ii) statement of the problem		
(d) preliminary social and	(iii) project objectives and		
environmental	outputs;		
analysis;	(iv) project scope and rationale;		
(e) preliminary commercial analysis;	and		
(f) preliminary technical assessment;	(v) suitability for PPP procurement		
(g) preliminary financial including	(c) preliminary economic analysis;		
affordability	(d) preliminary social and		
analysis;	environmental		
(h) analysis of critical aspects that	analysis;		
may directly	(e) preliminary commercial		
or indirectly affect the project;	analysis;		
(i) legal due diligence;	(f) preliminary technical		
(j) estimated costs of feasibility	assessment;		
study;	(g) preliminary financial including		
(k) risk identification, allocation,	affordability		
quantification	analysis;		
and mitigation matrix;	(h) analysis of critical aspects that		
	may directly		

CURRENT CITATION OF THE PPP REGULATIONS, 2020	PROPOSED AMENDMENT	REASONS FOR AMENDMENTS	PPP STAKEHOLDER'S COMMENTS
(I) institutional and stakeholder's analysis; (m)Action Plan; and (n) Such other information as prescribed in the First Schedule to these Regulations.	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.		
(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.	(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	To enhance engagement to investors in Tanzania. 9.(2) need to be discussed more. To be clarified more	

CURRENT CITATION OF THE PPP REGULATIONS, 2020	PROPOSED AMENDMENT	REASONS FOR AMENDMENTS	PPP STAKEHOLDER'S COMMENTS
(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. (4) Where the contracting authority accepts the pre-feasibility study, it shall forward it to the PPP Centre for recommendations. (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. (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	Contracting Authority if such MOU or agreement is suitable for the identification of the PPP potential project. (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 (4) Where the contracting authority accepts the pre-feasibility study, it shall forward it to the PPP Centre for recommendations. (5) Upon receipt of the pre-feasibility study from the contracting authority, the PPP Centre shall review the pre-feasibility study		

CURRENT CITATION OF THE PPP REGULATIONS, 2020	PROPOSED AMENDMENT	REASONS FOR AMENDMENTS	PPP STAKEHOLDER'S COMMENTS
the PPP Node, and the PPP Node shall, within twenty one working days review and forward to PPP Centre for recommendations. (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.	within twenty-one working days and resubmit the recommendations to the contracting authority (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 prefeasibility study to the PPP Node, and the PPP Node shall, within twenty-one working days review and forward to PPP Centre for recommendations. (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 prefeasibility study or require the		

CURRENT CITATION OF THE PPP REGULATIONS, 2020	PROPOSED AMENDMENT	REASONS FOR AMENDMENTS	PPP STAKEHOLDER'S COMMENTS
	private party to review the pre- Feasibility study		
Commitment deposit	Remove	Comply with amendment of PPP Act	

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.	CURRENT CITATION OF THE PPP REGULATIONS, 2020	PROPOSED AMENDMENT	REASONS FOR AMENDMENTS	PPP STAKEHOLDER'S COMMENTS
(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. (3) The amount deposited under sub-regulation (1), shall be refunded to private party where- (a) the proposal of the pre-feasibility study is rejected by contracting authority or the PPP Centre; (b) the private party fails to be a preferred bidder upon introduction to competition during procurement; (c) the private party becomes preferred bidder and sign the contract; (d) the private party submits claim for refund not later than one year after	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. (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. (3) The amount deposited under subregulation (1), shall be refunded to private party where- (a) the proposal of the pre-feasibility study is rejected by contracting authority or the PPP Centre; (b) the private party fails to be a preferred bidder upon introduction to competition during procurement; (c) the private party becomes preferred bidder and sign the contract; (d) the private party submits claim for		AMENDMENTS	COMMENTS

CURRENT CITATION OF THE PPP	PROPOSED AMENDMENT	REASONS FOR	PPP STAKEHOLDER'S
REGULATIONS, 2020		AMENDMENTS	COMMENTS
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.			
(4) The PPP Centre shall prescribe			
guidelines for management of the			
special account.			
(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			
Review fee by private party	Review fee by private party	No changess	
9(1) Where a private party intends	6(1) Where a private party		
to undertake unsolicited project, such	intends to undertake unsolicited		
party shall be required to submit a	project, such party shall be		

CURRENT CITATION OF THE PPP REGULATIONS, 2020	PROPOSED AMENDMENT	REASONS FOR AMENDMENTS	PPP STAKEHOLDER'S COMMENTS
review fee of 0.1% of the estimated	required to submit a review fee of	AMENDMENTS	COMPLETE
project capital cost at the time of	0.1% of the estimated project		
presenting the unsolicited proposal	capital cost at the time of		
and the unsolicited proposals shall not	presenting the unsolicited proposal		
be reviewed until the funds have been	and the unsolicited proposals shall		
deposited into the PPP Facilitation	not be reviewed until the funds		
Fund.	have been deposited into the PPP		
(2) The payment of the review fee	Facilitation Fund.		
shall not create any obligation on the	(2) The payment of the review		
part of the contracting authority	fee shall not create any obligation		
toward the unsolicited proposal	on the part of the contracting		
proponent.	authority toward the unsolicited		
	proposal proponent.		
Forms of communications	Forms of communications	No changess	
10 (1) The communications between	7 (1) The communications		
the private party, contracting	between the private party,		
authority, PPP Centre and the PPP	contracting authority, PPP Centre		
Node shall be in written or through	and the PPP Node shall be in		
electronic form.	written or through electronic form.		
(2) All communications referred to	(2) All communications referred to		
under sub-regulation (1) shall be	under sub-regulation (1) shall be		
addressed to the respective	addressed to the respective		
accounting officer of a contracting	accounting officer of a contracting		
authority, Executive Director, or the	authority, Executive Director, or		
head of PPP Node, as the case may	the head of PPP Node, as the case		
be, and through postal, physical or	may be, and through postal,		
electronic means.	physical or electronic means.		
(3) All communications related to	(3) All communications related to		
unsolicited proposals shall be	unsolicited proposals shall be		
channeled through the respective	channeled through the respective		

CURRENT CITATION OF THE PPP REGULATIONS, 2020	PROPOSED AMENDMENT	REASONS FOR AMENDMENTS	PPP STAKEHOLDER'S COMMENTS
contracting authority before submission to the PPP Centre or PPP Node as the case may be.	· · · · · · · · · · · · · · · · · · ·		

CURRENT CITATION OF THE PPP REGULATIONS, 2020	PROPOSED AMENDMENT	REASONS FOR AMENDMENTS	PPP STAKEHOLDER'S COMMENTS
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- (a) to 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) Save as provided in regulation 6, a pre-feasibility study for unsolicited proposal shall contain: (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;	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: (a) Accept or reject the content of pre-feasibility study and provide reasons thereof (b) request further clarification or modification by contracting authority or any aspect of the proposed PPP project, stating reasons for the clarification or modification. (2) Save as provided in regulation 6, a pre-feasibility study for unsolicited proposal shall contain: (a) a private party's name, postal and physical address, tax registration certificate or Tax	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 To give PPP centre m	COMMENTS

CURRENT CITATION OF THE PPP	PROPOSED AMENDMENT	REASONS FOR	PPP STAKEHOLDER'S
REGULATIONS, 2020	Identification Number VAT	AMENDMENTS	COMMENTS
(b) a company profile, audited accounts and evidence of financial	Identification Number, VAT registration number, Excise Duty		
capacity;	License, country of registration		
(c) the title and description of the	and domicile of parent company		
proposed project;	and any other related		
(d) a statement of the objectives,	information;		
approach and scope of the proposed	(b) a company profile, audited		
project;	accounts and evidence of financial		
(e) a statement describing property	capacity;		
rights or any confidential information	(c) the title and description of the		
or proprietary data;	proposed project;		
(f) a statement describing how the	(d) a statement of the objectives,		
proposal is innovative and unique,	approach and scope of the		
supported by evidence that the	proposed project;		
proponent is the sole provider and	(e) a statement describing		
owner of the innovation;	property rights or any confidential		
(g) a statement of the anticipated	information or proprietary data;		
benefits or cost advantages to the	(f) a statement describing how		
contracting authority including the	the proposal is innovative and		
total estimated cost for developing the	unique, supported by evidence		
project and projected cash flow to	that the proponent is the sole		
allow a meaningful consideration;	provider and owner of the		
(h) a statement showing how the	innovation;		
proposed project supports the	(g) a statement of the		
Government's development plans;	anticipated benefits or cost		
(i) a statement to indicate compliance	advantages to the contracting		
with other relevant laws and	authority including the total		
government policies;	estimated cost for developing the		
(j) a statement outlining:	project and projected cash flow to		
(5, 5 - 5 - 5 - 5 - 5 - 5 - 5 - 5 - 5 - 5	allow a meaningful consideration;		

CURRENT CITATION OF THE PPP REGULATIONS, 2020	PROPOSED AMENDMENT	REASONS FOR AMENDMENTS	PPP STAKEHOLDER'S COMMENTS
(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 (I) 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.	(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		

CURRENT CITATION OF THE PPP REGULATIONS, 2020	PROPOSED AMENDMENT	REASONS FOR AMENDMENTS	PPP STAKEHOLDER'S COMMENTS
Approval and rejection of pre- feasibility study for unsolicited proposals	Approval and rejection of pre- feasibility study for unsolicited proposals	To adopt precise criteria determination that can be understood in relation to the contextual and literal	
12. A contracting authority may approve a prefeasibility study for unsolicited proposal based on the criteria that-	9. A contracting authority may approve a prefeasibility study for unsolicited proposal based on the criteria that-	interpretational of	
 (a) the project complies with the value for money requirement; (b) the project complies with affordability requirement to 	(a) the project complies with the value for money requirement; (b) the project complies with		
both Government and end users; (c) the project does not relate to	affordability requirement to both Government and end users;		
institutional requirements acquired by normal competitive bidding or any other method than public private partnership;	(c) the project does not relate to institutional requirements acquired by normal competitive bidding		
(d) the project does not relate to products or services which are available and mobilized through	or any other method than public private partnership; (d) the project presents new		
normal investment procedures or public procurement; (e) the project presents new and cost-effective methods of	and cost-effective methods of service delivery compared to other procurements options;		
service delivery compared to other procurements options; (f) the project addresses social needs sustainably;	(e) the project addresses social needs sustainably;(f) the private sector participation in the project		

CURRENT CITATION OF THE PPP REGULATIONS, 2020	PROPOSED AMENDMENT	REASONS FOR AMENDMENTS	PPP STAKEHOLDER'S COMMENTS
private party and protection of intellectual property rights; (i) the project comply with the provisions of Act and other	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
Appraisal elements for Feasibility	Appraisal elements for		
study for solicited project	Feasibility study for solicited		
13(1) After the approval of the pre-	project		
feasibility study, the contracting	10(1) After the approval of the		
authority shall, conduct or cause to be	pre-feasibility study, the		
conducted a comprehensive feasibility	contracting authority shall,		
study in respect of each identified	conduct or cause to be conducted		
project.	a comprehensive feasibility study		
(2) The feasibility study shall confirm	in respect of each identified		
whether the project being considered	project.		
is technically, economically,	(2) The feasibility study shall		
commercially, financially,	confirm whether the project being		
environmentally, socially and legally	considered is technically,		
viable, fiscally affordable and shall	economically, commercially,		
provide value for money.	financially, environmentally,		
(3) A comprehensive feasibility study	socially and legally viable, fiscally		
to be prepared pursuant to the	affordable and shall provide value		
requirement under sub regulation (1)	for money.		
shall contain basic appraisal elements	(3) A comprehensive feasibility		
including-	study to be prepared pursuant to		
(a) clear specification of project's objectives;	the requirement under sub regulation (1) shall contain basic		
(b) broad alternative options to meet	appraisal elements including-		
project's objectives are identified and	(a) clear specification of project's		
comparatively examined;	objectives;		
(c) the most promising option is	(b) broad alternative options to		
subject to detailed analysis;	meet project's objectives are		
(d) project costs are fully and	identified and comparatively		
accurately estimated; and	examined;		
accuracely estimated, and	CAGITITICA		

CURRENT CITATION OF THE PPP REGULATIONS, 2020	PROPOSED AMENDMENT	REASONS FOR AMENDMENTS	PPP STAKEHOLDER'S COMMENTS
 (e) Project benefits are assessed qualitatively as likely to justify the costs. 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. 	subject to detailed analysis; (d) project costs are fully and accurately estimated; and (e) Project benefits are assessed qualitatively as likely to justify the costs.		

CURRENT CITATION OF THE PPP REGULATIONS, 2020	PROPOSED AMENDMENT	REASONS FOR AMENDMENTS	PPP STAKEHOLDER'S COMMENTS
Feasibility study for Unsolicited project	Feasibility study for Unsolicited project		
14(1) Upon approval of the prefeasibility study for unsolicited proposal, the private party shall undertake the feasibility study at its own cost. (2) The private party shall submit the completed feasibility study to the contracting authority for assessment. (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. (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.	feasibility study for unsolicited proposal, the private party shall undertake the feasibility study at its own cost. (2) The private party shall submit the completed feasibility study to the contracting authority for assessment. (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. (4) A contracting authority shall,		

CURRENT CITATION OF THE PPP REGULATIONS, 2020	PROPOSED AMENDMENT	REASONS FOR AMENDMENTS	PPP STAKEHOLDER'S COMMENTS
Contents of feasibility study report 15. Without prejudice to the provision of section 10 of the Act, the feasibility study report shall contain: (a) details regarding salient features of the proposed project, including- (i) technical assessment; (ii) economic and social analysis; (iii) risk analysis; (iv) commercial analysis; (v) financial 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- (i) in the case of a performance function, the nature	Contents of feasibility study report 13. Without prejudice to the provision of section 10 of the Act, the feasibility study report shall contain: (a) details regarding salient features of the proposed project, including— (i) technical assessment; (ii) economic and social analysis; (iii) risk analysis; (iv) commercial analysis; (v) financial analysis; (v) financial analysis; (b) action plan and explanation of the strategic and operational benefits of the proposed project in relation to its objectives;	AMENDMENTS	PPP STAKEHOLDER'S COMMENTS
function, the nature of the function concerned and	to its objectives; (c) description in specific terms- (i) in the case of a		
extent to which it may be performed by the private party;	performance function, the nature of the function		

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

CURRENT CITATION OF THE PPP REGULATIONS, 2020	PROPOSED AMENDMENT	REASONS FOR AMENDMENTS	PPP STAKEHOLDER'S COMMENTS
(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.	 (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
	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.		
Resolution of critical	Resolution of critical	No changess	
aspects 16. (1) A contracting authority shall	aspects 14. (1) A contracting authority		
appraise critical aspects of the project	shall appraise critical aspects of		
and submit to PPP Node or, as the	the project and submit to PPP		
case may be, the PPP Centre on the	Node or, as the case may be, the		
determination of any critical aspect of	PPP Centre on the determination		
the project, and such appraisal shall-	of any critical aspect of the project,		
(a) in the case of pre-feasibility	and such appraisal shall-		
study, be resolved at any time	(a) in the case of pre-feasibility		
prior to the preparation of a	study, be resolved at any time		
feasibility study; (b) in the case of feasibility study,	prior to the preparation of a feasibility study;		
be resolved at any time prior to	(b) in the case of feasibility		
the implementation of project.	study, be resolved at any time		
(2) The PPP node or, as the case	prior to the implementation of		
may be, the PPP Centre shall, within	project.		
seven days from the date of receiving	(2) The PPP node or, as the case		
the appraisal under sub regulation (1),	may be, the PPP Centre shall,		
evaluate the critical aspects and make	within seven days from the date of		

CURRENT CITATION OF THE PPP REGULATIONS, 2020	PROPOSED AMENDMENT	REASONS FOR AMENDMENTS	PPP STAKEHOLDER'S COMMENTS
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.	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.		
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- (a) review financial, technical, legal, economic,	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 Subregulation (1), the Contracting authority in collaboration with the PPP Center shall procure PPP advisor to review the feasibility study report and prepare appropriate business	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	

CURRENT CITATION OF THE PPP REGULATIONS, 2020	PROPOSED AMENDMENT	REASONS FOR AMENDMENTS	PPP STAKEHOLDER'S COMMENTS
technological aspects of the project and prepare appropriate business case and financial model; (b) prepare prequalification documents, request for proposal and draft agreements; (c) advice and participate in negotiation; (d) prepare counterbusiness case for feasibility studies submitted by the private party; (e) facilitate financial closure; and (f) prepare PPP Contract Management Plan.	case and transaction documents. (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. (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; (4) For the purpose of Subregulations (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. (5) Sub-regulations (2)(3) and (4) shall not be construed as		

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

CURRENT CITATION OF THE PPP REGULATIONS, 2020	PROPOSED AMENDMENT	REASONS FOR AMENDMENTS	PPP STAKEHOLDER'S COMMENTS
recommendations or approval where necessary.	recommendations or approval where necessary.		
(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.	(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.		
Submission of projects for approval by contracting authority	Submission of projects for approval by contracting authority	Sub regulation (7) & (8) is proposed to be amended to provide clarity for the	
19(1) The contracting authority, or as the case may be, the Permanent	17(1) The contracting authority,	responsibility steering committee and PPP center	
Secretary shall, upon working on	or as the case may be, the	on approving feasibility	
recommendation from the regulatory authority, submit the project to the	Permanent Secretary shall, upon working on recommendation from	study.	
PPP Centre. (2) The submission under sub-	the regulatory authority, submit the project to the PPP Centre.		
regulation (1), shall be accompanied	(2) The submission under sub-		
by: (a) a feasibility study report;	regulation (1), shall be accompanied by:		
(2) 2 (200.2) 200.0)	(a) a feasibility study report;		

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

CURRENT CITATION OF THE PPP REGULATIONS, 2020	PROPOSED AMENDMENT	REASONS FOR AMENDMENTS	PPP STAKEHOLDER'S COMMENTS
manner prescribed in these Regulations. (6) The PPP Centre may, before expiration of thirty working days, require the contracting authority to improve the project as recommended. (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. (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.	feasibility study for the project and all financial implications relating to the implementation of the project in a manner prescribed in these Regulations. (6) The PPP Centre may, before expiration of thirty working days, require the contracting authority to improve the project as recommended (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. (8) Where the PPP steering committee approves the project under this regulation, PPP Centre shall inform the contracting authority accordingly.		
Government support	Government support	To provide clear guidance	
20(1) The Minister shall, for any	18(1) The Public Private	on the access of	
project that requires public funding	Partnership Steering Committee	government support for	
and any other forms of contribution,		PPP projects and state the	

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

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		
MANAG	EMENT OF PUBLIC PRIVATE PAR	TNERSHIP AGREEMENTS	
Contracting authority's	Contracting authority's	No changess	
responsibility	responsibility		
21(1) Without prejudice to the	19(1) Without prejudice to the		
provisions of section 11 of the Act, any	provisions of section 11 of the Act,		
agreement involving the performance	any agreement involving the		
of an institutional function shall not	performance of an institutional		
divest the contracting authority the	function shall not divest the		
responsibility of ensuring that such	contracting authority the		
institutional function is effectively and	responsibility of ensuring that such		
efficiently performed in the public	institutional function is effectively		
interest or for the benefit of the public service.	and efficiently performed in the public interest or for the benefit of		
(2) An agreement that involves the	the public service.		
use of public or government property	(2) An agreement that involves the		
by a private party shall not divest the	use of public or government		
contracting authority of the	property by a private party shall		
responsibility for ensuring that such	not divest the contracting		
government property is appropriately	authority of the responsibility for		
protected against forfeiture, theft,	ensuring that such government		
loss, wastage and misuse.	property is appropriately protected		
	against forfeiture, theft, loss,		
	wastage and misuse.		
Conduct of accounting officer in	Conduct of accounting officer	Regulation 22 (2) is	
PPP projects	in PPP projects	proposed to be amended	

CURRENT CITATION OF THE PPP	PROPOSED AMENDMENT	REASONS FOR	PPP STAKEHOLDER'S
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; (b) manage any monies received during processing of unsolicited proposals; (c) build and secure political and stakeholder support for the project; (d) ensure availability of adequate project resources, including budgets and suitable personnel for implementation of the project; (e) ensure the feasibility study and procurement processes are effectively and efficiently performed in the public interest, and protection of government property; (f) ensure that funds received from the Public Private Partnership Facilitation Fund are properly managed and applied for the purposes intended; (g) allocate budget funds to perform functions arising from public private partnership projects; (h) appoint appropriate and relevant PPP	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; (b) manage any monies received during processing of unsolicited proposals; (c) build and secure political and stakeholder support for the project; (d) ensure availability of adequate project resources, including budgets and suitable personnel for implementation of the project; (e) ensure the feasibility study and procurement processes are effectively and efficiently performed in the public interest, and protection of government property; (f) ensure that funds received from the Public Private Partnership Facilitation Fund are properly managed and applied for the purposes intended; (g) allocate budget funds to perform functions arising from	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	COMMENTS

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

CURRENT CITATION OF THE PPP REGULATIONS, 2020	PROPOSED AMENDMENT	REASONS FOR AMENDMENTS	PPP STAKEHOLDER'S COMMENTS
(2) Without prejudice to section 17(2) of the Act, the functions of the project officer shall include: (a) day to day supervision of the project; (b) be liaison officer between the accounting officer, project management team, PPP Centre and private party; (c) preparation of periodic, quarterly and annual reports on the development of the project; (d) maintaining records related to project implementation from initiation to conclusion; and (e) Management of the public private partnership agreement and its implementation and hand-back.	(2) Without prejudice to section 17(2) of the Act, the functions of the project officer shall include: (a) day to day supervision of the project; (b) be liaison officer between the accounting officer, project management team, PPP Centre and private party; (c) preparation of periodic, quarterly and annual reports on the development of the project; (d) maintaining records related to project implementation from initiation to conclusion; and (e) Management of the public private partnership agreement and its implementation and hand-back.	APILITOPILITO	
PPP Project Management Team 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. (2) The project management team shall be composed of officers with	PPP Project Management Team 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	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.	

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

CURRENT CITATION OF THE PPP REGULATIONS, 2020	PROPOSED AMENDMENT	REASONS FOR AMENDMENTS	PPP STAKEHOLDER'S COMMENTS
(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".	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".		
PPP Steering Committee	PPP Steering Committee	No changess	
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	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		

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.		
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.	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.	No changess	
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.	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.	No changess	
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	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.		

CURRENT CITATION OF THE PPP REGULATIONS, 2020	PROPOSED AMENDMENT	REASONS FOR AMENDMENTS	PPP STAKEHOLDER'S COMMENTS
procurement documents prescribed in the Guidelines, which shall include- (a) request for qualification; (b) request for proposal; (c) evaluation guidelines; and (d) PPP agreement.	(2) A contracting authority shall comply with and use any standardized procurement documents prescribed in the Guidelines, which shall include- (a) request for qualification; (b) request for proposal; (c) evaluation guidelines; and (d) PPP agreement.	, ,	
Project records to be kept in a register 29(1) The PPP Centre shall, immediately after approval of the concept note, record the particulars of the project in the register. (2) The register referred to under sub regulation (1) shall be kept by the PPP Centre. (3) The particulars required to be recorded in the register shall indicate: (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.	Project records to be kept in a register 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. (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.	Regulation 29 (1), (2) and (3) proposed to be amended to provide clarity and easy implementation of the Regulation by the PPP Centre.	

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

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

CURRENT CITATION OF THE PPP REGULATIONS, 2020	PROPOSED AMENDMENT	REASONS FOR AMENDMENTS	PPP STAKEHOLDER'S COMMENTS
(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.	(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.		
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:	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:	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.	

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

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

CURRENT CITATION OF THE PPP	PROPOSED AMENDMENT	REASONS FOR	PPP STAKEHOLDER'S
REGULATIONS, 2020		AMENDMENTS	COMMENTS
(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. (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. (4) The Minister may, on considering the recommendation referred to under sub regulation (3), partially or wholly wave payment of project preparation costs.	 (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. (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. (4) The Minister may, on considering the recommendation referred to under sub regulation (3), partially or wholly wave payment of project preparation costs. 		
	PART VI		
PROCUREM	ENT OF SOLICITED PUBLIC PRIV	ATE PARTNERSHIP PROJE	СТ
Princ	iples and methods of procureme	nt of solicited projects	
Procurement principles	Procurement principles	No changess	
34-(1) A contracting authority shall adhere to procurement procedures on the basis of the fundamental principles of rules governing the	shall adhere to procurement procedures on the basis of the		

CURRENT CITATION OF THE PPP REGULATIONS, 2020	PROPOSED AMENDMENT		ONS FOR DMENTS	PPP STAKEHOLDER'S COMMENTS
award of public contracts to attain best value for money.	governing the award of public contracts to attain best value for			
(2) The fundamental principles shall	money.			
include-	(2) The fundamental principles			
(a) economy and efficiency;	shall include-			
(b) competition;	(a) economy and efficiency;			
(c) transparency and accountability;	(b) competition;			
(d) fairness; and	(c) transparency and			
(e) promotion of the integrity and confidence in the selection process.	accountability; (d) fairness; and			
confidence in the selection process.	(e) promotion of the integrity and			
	confidence in the selection			
	process.			
Methods of procurement of	Methods of procurement of	Regula	tion 35 proposed to	
solicited projects	solicited projects		ended to align with	
35 Save as otherwise provided in the	33. (1) Save as otherwise	the foll		
Act, methods of procurement of PPP	provided in the Act, methods of	` '	Adopts direct and	
projects and services shall be through	procurement of PPP projects and		restrictive tendering	
(a) National competitive tendering;	services shall be through - (a)National competitive		so as to ease procurement	
and	tendering;		process in line with	
(b) International competitive	(b)International		the procurement	
tendering.	competitive tendering;		principles.	
	(c)Restrictive tendering;	(ii).	Elaborates section	
	and		15 of the Act which	
	(d)Direct tendering		is amended in order	
	(2) A Contracting authority may		to allow contracting	
	use national competitive		authority with	
	1		solicited projects to	
	tendering, otherwise known as national competitive bidding, by		solicited projects to	

CURRENT CITATION OF THE PPP	PROPOSED AMENDMENT	REASONS FOR	PPP STAKEHOLDER'S
REGULATIONS, 2020	TROTOSES AMENDMENT	AMENDMENTS	COMMENTS
	inviting bidders of their	procure private	
	nationality, by means of the	party directly.	
	procurement Standard Documents	party amount	
	advertised only in the United		
	Republic of Tanzania, for the		
	Public Private Partnership		
	potential project.		
	(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.		
	(4) Contracting authority may use		
	restricted tendering where any of		
	the following conditions are		
	satisfied;		
	(a) the complexity or specialized		
	nature of the project is restricted		
	to prequalified tenderers;		
	(b) the cost and time required to		
	examine and evaluate large		
	number of tenders would be		
	disproportionate to the value of		

CURRENT CITATION OF THE PPP REGULATIONS, 2020	PROPOSED AMENDMENT	REASONS FOR AMENDMENTS	PPP STAKEHOLDER'S COMMENTS
	the transaction during procurement phase; (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; (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		
	(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.		
	(6) For the purpose of this Regulation, a contracting authority may engage in		

CURRENT CITATION OF THE PPP REGULATIONS, 2020	PROPOSED AMENDMENT	REASONS FOR AMENDMENTS	PPP STAKEHOLDER'S COMMENTS
	procurement by any of the tendering method stipulated herein in such manner as may be prescribed		
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- (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	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- (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	Regulation 36(1) proposed to be amended to enable PPP Centre to issue market sounding guideline	
the project; and (d) Inform potentially interested private parties, investors, lenders and other entities of PPP procurement plans and requirements. (2) Any market sounding conducted under sub regulation (1) shall not-	(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.		

CURRENT CITATION OF THE PPP REGULATIONS, 2020	PROPOSED AMENDMENT	REASONS FOR AMENDMENTS	PPP STAKEHOLDER'S COMMENTS
(a) distort competition or efficiency among potentially interested entities; or (b) Undermine the principles of fairness, value for money, transparency and proportionality.	(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.		
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	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.	No changess	

CURRENT CITATION OF THE PPP REGULATIONS, 2020	PROPOSED AMENDMENT	REASONS FOR AMENDMENTS	PPP STAKEHOLDER'S COMMENTS
issued by the Authority in collaboration with the PPP Centre.	(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.		
(b) Selection process of a private party bidding criteria of private party	(b) Selection process of a private party tendering criteria of private party bidding criteria of private	proposed to be amended the word bidding to be	
38(1) The selection of a private party shall- (a) be in accordance with the competitive bidding procedures specified under these Regulations; and (b) be based on the best value for money to the project for the duration of the partnership as opposed to the lowest bidder. (2) Factors that contribute to the value for money of a project shall include- (a) project plan and design; (b) project delivery schedule; (c) use of innovation; (d) access to expertise; (e) affordable and better quality of services;	36(1) The selection of a private party shall- (a) be in accordance with the competitive tendering procedures specified under these Regulations; and (b) be based on the best value for money to the project for the duration of the partnership as opposed to the lowest bidder. (2) Factors that contribute to the value for money of a project shall include- (a) project plan and design; (b) project delivery schedule; (c) use of innovation; (d) access to expertise;	read as tendering	

CURRENT CITATION OF THE PPP REGULATIONS, 2020	PROPOSED AMENDMENT	REASONS FOR AMENDMENTS	PPP STAKEHOLDER'S COMMENTS
(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.	(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.		
Issuance of pre-qualification	Issuance of pre-qualification	Regulation 39 (2) and (3) is	
documents 39(1) Upon approval of the feasibility study, a contracting authority shall, subject to payment of a prescribed fee, if any, issue prequalification documents which shall include the following information: (a) terms and conditions of issuance of the pre-qualification; (b) purpose of issuing the prequalification; (c) outline of the contents of the prequalification; (d) information about the project; (e) brief description of the bidding	documents 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	bidding proves by taking into consideration the following RFQ does no constitute contractual relationship between contracting authority and	
process; (f) instructions of preparation and submission of the pre-qualification	process;		

CURRENT CITATION OF THE PPP REGULATIONS, 2020	PROPOSED AMENDMENT	REASONS FOR AMENDMENTS	PPP STAKEHOLDER'S COMMENTS
documents; (g) required bidders,	(f) instructions of preparation and	AMERICA	COMMENTS
including a list of documentary	submission of the pre-qualification		
evidence to demonstrate their	documents;		
respective qualifications, technical,	(g) required bidders, including a		
financial and managerial capacity; (h)	list of documentary evidence to		
local content plan including	demonstrate their respective		
empowerment of Tanzanians; (i) the	qualifications, technical, financial		
evaluation process, including the pre	and managerial capacity;		
qualification criteria; (j) any other	(h) local content plan including		
information that may be required by	empowerment of Tanzanians;		
the contracting authority. (2) The	(i) the evaluation process,		
contracting authority shall use the	including the pre qualification		
standard documents prepared by the	criteria;		
Authority in collaboration with PPP	(j) any other information that may		
Center.	be required by the contracting		
(3) When undertaking pre-	authority.		
qualification, the qualification of	(2)(a) Notwithstanding Sub-		
bidders by a contracting authority	regulation (1), and without		
shall be based upon the legal capacity,	prejudice to Regulation 124 the		
capability and resources of the	Contracting authority may issue		
applicants including to perform the	Request For Qualification (RFQ)		
particular agreement satisfactorily,	prior to the approval of the		
taking into account the bidder's- (a)	feasibility study by the PPP		
technical capacity to carry out the	Steering Committee where the		
project either directly or via specific	following conditions are satisfied;		
major sub contractors;	(a) the proposed project		
(b) experience and past performance	indicates that shall deliver value		
on similar projects;	for money and improve the		
(c) knowledge of local working	quality of the public service based		
conditions;	on its Original financial model;		

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

CURRENT CITATION OF THE PPP REGULATIONS, 2020	PROPOSED AMENDMENT	REASONS FOR AMENDMENTS	PPP STAKEHOLDER'S COMMENTS
(h) references regarding previous and	with any demonstrations or		
existing projects including PPP	presentations which may be		
projects;	required by the Contracting		
(i) experience necessary to carry out	Authority or any other costs		
the project;	incurred in connection with or		
(j) an in-depth review of each	relating to its Application.		
potential partner at the point of	(b) For the purpose of paragraph		
evaluation;	(a) of this Regulation;		
(k) inclusion of local firms and experts	(i) the RFQ shall neither		
in consultancy contracts;	constitutes an agreement nor an		
(I) use of local goods and experts in	offer by the Contracting Authority		
works and non-consultancy services;	to the prospective Applicants or		
and	any other person;		
(m)any other information as the	(ii) the Contracting Authority,		
contracting authority may deem	its employees and advisors shall		
necessary.	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		
	(iii) the Contracting Authority		
	may in its absolute discretion, but		
	without being under any		

CURRENT CITATION OF THE PPP REGULATIONS, 2020	PROPOSED AMENDMENT	REASONS FOR AMENDMENTS	PPP STAKEHOLDER'S COMMENTS
REGULATIONS, 2020	obligation to do so, update,	AFILITOFICATIO	COMMENTO
	amend or supplement the		
	information, assessment or		
	assumptions contained in the RFQ		
	(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		
	(4) The contracting authority		
	shall use the standard documents		
	prepared by the Authority in		
	collaboration with PPP Center.		
	(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-		
	(a) technical capacity to carry		
	out the project either directly or		

CURRENT CITATION OF THE PPP	PROPOSED AMENDMENT	REASONS FOR	PPP STAKEHOLDER'S
REGULATIONS, 2020	TROTOSES AMENSMENT	AMENDMENTS	COMMENTS
REGUENTIONS/ EUL	via specific major sub-	AFILITOFICIO	COMMENTS
	contractors;		
	(b) experience and past		
	performance on similar projects;		
	(c) knowledge of local working		
	conditions;		
	(d) capabilities with respect to		
	personnel, equipment and		
	construction or manufacturing		
	facilities;		
	(e) financial capacity to carry		
	out the project;		
	(f) current commitments and		
	capacity to take on projects;		
	(g) implementation plan		
	for transfer of		
	knowledge; and		
	(h) compliance with		
	required regulatory		
	obligations.		
	(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;		

CURRENT CITATION OF THE PPP	PROPOSED AMENDMENT	REASONS FOR	PPP STAKEHOLDER'S
REGULATIONS, 2020	FROF OSED AMENDMENT	AMENDMENTS	COMMENTS
REGULATIONS, 2020	(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 nonconsultancy services; and (m) any other information as the contracting authority may deem necessary.	AMENDMENTS	COMMENTS
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
40(1) A contracting authority shall,	38(1) A contracting authority	flexibility in tendering	COMMENTE
prior to floating of a bid, undertake	may, prior to floating of a tender,	process.	
pre-qualification of bidders to ensure	undertake pre-qualification of	p. 6 6 6 6 6 6 6 6 6 6 6 6 6 6 6 6 6 6 6	
that only technically and financially	tendering to ensure that only		
capable firms having adequate	technically and financially capable		
managerial capability are invited to	firms having adequate managerial		
submit bids: Provided that, such pre-	capability are invited to submit		
qualification shall solely be based	tenders: Provided that, such pre-		
upon the ability of the interested	qualification shall solely be based		
parties to deliver with satisfaction the	upon the ability of the interested		
performance and output as specified	parties to deliver with satisfaction		
by the contracting authority.	the performance and output as		
(2) A contracting authority may, in	specified by the contracting		
order-	authority.		
(a) to ensure that prospective bidders	(2) A contracting authority may,		
are adequately informed; and (b) to	in order-		
secure commitment of the prospective	(a) to ensure that prospective		
bidders, call a bidders' conference	bidders are adequately informed;		
prior to issuance of the expression of	and (b) to secure commitment of		
interest document. (3) The selection	the prospective tenders, call a		
of a private party including-	tenders conference prior to		
(a) invitation for pre-qualification;	issuance of the expression of		
(b) preparation of shortlist;	interest document. (3) The		
(c) preparation and issuance of the	selection of a private party		
request for proposal; and	including-		
(d) receipt and opening of proposals	(a) invitation for pre-		
and evaluation of proposals, shall	qualification;		
follow the basic steps stipulated in the	(b) preparation of shortlist;		
tender documents prepared by the	(c) preparation and issuance of		
contracting authority.	the request for proposal; and		

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.		
Doubleinskien of conception	Participation of consortia	Regulation 41 is proposed	
Participation of consortia	39(1) A contracting authority	to be amended to align with the PPP Act	
41(1) A contracting authority may, when requesting for submission of expressions of interest for the prequalification proceedings, allow potential parties to form bidding consortia and in such case the bidding consortium shall demonstrate its qualifications in accordance with these Regulations.	may, when requesting for	amendments of 2023.	
(2) Where the contracting authority allows bidders to form consortia, the consortia shall appoint a leading member who shall communicate on all	Regulations. (2) Where the contracting authority allows tenderer to form consortia, the consortia shall		
matters regarding the bids proceedings. (3) Unless otherwise authorized by a	appoint a leading member who shall communicate on all matters regarding the bids proceedings.		
contracting authority in the pre- qualification documents, each members of a consortium may participate directly by legal			

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

CURRENT CITATION OF THE PPP REGULATIONS, 2020	PROPOSED AMENDMENT	REASONS FOR AMENDMENTS	PPP STAKEHOLDER'S COMMENTS
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.	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		
Clarification of applications for	these Regulations Clarification of applications	No changess	
pre-qualification	for pre-qualification	J	
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.	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		

CURRENT CITATION OF THE PPP REGULATIONS, 2020	PROPOSED AMENDMENT	REASONS FOR AMENDMENTS	PPP STAKEHOLDER'S COMMENTS
(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 prequalification documents.	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.		
Appointment of evaluation team 43(1) The accounting officer shall appoint an evaluation team to evaluate the applications for prequalification. (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.	Appointment of evaluation team 41(1) The accounting officer shall appoint an evaluation team to evaluate the applications for prequalification. (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	No changess	

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

CURRENT CITATION OF THE PPP REGULATIONS, 2020	PROPOSED AMENDMENT	REASONS FOR AMENDMENTS	PPP STAKEHOLDER'S COMMENTS
 (3) An evaluation report shall be prepared for recommending a list of firms or individuals to be considered as pre-qualified. (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. 	Regulations and in the invitation to pre-qualify (b) key information supplied in terms of regulation 39(4). (3) An evaluation report shall be prepared for recommending a list of firms or individuals to be considered as pre-qualified. (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.		
Approval of shortlist	Approval of shortlist and request for proposal	Regulation 45 is proposed to be amended shorten	
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.	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. (2) subject to sub Regulation (1) the tender board shall approve shortlist and Request for Proposal concurrently.	procurement process.	
Contents of request for proposals	Contents of request for proposals	No changess	

CURRENT CITATION OF THE PPP	PROPOSED AMENDMENT	REASONS FOR	PPP STAKEHOLDER'S
REGULATIONS, 2020	44 The warmant for a second 1 !!	AMENDMENTS	COMMENTS
46. The request for proposal shall	44. The request for proposal shall		
include at minimum the following	include at minimum the following		
information:	information:		
(a) letter of invitation for bid;	(a) letter of invitation for bid;		
(b) data sheet containing information	(b) data sheet containing		
about the project;	information about the project;		
(c) instructions for preparing bids;	(c) instructions for preparing bids;		
(d) amount and manner of payment of	(d) amount and manner of		
bid security and performance	payment of bid security and		
guarantee, where applicable;	performance guarantee, where		
(e) the manner, place, date and time	applicable;		
for submission of bidding documents;	(e) the manner, place, date and		
(f) the manner, place, date and time	time for submission of bidding		
of opening of bids;	documents;		
(g) method of procurement used by	(f) the manner, place, date and		
the contracting authority and the	time of opening of bidders;		
legislation relevant thereto;	(g) method of procurement used		
(h) a detailed and unambiguous	by the contracting authority and		
evaluation criteria;	the legislation relevant thereto;		
(i) terms and conditions of the	(h) a detailed and unambiguous		
contract agreements, as far as already	evaluation criterion;		
known by the contracting authority;	(i) terms and conditions of the		
(j) output specifications of the project;	contract agreements, as far as		
(k) the manner in which bid price is	already known by the contracting		
to be assessed and computed,	authority;		
including information about tax	(j) output specifications of the		
liability;	project;		
(I) currency or currencies in which bid	(k) the manner in which bid price		
price is to be formulated and	is to be assessed and computed,		
expressed;			

CURRENT CITATION OF THE PPP REGULATIONS, 2020	PROPOSED AMENDMENT	REASONS FOR AMENDMENTS	PPP STAKEHOLDER'S COMMENTS
(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	including information about tax liability; (I) 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		
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	Approval and issuance of request for proposals 45(1) The contracting authority shall approve the request for proposal documents before submission by the accounting	Regulation 47 is proposed to be amended to clarify the approval authority of the RFP shall be the Contracting Authority.	

CURRENT CITATION OF THE PPP REGULATIONS, 2020	PROPOSED AMENDMENT	REASONS FOR AMENDMENTS	PPP STAKEHOLDER'S COMMENTS
officer to the PPP Centre or PPP Node	officer to the PPP Centre or PPP	Also, to align with	00111121110
for recommendations.	Node for scrutiny to ensure there	responsibilities of PPP	
(2) The contracting authority shall	is conformity with approval of	Centre / PPP Node and	
issue the approved request for	feasibility study and provide	their functions as stipulated	
proposals to all approved pre-qualified	recommendations.	in Section 5(1)(h) of the	
bidders in accordance with the	(2) The contracting authority shall	PPP Act	
procedures and requirements	issue the approved request for		
specified in these Regulations.	proposals to all approved pre-		
(3) A contracting authority shall,	qualified bidders in accordance		
except for bidders who have declined	with the procedures and		
in writing, provide to each approved	requirements specified in these		
pre-qualified bidder a complete set of	Regulations.		
approved request for proposal.	(3) A contracting authority shall,		
(4) Request for proposals shall be	except for bidders who have		
issued at cost related to printing,	declined in writing, provide to		
photocopying and distribution and	each approved pre-qualified		
shall not include any element of profit.	bidder a complete set of approved		
(5) For the purpose of sub regulation	request for proposal.		
(1)-	(4) Request for proposals shall be		
(a) the PPP Steering Committee shall	issued at cost related to printing,		
approve the request for proposals	photocopying and distribution and		
submitted to it by the PPP Centre; and	shall not include any element of		
(b) the PPP Node shall forward its	profit.		
recommendation of the request for	(5) The contracting authority		
proposals to the Ministry responsible	may conduct procurement of PPP		
for local government authority for	projects through electronic means		
approval.	in the manner or procedures set		
(6) The contracting authority may	out in the guidelines prepared by		
conduct procurement of PPP projects	the Authority in collaboration with		
through electronic means in the	the PPP Center		

CURRENT CITATION OF THE PPP REGULATIONS, 2020	PROPOSED AMENDMENT	REASONS FOR AMENDMENTS	PPP STAKEHOLDER'S COMMENTS
manner or procedures set out in the guidelines prepared by the Authority in collaboration with the PPP Center.			
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.	Further demonstration of fulfilment of qualification criteria 46(1) A contracting authority may require any bidder who is prequalified to demonstrate again its qualifications in accordance with the same criteria used for prequalification. (2) A contracting authority shall disqualify any bidder who fails to demonstrate again its qualifications if requested to do so.	No changes	
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	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	Regulation 49 is proposed to be amended read as tender securities instead of bid securities	

CURRENT CITATION OF THE PPP REGULATIONS, 2020	PROPOSED AMENDMENT	REASONS FOR AMENDMENTS	PPP STAKEHOLDER'S COMMENTS
bidder, return the bid security to all	announcement of the preferred		
unsuccessful bidders in the prescribed	bidder, return the bid security to		
manner	all unsuccessful bidders in the		
	prescribed manner		
Clarification and modification of	Clarification and modification	No changess	
bid documents	of bid documents		
50(1) Any clarification on the request	48(1) Any clarification on the		
for proposal shall be requested and	request for proposal shall be		
issued in accordance with the	requested and issued in		
procedures stipulated in the tender	accordance with the procedures		
documents prepared by the	stipulated in the tender documents		
contracting authority and the Sixth	prepared by the contracting		
Schedule	authority and the Sixth Schedule		
(2) A contracting authority shall re-	(2) A contracting authority shall		
issue the request for proposal to all	re-issue the request for proposal		
pre-qualified bidders after obtaining	to all pre-qualified bidders after		
approval of tender board if it is	obtaining approval of tender		
reasonably satisfied that there is a	board if it is reasonably satisfied		
material infirmity or ambiguity in the	that there is a material infirmity or		
request for proposal, which cannot be	ambiguity in the request for		
addressed without modifying the	proposal, which cannot be		
contents of the request for proposal.	addressed without modifying the		
	contents of the request for		
	proposal		
Submission of bids	Submission of bids	No changess	
51. (1) Bids shall be submitted on the	49. (1) Bids shall be submitted on		
date, place and time and in the	the date, place and time and in the		
manner specified in the request for	manner specified in the request for		
proposal in the Fourth Schedule. (2)	proposal in the Fourth Schedule.		
Any bid submitted late shall not be	(2) Any bid submitted late shall not		

CURRENT CITATION OF THE PPP REGULATIONS, 2020	PROPOSED AMENDMENT	REASONS FOR AMENDMENTS	PPP STAKEHOLDER'S COMMENTS
considered by the contracting	be considered by the contracting		
authority.	authority.		
(3) For the avoidance of doubt,	(3) For the avoidance of doubt,		
extended time stipulated in terms of	extended time stipulated in terms		
regulation 50 shall be deemed to be	of regulation 50 shall be deemed		
appropriate time of submission within	to be appropriate time of		
the requirement of sub regulation (1).	submission within the requirement		
	of sub regulation (1).	B 1 11 52 1	
Extension of time for submission	Extension of time for	Regulation 52 is proposed	
of bids	submission of bids	to be amended to clarify the	
52(1) A contracting authority may at	50(1) A contracting authority		
any time before the actual deadline,	may at any time before the actual	3	
extend the prescribed deadline for submission of bids.	deadline, extend the prescribed deadline for submission of bids	Authority	
(2) Notwithstanding sub regulation	(2) Notwithstanding sub regulation		
(1), the contracting authority may	(1), the contracting authority may		
only extend the deadline for	only extend the deadline for		
submission of bids after the deadline	submission of bids after the		
where:	deadline where:		
(a) only one valid tender is received	(a) only one valid tender is		
on the specified date, unless the	received on the specified date,		
appropriate tender board is	unless contracting authority is		
unanimous in its view that wider	unanimous in its view that wider		
competition is not ensured by	competition is not ensured by		
extending the deadline;	extending the deadline;		
(b) the contracting authority is	(b) the contracting authority is		
reasonably convinced that	reasonably convinced that		
extraordinary circumstances have	extraordinary circumstances have		
arisen owing to law and order	arisen owing to law and order		
	situation or a natural calamity that		

CURRENT CITATION OF THE PPP REGULATIONS, 2020	PROPOSED AMENDMENT	REASONS FOR AMENDMENTS	PPP STAKEHOLDER'S COMMENTS
situation or a natural calamity that the	the deadline should be extended:		
deadline should be extended:	Provided that the advertisement of		
Durayidad that the advertisement of	such extension of time shall be		
Provided that the advertisement of such extension of time shall be made	made in a manner similar to the original issuing of the request for		
in a manner similar to the original	proposal		
issuing of the request for proposal.	Proposal		
issuing of the request for proposali			
Evaluation of submitted proposal	Evaluation of submitted	Regulation 53 (4) is	
53(1) The contracting authority	proposal	proposed to be amended to	
shall, within sixty days from the	51(1) The contracting authority	align with the	
prescribed date of submission of	shall, within sixty days from the	responsibilities of the	
proposal by the bidders, receive,	prescribed date of submission of	contracting authority as	
open, and evaluate all requests for	proposal by the bidders, receive, open, and evaluate all requests	stipulated on PPP Act	
proposals. (2) The evaluation team shall prepare	for proposals.		
a detailed report on the evaluation	(2) The evaluation team shall		
and comparison of bids, setting forth	prepare a detailed report on the		
the specific reasons, which the	evaluation and comparison of		
determination of the best value for	bids, setting forth the specific		
money bid is based.	reasons, which the determination		
(3) The evaluation team shall	of the best value for money bid is		
recommend the bids in a manner that	based.		
demonstrates the best value for	(3) The evaluation team shall		
money criteria as specified in these	recommend the bids in a manner		
Regulations. (4) The evaluation report shall be	that demonstrates the best value for money criteria as specified in		
submitted to the tender board for	these Regulations		
approval and forward the same to the	(4) The evaluation report shall be		
application and formal and same to the	submitted to the Contracting		

CURRENT CITATION OF THE PPP REGULATIONS, 2020	PROPOSED AMENDMENT	REASONS FOR AMENDMENTS	PPP STAKEHOLDER'S COMMENTS
accounting officer for necessary	authority for approval and for		
action.	necessary action		
General Evaluation criteria	General Evaluation criteria	No changess	
54(1) Evaluation of the proposals	52(1) Evaluation of the proposals		
under regulation 51 shall be based on-	under regulation 51 shall be based		
(a) best value to the public for the	on-		
duration of the partnership and not on	(a) best value to the public for the		
the basis of lowest financial bid; and	duration of the partnership and not		
(b) the criteria specified in the bidding	on the basis of lowest financial bid;		
document.	and		
(2) The criteria of best value under	(b) the criteria specified in the		
sub regulation (1)(a) shall comprise	bidding document.		
of, among others, a combined and	(2) The criteria of best value under		
detailed evaluation of: (a) project	sub regulation (1)(a) shall		
design;	comprise of, among others, a		
(b) technical and managerial skills;	combined and detailed evaluation		
(c) technological capacity and	of: (a) project design;		
innovation; (d) proposed partnership model;	(b) technical and managerial skills;(c) technological capacity and		
(e) financial structure of the Special	innovation;		
Purpose Vehicle;	(d) proposed partnership model;		
(f) financial and commercial viability	(e) financial structure of the		
and bankability of project;	Special Purpose Vehicle;		
(g) appropriate risk transfer of	(f) financial and commercial		
technical, operational or financial;	viability and bankability of project;		
(h) affordability;	(g) appropriate risk transfer of		
(i) value for money;	technical, operational or financial;		
	(h) affordability;		
(j) local contents and empowerment	(i) value for money;		
of Tanzanians;			

		AMENDMENTS	COMMENTS
(k) the extent of government support	(j) local contents and		
or contribution required and the	empowerment of Tanzanians;		
manner of discharge;	(k) the extent of government		
(I) extent of compliance with	support or contribution required		
environmental and regulatory	and the manner of discharge;		
requirements;	(I) extent of compliance with		
(m) financing proposal;	environmental and regulatory		
(n) standard of services delivered; and	•		
(o) structure of envisage facilities			
management	(n) standard of services delivered;		
and handover.	and		
(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,	private partner, the contracting		
- (a) the involvement of the	•		
contracting authority in proposed	· · ·		
treatment of any profits resulting from			
the project;	where applicable,		
(b) any revenue sharing proposals			
with the contracting authority, and	contracting authority in proposed		
(c) setting, controlling and collection	, ,		
of user fee schedules.	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	PROPOSED AMENDMENT	REASONS FOR	PPP STAKEHOLDER'S
REGULATIONS, 2020		AMENDMENTS	COMMENTS
Financial evaluation criteria	Financial evaluation criteria	No changess	
55(1) Where appropriate, the	53(1) Where appropriate, the		
contracting authority shall, in	contracting authority shall, in		
evaluating the responsive bids and	evaluating the responsive bids and		
depending on the type of the project,	depending on the type of the		
have due regard to the following	project, have due regard to the		
matters:	following matters:		
(a) lowest proposed tariff, toll, fee or	(a) lowest proposed tariff, toll, fee		
charge at the start of operation of the	or charge at the start of operation		
project if a parametric formula for	of the project if a parametric		
periodical tariff adjustment is specified	formula for periodical tariff		
in the request for proposal;	adjustment is specified in the		
(b) lowest present value of the	request for proposal;		
proposed tariffs, tolls, fees and	(b) lowest present value of the		
charges for the period covered by the	proposed tariffs, tolls, fees and		
public-private partnership agreement	charges for the period covered by		
if there is no such formula;	the public-private partnership		
(c) lowest present value of payments	agreement if there is no such		
from the government;	formula;		
(d) lowest present value of a	(c) lowest present value of		
government subsidy to be provided	payments from the government;		
for the period covered by the public-	(d) lowest present value of a		
private partnership agreement;	government subsidy to be		
(e) highest present value of the	provided for the period covered by		
proposed payments to the contracting	the public-private partnership		
authority including concession fees,	agreement;		
lease or rental payments, fixed or	(e) highest present value of the		
guaranteed payments or variable	proposed payments to the		
payments and percentage shares of	contracting authority including		
revenues for the period covered by	concession fees, lease or rental		

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

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

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

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

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.		
Preferred and reserve bidders	Preferred and reserve bidders	Regulation 58 (1), (2), (3)	
58(1) The contracting authority	56(1) The contracting authority	and (4) is proposed to be	
shall, upon receiving approval of	shall finalize the evaluation of	amended for clarity of the	
preferred bidders and the reserve	request for proposals and prepare	procurement process.	
bidders from the tender board, submit	evaluation and Value for Money		
the preferred bidder to the PPP	report which provide for preferred		
Centre.	bidder and reserved bidder(s).		
(2) The PPP Centre shall, upon	(2). The contracting authority		
receipt of the preferred bidder, make	shall submit report made under		
recommendations and submit the	Sub Regulation (1) to the PPP		
same to the PPP Steering Committee	Centre or PPP Node as the case		
for approval.	maybe for recommendation.		
(3) The PPP Node shall seek	(3) The PPP Centre or PPP Node		
recommendations of the PPP Centre	shall, upon receipt of the		
on the preferred bidder before	evaluation report make		
obtaining an approval of the	recommendations to the		
accounting officer of the Ministry	Contracting Authority.		
responsible for local government	(4) The PPP Node		
authorities. (4) Upon receipt of the	recommendations of the PPP		
recommendations from the PPP	Centre on the evaluation report		
Centre or PPP Node as referred to	before obtaining an approval of		
under sub regulations (2) and (3), the	the accounting officer of the		
contracting authority shall within	Ministry responsible for local		
seven working days, notify the	government authorities.		

CURRENT CITATION OF THE BRD	DRODOCED AMENDMENT	DEACONG FOR	DDD CTAVELIOLDED/C
CURRENT CITATION OF THE PPP	PROPOSED AMENDMENT	REASONS FOR	PPP STAKEHOLDER'S
REGULATIONS, 2020	(=)	AMENDMENTS	COMMENTS
preferred bidder and the reserve	` ' ' ' ' ' ' ' ' ' ' ' ' ' ' ' ' ' '		
bidders.	recommendations from the PPP		
(5) The PPP Centre shall, within			
fourteen working days after receipt of	_ ` ` ` ` ` ` ` ` ` ` ` ` ` ` ` ` ` ` `		
the recommendations from the	the contracting authority shall		
Steering Committee, notify the	within seven working days, notify		
preferred bidder and the reserve	the preferred bidder and the		
bidders. (6) The PPP Node shall,	reserve bidders.		
within twenty-one working days after	(6) The PPP Centre shall, within		
receipt of the recommendations from	fourteen working days after		
the PPP Centre, notify the preferred	receipt of the approval of the PPP		
bidder and the reserve bidders.	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		
Value for more years	bidders.	No observed	
Value for money report	Value for money report	No changess	
59(1) The contracting authority shall	57(1) The contracting authority		
prepare value for money report	shall prepare value for money		
demonstrating among other things,	report demonstrating among		
the criteria for affordability, value for	other things, the criteria for		
money and substantial technical,	affordability, value for money and		
operational and financial risk transfer	substantial technical, operational		
applied in evaluation of the bids.			

CURRENT CITATION OF THE PPP	PROPOSED AMENDMENT	REASONS FOR	PPP STAKEHOLDER'S
REGULATIONS, 2020		AMENDMENTS	COMMENTS
(2) The value for money report shall	and financial risk transfer applied		
include:	in evaluation of the bids.		
(a) summary of the evaluation	(2) The value for money report		
findings;	shall include:		
(b) affordability assessment;	(a) summary of the evaluation		
(c) value-for-money assessment;	findings;		
(d) appropriate risk transfer of	(b) affordability assessment;		
technical, operational or financial;	(c) value-for-money assessment;		
(e) Government support required;	(d) appropriate risk transfer of		
(f) notes raised and bid deficiencies;	technical, operational or financial;		
and	(e) Government support required;		
(g) Consideration on the options for	(f) notes raised and bid		
the reserve bidder's negotiation plan.	deficiencies; and		
(3) The detailed content of value for	(g) Consideration on the options		
money report shall be prescribed in	for the reserve bidder's		
the Guidelines.	negotiation plan.		
	(3) The detailed content of value		
	for money report shall be		
	prescribed in the Guidelines.	5 1 60	
Approval of award of contract by	Approval of preferred bidder	Regulation 60 proposed to	
PPP Steering Committee	and reserved bidders by the	be amended as follows:	
60(1) Upon receipt of the approved	PPP Steering Committee	1. marginal notes for	
evaluation report and the supporting	58 1). The contracting authority	clarity and to align with	
documents, the accounting officer	upon consider recommendation	regulation 60	
shall, after satisfying himself that	received in respect of Sub	2. to re write regulation 60	
proper procedures are followed,	Regulation 59(3) shall submit	to enable approving of	
forward the same to the PPP Centre or	revised evaluation report to the	selected preferred	
PPP Node for verification and	PPP Centre for verification and	bidder and reserved	
recommendations.	submission to PPP Steering	bidders to be approved	
	committee for approval of the	by the PPP steering	

CURRENT CITATION OF THE PPP REGULATIONS, 2020	PROPOSED AMENDMENT	REASONS FOR AMENDMENTS	PPP STAKEHOLDER'S COMMENTS
 (2) The PPP Node after verification and recommendations shall forward the same to the PPP Centre for scrutiny. (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. (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. 	selected preferred bidder and reserved bidders. (2). The PPP Centre shall, within three working days after receipt of the approval of the PPP Steering Committee, notify the Contracting Authority.	committee as provided under PPP Act	
Notice of intention to award contract 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. (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.	Notice of intention to award contract 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. (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.	Regulation 61(1) and (2) proposed to amended for clarity and reduce the time notice	

CURRENT CITATION OF THE PPP	PROPOSED AMENDMENT	REASONS FOR	PPP STAKEHOLDER'S
REGULATIONS, 2020	(2) A	AMENDMENTS	COMMENTS
(3) Any complaint or dispute on the	(3) Any complaint or dispute on		
tender proceedings shall be as set out	the tender proceedings shall be as		
in the Seventh Schedule.	set out in the Seventh Schedule.		
(4) Where no complaints or dispute is	(4) Where no complaints or		
lodged pursuant to a notice under	dispute is lodged pursuant to a		
sub-regulation (1), or after all	notice under sub-regulation (1),		
complaints lodged are cleared	or after all complaints lodged are		
pursuant to procedure set out in sub-	cleared pursuant to procedure set		
regulation (3), the contracting	out in sub-regulation (3), the		
authority shall issue a notice of	contracting authority shall issue a		
acceptance to the preferred bidder,	notice of acceptance to the		
and proceed to issue a provisional	preferred bidder, and proceed to		
award.	issue a provisional award.		
(5) The notification referred to in sub-	(5) The notification referred to in		
regulations (4) shall be communicated	sub-regulations (4) shall be		
in written form as prescribed in the	communicated in written form as		
request for proposal and signed by the	prescribed in the request for		
contracting authority.	proposal and signed by the		
(6) The contracting authority shall	contracting authority.		
send a copy of the provisional award	(6) The contracting authority		
letter to the PPP Centre, Ministry	shall send a copy of the		
responsible for PPP, the Authority, the	provisional award letter to the		
institution responsible for Planning,	PPP Centre, Ministry responsible		
the Controller and Auditor General,	for PPP, the Authority, the		
the Office of Attorney General, the	institution responsible for		
Tanzania Revenue Authority, the	Planning, the Controller and		
Internal Auditor General and the PPP	Auditor General, the Office of		
Node for local government project, for	Attorney General, the Tanzania		
information.	Revenue Authority, the Internal		
	Auditor General and the PPP Node		

CURRENT CITATION OF THE PPP REGULATIONS, 2020	PROPOSED AMENDMENT	REASONS FOR AMENDMENTS	PPP STAKEHOLDER'S COMMENTS
(7) The provisional award shall be	for local government project, for		
made within the period specified on	information.		
the validity of the tender to the bidder	(7) The provisional award shall		
whose proposal has been determined	be made within the period		
to be the preferred, evaluated, and	specified on the validity of the		
meets the required financial and	tender to the bidder whose		
managerial capability, legal capacity,	proposal has been determined to		
technical, environmental and	be the preferred, evaluated, and		
technological experience and	meets the required financial		
resources to carry out the contract	and managerial capability, legal		
effectively.	capacity, technical, environmental		
(8) The bidder shall be responsible	and technological experience and		
for due diligence and value for money	resources to carry out the		
tests undertaken in regulations 57 and	contract effectively.		
59.	(8) The bidder shall be		
(9) Subject to sub-regulation (7), the	responsible for due diligence and		
contracting authority shall notify the reserve bidder or bidders accordingly	value for money tests undertaken in regulations 57 and 59.		
and such notice shall state the fact on	(9) Subject to sub-regulation (7),		
the appointment is subject to	the contracting authority shall		
unsuccessful negotiations with the	notify the reserve bidder or		
preferred bidder in that order.	bidders accordingly and such		
(10) After completing the competitive	notice shall state the fact on the		
selection process as set out under	appointment is subject to		
these Regulations, a contracting	unsuccessful negotiations with the		
authority shall invite the preferred	preferred bidder in that order.		
bidder, for final negotiation of the	(10) After completing the		
agreement in accordance with	competitive selection process as		
provisions of these Regulations.	set out under these Regulations, a		
	contracting authority shall invite		

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		
PROCUREMENT PROCEDURES FO	R UNSOLICITED PROPOSA	AL
Procurement of unsolicited	No changess	
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.		
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	the preferred bidder, for final negotiation of the agreement in accordance with provisions of these Regulations PROCUREMENT PROCEDURES FO 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.	the preferred bidder, for final negotiation of the agreement in accordance with provisions of these Regulations PROCUREMENT PROCEDURES FOR UNSOLICITED PROPOSA 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. (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: (a) does not meet conditions set under these regulations; (b) provide for exclusivity; (c) require any form of government financial support at

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

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

CURRENT CITATION OF THE PPP REGULATIONS, 2020	PROPOSED AMENDMENT	REASONS FOR AMENDMENTS	PPP STAKEHOLDER'S COMMENTS
accompanied by bid security as	(2) All proposals for tendering	7	
prescribed by the contracting	under unsolicited proposal shall		
authority in the request for proposal.	be accompanied by bid security as		
(3) The request for proposal shall spell	prescribed by the contracting		
out that the winning bidder shall be	authority in the request for		
required to reimburse the original	proposal.		
proponent, reasonable verifiable costs	(3) The request for proposal shall		
incurred in undertaking the feasibility	spell out that the winning bidder		
study within thirty days after signing	shall be required to reimburse the		
the contract.	original proponent, reasonable		
(4) The winning bidder shall	verifiable costs incurred in		
reimburse the original proponent of	undertaking the feasibility study		
audited and verified cost incurred in undertaking the feasibility study. (5)	within thirty days after signing the contract.		
In reaching a fair cost of the feasibility	(4) The winning bidder shall		
study the contracting authority shall	reimburse the original proponent		
lead the process of negotiation	of audited and verified cost		
between the winning bidder and the	incurred in undertaking the		
original proponent who is required to	feasibility study.		
be reimbursed the on the cost	(5) In reaching a fair cost of the		
incurred and the project reverting to	feasibility study the contracting		
the winning bidder.	authority shall lead the process of		
(6) Request for proposals shall be	negotiation between the winning		
issued at cost related to printing,	bidder and the original proponent		
photocopying and distribution and	who is required to be reimbursed		
shall not include any element of profit.	the on the cost incurred and the		
,	project reverting to the winning		
	bidder.		
	(6) Request for proposals shall be		
	issued at cost related to printing,		

CURRENT CITATION OF THE PPP REGULATIONS, 2020	PROPOSED AMENDMENT	REASONS FOR AMENDMENTS	PPP STAKEHOLDER'S COMMENTS
	photocopying and distribution and shall not include any element of profit.		
Advertisement of request for	Advertisement of request for	Regulation 65 proposed to	
proposal 65(1) A request for proposal shall	qualification 63(1) A request for qualification	be amended as follows: 1. marginal notes for	
be-	shall be-	clarity and to align	
(a) prepared by the contracting	(a) prepared by the contracting	with regulation 65	
authority and approved by the tender	authority and approved;	2. Regulation 65(1) (a)	
board;	(b) advertised in media of wide	proposed to be	
(b) advertised in media of wide	circulation both locally and	amended for clarity by	
circulation both locally and	internationally including the	remove the word tender	
internationally including the Tanzania	Tanzania Procurement Journal,	board	
Procurement Journal, PPP Centre,	PPP Centre, Contracting Authority		
Contracting Authority and PPRA	and PPRA websites and TANePS;		
websites and TANePS; and (c) in the advertisement as prescribed in the	and (c) in the advertisement as prescribed in the Third Schedule		
Third Schedule to these regulations	to these regulations		
(2) The request for proposal shall	(2) The request for proposal shall		
include the following information: (a)	include the following information:		
letter of invitation for bid;	(a) letter of invitation for bid;		
(b) data sheet containing information	(b) data sheet containing		
about the project;	information about the project;		
(c) instructions for preparing bids;	(c) instructions for preparing		
(d) amount and manner of payment of	bids;		
bid security and performance	(d) amount and manner of		
guarantee, where applicable;	payment of bid security and		
(e) the manner, place, date and time for submission of bidding documents;	performance guarantee, where applicable;		

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

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

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

CURRENT CITATION OF THE PPP	PROPOSED AMENDMENT	REASONS FOR AMENDMENTS	PPP STAKEHOLDER'S COMMENTS
(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. (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.	(4) The original proponent shall also submit a bid proposal as prescribed in these Regulations. (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. (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.	AMENDMENTS	COMMENTS
Criteria for selection of preferred	Criteria for selection of	Regulation 68 is proposed	
bidder	preferred bidder	to be amended by	
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	66(1) The selection of the preferred bidder shall follow an open and competitive approach using the Bonus System and shall	interchange sub regulation (2) to (3) flow of criteria of selection of preferred bidder	
the guidelines issued by the Authority	further be detailed in the	biddei	
in collaboration PPP Center.	guidelines issued by the Authority		
(2) The tender board shall proceed to	in collaboration PPP Center.		
appoint the original proponent as the	(2) The contracting authority		
preferred bidder if qualifies and the	shall, in consultation with the PPP		
next best proposal as the reserve	Centre, develop the following		
bidder.	criteria to determine the best		

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

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

CURRENT CITATION OF THE PPP	PROPOSED AMENDMENT	REASONS FOR	PPP STAKEHOLDER'S
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. (3) Without prejudice to the generality of sub regulation (2), a PPP advisor shall possess the following minimum qualities- (a) possess knowledge of the subject matter of the project under consideration; (b) evidence of experience in undertaking feasibility studies for PPP Projects; (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; (d) relevant experience in the drafting and negotiating of PPP agreements; and (e) competence in project planning management.	a Public Private Partnership project is not available in-house, engage a PPP advisor. (2) For the purpose of Subregulations (1), the PPP center may establish and maintain the data-base relating to the list and information of the PPP advisor. (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. (4) Without prejudice to the generality of sub regulation (3), a PPP advisor shall possess the following minimum qualities— (a) possess knowledge of the subject matter of the project under consideration; (b) evidence of	(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	COMMENTS

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

CURRENT CITATION OF THE PPP REGULATIONS, 2020	PROPOSED AMENDMENT	REASONS FOR AMENDMENTS	PPP STAKEHOLDER'S COMMENTS
,	assuming overall responsibility on matters assigned to it on the procurement of the PPP advisor		
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- (a) office space with electricity, water, telephone, equipment, vehicles	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-	Regulation 72 is proposed to be amended to remove ambiguity between contacting authority and procuring entity on marginal notes and 73(3)	
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.	(a) office space with electricity, water, telephone, equipment, vehicles and maintenance; (b) housing; (c) support staff such as secretary, messenger, driver,		

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

PROPOSED AMENDMENT	REASONS FOR AMENDMENTS	PPP STAKEHOLDER'S COMMENTS
(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		
Terms of reference	No changess	
72(1) A contracting authority		
l		
• • •		
	(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 Terms of reference	(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 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,

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

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

CURRENT CITATION OF THE PPP REGULATIONS, 2020	PROPOSED AMENDMENT	REASONS FOR AMENDMENTS	PPP STAKEHOLDER'S COMMENTS
assignment, and the requirements of the executing agency or the contracting authority. (3) The counterpart staff shall- (a) through a day-to-day contact with the PPP advisor's experts, benefit from a transfer of skills and thus receive onthe-job training; and (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	importance of the assignment, and the requirements of the executing agency or the contracting authority. (3) The counterpart staff shall- (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 (b) liaise between the organs of the contracting authority and the PPP advisor and assist the latter		
and studies on the assignment.	with data collection, providing it with all available information, documentation and studies on the assignment.		
Association between PPP advisors	Association between PPP advisors	Regulation 76 (7) is proposed to be amended	
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 subconsultancy.	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.	exchange the word tender board with contracting authority on approval of short listed firm	

CURRENT CITATION OF THE PPP REGULATIONS, 2020	PROPOSED AMENDMENT	REASONS FOR AMENDMENTS	PPP STAKEHOLDER'S COMMENTS
(2) In the case of a joint venture, all members of the joint venture shall be jointly and severally liable for the entire assignment. (3) A joint venture of firms may prequalify by combining the capabilities and past experience of each firm. (4) A firm shall not associate with more than one partner in the same pre-qualification proceedings. (5) A firm which is individually prequalified may form a joint venture in order to submit a technical proposal. (6) Firms which are pre-qualified as partners in a joint venture shall not submit individual technical proposals. (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.	 (2) In the case of a joint venture, all members of the joint venture shall be jointly and severally liable for the entire assignment. (3) A joint venture of firms may pre-qualify by combining the capabilities and past experience of each firm. (4) A firm shall not associate with more than one partner in the same pre-qualification proceedings. (5) A firm which is individually pre-qualified may form a joint venture in order to submit a technical proposal. (6) Firms which are pre-qualified as partners in a joint venture shall not submit individual technical proposals. (7) Where the short list is finalized and request for proposals is issued, any association in the form of joint venture or subconsultancy among short listed firms shall be permissible only with the prior approval of the contracting authority. 		
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
77(1) The cost estimate shall be	75(1) The cost estimate shall be		
made on the basis of the cost of the	made on the basis of the cost of		
consulting assignment on the	the consulting assignment on the		
assessment of the resources needed	assessment of the resources		
to carry out the assignment, staff	needed to carry out the		
time, logistical support, and physical	assignment, staff time, logistical		
inputs.	support, and physical inputs.		
(2) The cost estimate and budget shall	(2) The cost estimate and budget		
be based on the terms of reference, in	shall be based on the terms of		
which case the budget shall be as	reference, in which case the		
detailed and accurate as possible, and	budget shall be as detailed and		
shall be broken down into foreign and	accurate as possible, and shall be		
local currency where applicable.	broken down into foreign and		
(3) The principal cost categories and	local currency where applicable.		
characteristics on which the cost	(3) The principal cost categories		
estimate may be based are as follows-	and characteristics on which the		
(a) the PPP advisors' staff, time spent	cost estimate may be based are		
at headquarters and in the field;	as follows-		
(b) other professional and support	(a) the PPP advisors' staff, time		
staff;	spent at headquarters and in the		
(c) direct costs and any reimbursable	field;		
that may arise;	(b) other professional and support		
(d) the cost of physical inputs and	staff;		
materials such as equipment, vehicles	(c) direct costs and any		
and office supplies;	reimbursable that may arise;		
(e) other expenditure such as offices,	(d) the cost of physical inputs		
communications, services; and (f)	and materials such as equipment,		
costs for special services, if any.	vehicles and office supplies;		
	(e) other expenditure such as		
	offices, communications, services;		

CURRENT CITATION OF THE PPP REGULATIONS, 2020	PROPOSED AMENDMENT	REASONS FOR AMENDMENTS	PPP STAKEHOLDER'S COMMENTS
REGULATIONS, 2020	and (f) costs for special services,	AMERICA	COMPLETE
	if any.		
Advertisement for request of	Advertisement for request of	No changess	
expression of interest	expression of interest	110 0.10.19000	
78(1) The contracting authority shall	76(1) The contracting authority		
include, in the general procurement	shall include, in the general		
notice, a list of expected consulting	procurement notice, a list of		
assignments which shall be updated	expected consulting assignments		
as the contracting authority considers	which shall be updated as the		
necessary for all outstanding	contracting authority considers		
procurement.	necessary for all outstanding		
(2) The invitation for expression of	procurement.		
interest shall be advertised by the	(2) The invitation for expression of		
contracting authority in the Journal	interest shall be advertised by the		
and Tender Portal in accordance with	contracting authority in the Journal		
the Third Schedule to these	and Tender Portal in accordance		
Regulations.	with the Third Schedule to these		
(3) In the advertisement, the			
contracting authority shall request the	(3) In the advertisement, the		
applicants to submit adequate	contracting authority shall request		
information for the contracting	the applicants to submit adequate		
authority to make decision on the	information for the contracting		
firm's suitability and the	authority to make decision on the		
advertisement shall not be complex as	firm's suitability and the		
to discourage PPP advisors from	advertisement shall not be		
expressing interest.	complex as to discourage PPP		
(4) A minimum period prescribed in	, ,		
the Fourth Schedule to these	(4) A minimum period prescribed		
Regulations shall apply for submission	in the Fourth Schedule to these		
of expressions of interest.	Regulations shall apply for		

CURRENT CITATION OF THE PPP REGULATIONS, 2020	PROPOSED AMENDMENT	REASONS FOR AMENDMENTS	PPP STAKEHOLDER'S COMMENTS
(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. (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. (7) In evaluating the expression of interest, a contracting authority shall accord first consideration to firms that possess the relevant qualifications.	submission of expressions of interest. (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. (6) Notwithstanding subregulation (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. (7) In evaluating the expression of interest, a contracting authority shall accord first consideration to firms that possess the relevant qualifications.	AMENDMENTS	COMMENTS
Preparation of short list 79(1) A contracting authority shall	Preparation of short list 77(1) A contracting authority	Regulation 79 sub regulation (4) is proposed	
prepare a short-list to be made up of PPP advisors or consultants who, in	shall prepare a short-list to be made up of PPP advisors or	to be amended so as to shorten the process of	
the view of a contracting authority, possess the required capabilities and	consultants who, in the view of a contracting authority, possess the	procurement Sub regulation (6) for	
experience to provide the specific	required capabilities and	clarity of contracting	
services.	experience to provide the specific	authority mandate instead	
(2) A shortlist shall be prepared for	services.	of tender board	
every new request for proposals and	(2) A shortlist shall be prepared		
shall comprise of five to ten firms, at	for every new request for		

CURRENT CITATION OF THE PPP REGULATIONS, 2020	PROPOSED AMENDMENT	REASONS FOR AMENDMENTS	PPP STAKEHOLDER'S COMMENTS
	proposals and shall comprise of five to ten firms, at least three of which shall be national firms. (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. (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. (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		
competition. (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-	that they shall not participate or firms which did not confirm their participation by other firms where available.		

CURRENT CITATION OF THE PPP	PROPOSED AMENDMENT	REASONS FOR AMENDMENTS	PPP STAKEHOLDER'S COMMENTS
regulation (4), by other firms where		AMENDMENTS	COMMENTS
available.			
Provision of final shortlist	Provision of final shortlist	No changess	
80. Firms that expressed interest, as	78. Firms that expressed interest,	110 changess	
well as any other firm that specifically	as well as any other firm that		
so requests, shall be provided with the	specifically so requests, shall be		
final short list of firms.	provided with the final short list of		
	firms.		
Criteria to be used where no	Criteria to be used where no	No changess	
expression of interest is provided	expression of interest is	_	
81. Where a contracting authority has	provided		
not invited expression of interest, it	79. Where a contracting authority		
may use the following sources when	has not invited expression of		
drawing up the short list of PPP	interest, it may use the following		
advisors or consultant:	sources when drawing up the short		
(a) contracting authority's own	list of PPP advisors or consultant:		
experience of consulting firms and	(a) contracting authority's own		
individual PPP advisors;	experience of consulting firms and		
(b) soliciting interest directly from	individual PPP advisors;		
qualified firms based on its own	(b) soliciting interest directly from		
knowledge; or	qualified firms based on its own		
(c) established standard list of PPP	knowledge; or		
advisors who have performed similar	(c) established standard list of		
services in other contracting	PPP advisors who have performed		
authorities or donor funded	similar services in other		
assignments, where available.	contracting authorities or donor		
	funded assignments, where		
Composition of firm of DDD	available.	Dogulation 92 (2) is	
Composition of firm of PPP	Composition of firm of PPP	Regulation 82 (3) is	
advisors	advisors	proposed to be amended	

CURRENT CITATION OF THE PPP REGULATIONS, 2020	PROPOSED AMENDMENT	REASONS FOR AMENDMENTS	PPP STAKEHOLDER'S COMMENTS
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. (2) Notwithstanding sub regulation (1), A short list may entirely comprise of local or foreign PPP advisors if- (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; (b) a competition that include local or foreign PPP advisors is prima facie not justified; or (c) local or foreign PPP advisors have not expressed interest. (3) A short list which is not approved by the tender board shall not be used for the selection of a PPP advisor.	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. (2) Notwithstanding sub regulation (1), A short list may entirely comprise of local or foreign PPP advisors if- (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; (b) a competition that include local or foreign PPP advisors is prima facie not justified; or (c) local or foreign PPP advisors have not expressed interest. (3) A short list which is not approved by the contracting authority shall not be used for the selection of a PPP advisor.	for clarity to replace the word tender board with contracting authority	
Tender board not to object PPP advisor	contracting authority not to object PPP advisor	Regulation 83 and its marginal notes is proposed	
83. Where an eligible PPP advisor has satisfactorily carried out feasibility	81. Where an eligible PPP advisor has satisfactorily carried out	to be amended by replace the word tender board with	
studies for a project, and is technically qualified to undertake detailed project	feasibility studies for a project, and is technically qualified to	Contracting authority not object PPP advisor to	

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

CURRENT CITATION OF THE PPP REGULATIONS, 2020	PROPOSED AMENDMENT	REASONS FOR AMENDMENTS	PPP STAKEHOLDER'S COMMENTS
(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. (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. (6) The maximum period prescribed in the Fourth Schedule to these Regulations shall apply for submission of pre-qualification application	during the follow-up evaluation of the technical proposals. (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. (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. (6) The maximum period prescribed in the Fourth Schedule to these Regulations shall apply for submission of pre-qualification application		
Preparation and issuance of request for proposals 85(1) Before inviting proposals, a procurement management unit shall furnish to the tender board for its	Preparation and issuance of request for proposals 83(1) Before inviting proposals, a procurement management unit shall furnish to the tender board	Regulation 85 (1) and (2) is proposed to be amended by replace the word tender board with Contracting authority	
review, the short list and the proposed	for its review, the short list and	dutionity	

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

CURRENT CITATION OF THE PPP REGULATIONS, 2020	PROPOSED AMENDMENT	REASONS FOR AMENDMENTS	PPP STAKEHOLDER'S COMMENTS
(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.	(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		
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.	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.	No changess	

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

CURRENT CITATION OF THE PPP REGULATIONS, 2020	PROPOSED AMENDMENT	REASONS FOR AMENDMENTS	PPP STAKEHOLDER'S COMMENTS
,	(a) a built description of the	AMENDMENTS	COMMENTS
be addressed and with whom the PPP	(a) a brief description of the		
advisors' or consultants'	assignment;		
representative shall meet, if	(b) the names and contact		
necessary;	information of officials to whom		
(c) details of the selection procedure	clarifications shall be addressed		
to be followed, including:	and with whom the PPP advisors'		
i. a listing of the technical	or consultants' representative		
evaluation criteria and weights	shall meet, if necessary;		
given to each criterion;	(c) details of the selection		
ii. the details of the financial	procedure to be followed,		
evaluation;	including:		
iii. the relative weights for quality	i. a listing of the technical		
and cost in the case of quality	evaluation criteria and weights		
and cost based selection;	given to each criterion;		
iv. the minimum pass score for	ii. the details of the financial		
quality;	evaluation;		
v. the details on the public	iii. the relative weights for		
opening of financial proposals;	quality and cost in the case of		
and	quality and cost based selection;		
vi. available budget in the case of	iv. the minimum pass score		
fixed budget selection;	for quality;		
(d) an estimate of the level of key staff	v. the details on the public		
inputs (in staff-months) required of	opening of financial proposals;		
the PPP advisors, and indication of	and		
minimum experience, academic	vi. available budget in the		
achievement, and so forth, expected	case of fixed budget selection;		
of key staff or the total budget, if a	(d) an estimate of the level of key		
given figure cannot be exceeded;	staff inputs (in staff-months)		
(e) details and status of any external	required of the PPP advisors, and		
and internal financing;	indication of minimum experience,		

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

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

CURRENT CITATION OF THE PPP REGULATIONS, 2020	PROPOSED AMENDMENT	REASONS FOR AMENDMENTS	PPP STAKEHOLDER'S COMMENTS
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.	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		

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.		
Procurement contract	Procurement contract	No changess	
88(1) A contracting authority shall	86(1) A contracting authority		
use the appropriate standardized	shall use the appropriate		
documents to be prepared as	standardized documents to be		
prescribed under these Regulations	prepared as prescribed under		
with necessary alterations to address specific project issues.	these Regulations with necessary alterations to address specific		
(2) The alterations in the standard	project issues.		
contract shall be introduced through	(2) The alterations in the standard		
the special conditions of contract.	contract shall be introduced		
(3) Where the forms are not available	through the special conditions of		
for a specific service, contracting	contract.		
authorities shall use other contract	(3) Where the forms are not		
forms acceptable to the Authority.	available for a specific service,		
	contracting authorities shall use		
	other contract forms acceptable		
	to the Authority.		
	PART IX NEGOTIATIONS AND		
Negotiation team	Negotiation team	Regulation 89 is proposed	
89(1) The accounting officer of a	87(1) The accounting officer of a		
contracting authority shall, within		PPP center to provide	
twenty one days from date of notification of award, form a multi-	collaboration with PPP center shall,		
disciplinary negotiation team to	within twenty-one days from date of notification of award, form a	contracting authority in the process of forming	
negotiate with the private party on the	multi-disciplinary negotiation team	, ,	
terms, conditions and other issues of	to negotiate with the private party	negotiation team.	
an agreement.	and pinate party		

CURRENT CITATION OF THE PPP	PROPOSED AMENDMENT	REASONS FOR	PPP STAKEHOLDER'S
(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	on the terms, conditions and other issues of an agreement. (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	AMENDMENTS	COMMENTS
PPP management. (4) The negotiation team shall perform functions stipulated in the Act and advise the accounting officer accordingly. (5) Before commencement of the negotiations, the negotiation team shall prepare a negotiation plan to be endorsed by the relevant accounting officer.	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. (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. (4) The negotiation team shall perform functions stipulated in the Act and advise the accounting officer accordingly. (5) Before commencement of the negotiations, the negotiation team shall prepare a negotiation plan to be endorsed by the relevant accounting officer.		

CURRENT CITATION OF THE PPP REGULATIONS, 2020	PROPOSED AMENDMENT	REASONS FOR AMENDMENTS	PPP STAKEHOLDER'S COMMENTS
Procedures for negotiation of agreement 90(1) Negotiation shall commence with the preferred bidder upon the approval and announcement of preferred and reserve bidders. (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. (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. (4) The submission referred to under sub regulation (3), shall be accompanied by brief summary of the agreement which may include the following: (a) final negotiated project costs; (b) value for money and affordability analysis;	agreement 88(1) Negotiation shall commence with the preferred bidder upon the approval and announcement of preferred and	Regulation 90 (2), (4) and (5) is proposed to be amended for clear procedure for negotiation	

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

CURRENT CITATION OF THE PPP REGULATIONS, 2020	PROPOSED AMENDMENT	REASONS FOR AMENDMENTS	PPP STAKEHOLDER'S COMMENTS
Annual and Garlingtian of	(6) Negotiation plan endorsed by the relevant accounting officer in accordance with Section 11(3) and (4) of the Act.	Deculation O1 is revenued	
Approval and finalization of agreement 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. (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.	Approval and finalization of agreement 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. Upon conclusion of the negotiation the contracting authority shall finalize the agreement and submit all related documents to the PPP Centre for recommendation. (2) The PPP Centre shall, within fourteen working days upon receipt of the agreement do the following	Regulation 91 is proposed to be amended to clear the procedure for finalization of PPP agreement	

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

CURRENT CITATION OF THE PPP REGULATIONS, 2020	PROPOSED AMENDMENT	REASONS FOR AMENDMENTS	PPP STAKEHOLDER'S COMMENTS
agreement, consider the opinion and prepare the final draft of the agreement. (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. (6) Upon agreement by both parties, a final agreement shall be prepared for signature by the parties.	Generals' (Discharge of Duties) Act, (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. (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. (6) Upon agreement by both parties, a final agreement shall be prepared for signature by the parties.		
Signing of agreement	Signing of agreement	Regulation 93 is proposed	
93(1) The accounting officer shall, upon being satisfied with the contents of the agreement, signs the agreement on behalf of the contracting authority.	91(1) The accounting officer shall, upon being satisfied with the contents of the agreement, signs the agreement on behalf of the contracting authority.	to be amended to accommodate SPV on signing PPP agreement with contracting authority	

CURRENT CITATION OF THE PPP REGULATIONS, 2020	PROPOSED AMENDMENT	REASONS FOR AMENDMENTS	PPP STAKEHOLDER'S COMMENTS
(2) After the signing of the agreement, the contracting authority together with the private party shall commence the process for implementation of the project.	(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. (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: (a) hold shares not exceeding 25 percent of equity contribution in the special purpose vehicle; (b) demonstrates financial capacity on the contribution of equity in the special purpose vehicle; and (c) demonstrates capacity to bear and mitigate risk associated with the implementation of the project.". (4) After the signing of the agreement, the contracting authority together with the private party shall commence the		

CURRENT CITATION OF THE PPP REGULATIONS, 2020	PROPOSED AMENDMENT	REASONS FOR AMENDMENTS	PPP STAKEHOLDER'S COMMENTS
	process for implementation of the project.		
Copies of agreement 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.	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.	Regulation 94(1) is proposed to be amended to clarity where copies of the agreement will be submitted to enable proper implementation of PPP agreement	
(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.	(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.		
Role of Controller and Auditor General	Role of Controller and Auditor General	No changess	

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

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

	REASONS FOR AMENDMENTS	PPP STAKEHOLDER'S COMMENTS
Management Plan demonstrates the value for money, affordability,		
and risk transfer expected from		
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(c) submission of progress		
reports;		
·		
, (5)		
· •		
by the private party;		
(i) a scheduled independent		
review of the private party's		
•		
performance issues;		
	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	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

CURRENT CITATION OF THE PPP	PROPOSED AMENDMENT	REASONS FOR	PPP STAKEHOLDER'S
REGULATIONS, 2020		AMENDMENTS	COMMENTS
mandate on the service to be provided.	(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.		
Implementation of projects	Implementation of projects	Regulation 97 is proposed	
97(1) After the signing of the	95(1) After the signing of the	to be amended to	
agreement and commencement of the	agreement and commencement of	accommodate project	
project, the accounting officer shall,	the project, the accounting officer	management team for	
through its Project Management Team	shall, through its Project	MDAs and LGAs	
designated under these regulations,	Management Team or Local		
ensure that the agreement is properly	Government PPP team or		
implemented, managed, enforced,	contracting authority PPP team as		
monitored and reported on from its	designated under these		
inception up to the expiry or its	regulations, ensure that the		
termination.	agreement is properly		
(2) Without prejudice to sub-	implemented, managed, enforced,		
regulation (1), the accounting officer	monitored and reported on from		

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

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

CURRENT CITATION OF THE PPP REGULATIONS, 2020	PROPOSED AMENDMENT	REASONS FOR AMENDMENTS	PPP STAKEHOLDER'S COMMENTS
	is implemented in accordance with the agreement.		
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. (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. (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.	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. (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. (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.	that the PPP steering committee has the role of approving variation of PPP agreement as provided in	
Refinancing of project 100(1) Any proposed refinancing of debt extended by lenders to the project shall be done subject to the	Refinancing of project 98(1) Any proposed refinancing of debt extended by lenders to the project shall be done subject to the	No changess	
consent and of the contracting	consent and of the contracting		

CURRENT CITATION OF THE PPP REGULATIONS, 2020	PROPOSED AMENDMENT	REASONS FOR AMENDMENTS	PPP STAKEHOLDER'S COMMENTS
authority and the ministry responsible for finance. (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. (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.	authority and the ministry responsible for finance. (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. (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.		
Termination of project 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.	Termination of agreement 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	Regulation 101 is proposed to be amended; 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
(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. (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	party shall, within the time stipulated in the agreement, compensate the other party for damages or losses suffered.	termination and	
implement the project.	ITCTDIFE LOCAL COVERNMENT	ALITHODITIES COVERNME	
PART XI PARTICIPATION OF MIN	ITSTRIES, LOCAL GOVERNMENT CIES IN SMALL-SCALE PUBLIC		ENI DEPARIMENTS AND
	Small scale public-private		
partnerships 102(1) A small-scale PPP may be undertaken by the public sector according to the procedures set out in these Regulations. (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 (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	,		

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.		
Establishment of PPP Node 103. The Accounting Officer of the Ministry responsible for local government shall establish a PPP Node.	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. (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.	Regulation 103 (1) and (2) is proposed to be added to stipulate the establishment of PPP Node and provide for its responsibility	
Establishment of PPP Desk	Establishment of PPP Desk	, 3	
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	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	the establishment of PPP desk and provide for its	

CURRENT CITATION OF THE PPP REGULATIONS, 2020	PROPOSED AMENDMENT	REASONS FOR AMENDMENTS	PPP STAKEHOLDER'S COMMENTS
the respective ministry, government department authority or agency	ministry, department, agency, local government authority or regional secretariat.		
	(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.	D 11: 405 (2) 1 (2)	
Identification of small-scale PPP projects 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. (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	Identification of small scale PPP projects 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. (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	is proposed to be amended to clarify the procedure for approve pre-feasibility from PPP node or as a case may	
minister who shall either approve or reject the concept note. (3) Upon approval of the concept note, a contracting authority may proceed to conduct a pre-feasibility study in accordance with the	feasibility study to make analysis of the same and recommend to the respective minister who shall either approve or reject the pre feasibility study. (3) A pre-feasibility study made under sub regulation (1) and (2)		

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

CURRENT CITATION OF THE PPP REGULATIONS, 2020	PROPOSED AMENDMENT	REASONS FOR AMENDMENTS	PPP STAKEHOLDER'S COMMENTS
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	(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.		
approval.			
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.	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.	No changess	
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.	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	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	

CURRENT CITATION OF THE PPP REGULATIONS, 2020	PROPOSED AMENDMENT	REASONS FOR AMENDMENTS	PPP STAKEHOLDER'S COMMENTS
·	officer of the respective ministry for approval.		
	(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.		
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.	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	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	

JRRENT CITATION OF THE PPP REGULATIONS, 2020	PROPOSED AMENDMENT	REASONS FOR AMENDMENTS	PPP STAKEHOLDER'S COMMENTS
3) On receipt of the draft agreement,	out in the Act and these	AMERICA	COMPLETE
e PPP Node or as the case may be,	Regulations.		
e PPP Desk, shall work upon and	(3) On receipt of the draft		
ovide its recommendations within	agreement, the PPP Node or as the		
rty working days.	case may be, the PPP Desk, shall		
The PPP Node or as the case may	work upon and provide its		
, PPP Desk shall, after the expiry of	recommendations within thirty		
rty working days from the date of	working days.		
ceipt, forward the project and	(4) The PPP Node or as the case		
commendations to the PPP Centre	may be, PPP Desk shall, after the		
recommendation.	expiry of thirty working days from		
) The PPP Centre shall provide	• *		
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orney for vecting.			
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•	the date of receipt, forward the project and recommendations to the PPP Centre for recommendation. (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. (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. (7) As soon as the accounting officer finalizes the PPP agreement, shall submit the same		

CURRENT CITATION OF THE PPP REGULATIONS, 2020	PROPOSED AMENDMENT	REASONS FOR AMENDMENTS	PPP STAKEHOLDER'S COMMENTS
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,	to the Office of the Attorney for vetting. 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		
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.	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		
Duration and extension of an agreement	authority and the PPP Centre. Duration and extension of an agreement	Regulation 111 (1) is proposed to be amended	
111(1) The duration of an agreement for a small-scale PPP shall		,	

CURRENT CITATION OF THE PPP REGULATIONS, 2020	PROPOSED AMENDMENT	REASONS FOR AMENDMENTS	PPP STAKEHOLDER'S COMMENTS
be determined by the financial model,	shall be determined by the agreed		
and shall be negotiated by the parties.	financial model,	determined by financial	
(2) The duration of the agreement	(2) The duration of the agreement	,	
shall not be extended unless:	shall not be extended unless:	negotiated by the parties.	
(a) there is a delay in completion or	(a) there is a delay in completion	, ,	
interruption of operations due to	or interruption of operations due to		
circumstances beyond any party's	circumstances beyond any party's		
control;	control;		
(b) the project is suspended for	(b) the project is suspended for		
reasons not caused by the private	reasons not caused by the private		
party; or	party; or		
(c) There is an increase in costs	(c) There is an increase in costs		
arising from requirements of the	arising from requirements of the		
contracting authority which was not	contracting authority which was		
foreseen or included in the	not foreseen or included in the		
agreement.	agreement.		
Monitoring and evaluation	Monitoring and evaluation	Regulation 112 (1) is	
112(1) All small-scale PPP projects	110(1) All small-scale PPP	proposed to be amended	
undertaken under these Regulations	projects undertaken under these	by adding the word	
shall be monitored by the contracting	Regulations shall be monitored		
authority that implements the	and evaluated by the contracting		
respective project in order to ensure	authority that implements the	amended by removing	
an effective management of the	respective project in order to	concept note to align with	
performance under the corresponding	ensure an effective management		
agreement.	of the performance under the	Act	
(2) All small-scale public-private	corresponding agreement.		
partnerships undertaken under these	(2) All small-scale public-private		
Regulations shall be registered in a	partnerships undertaken under		
project concept note to be maintained	these Regulations shall be		
	registered in a project register to		

CURRENT CITATION OF THE PPP REGULATIONS, 2020	PROPOSED AMENDMENT	REASONS FOR AMENDMENTS	PPP STAKEHOLDER'S COMMENTS
and updated at least semi-annually by the small-scale PPP Node. (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: (a) the overall contract performance measured against the targets as set out in the agreement; (b) any disputes having arisen between the parties to the agreement; (c) any contractual penalties arising; and (d) any other information as it deems necessary	be maintained and updated at least semi-annually by the PPP Node or as the case may be, PPP Desk. (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: (a) the overall contract performance measured against the targets as set out in the agreement; (b) any disputes having risen between the parties to the agreement; (c) any contractual penalties arising; and (d) any other information as it		
Local Government PPP team	deems necessary Local Government PPP team	Pogulation 113 is proposed	
113(1) Each contracting authority under this Part who intends to implement a PPP may form a PPP team with the responsibility to	authority under this Part who intends to implement a PPP may form a PPP team with the responsibility to perform the	the function contracting authority on the formation	

CURRENT CITATION OF THE PPP REGULATIONS, 2020	PROPOSED AMENDMENT	REASONS FOR AMENDMENTS	PPP STAKEHOLDER'S COMMENTS
perform the functions of a contracting	functions of a contracting authority		
authority for PPP to:	for PPP to:		
(a) advice contracting authorities on	(a) advice contracting authorities		
identification, appraisal and	on identification, appraisal and		
procurement of PPP projects;	procurement of PPP projects;		
(b) lead negotiations with the	(b) Monitor and evaluate the		
preferred bidder;	respective PPP project during its		
(c) Monitor the respective PPP during	execution.		
its execution.	(2) The PPP team shall consist of:		
(2) The PPP team shall consist of:	(a) one local government officer		
(a) one local government officer with	with expertise in finance,		
expertise in finance and or planning;	economics and or planning;		
(b) one local government officer with	(b) one local government officer		
expertise in infrastructure and public	with expertise in infrastructure and		
works;	public works;		
(c) one local government officer with	(c) one local government officer		
expertise in land management; (d)	with expertise in land		
one local government officer with	management;		
expertise in procurement;	(d) one local government officer		
(e) one local government officer with	with expertise in procurement;		
expertise in legal affairs;	(e) one local government officer		
(f) two officers, one of whom shall be	with expertise in legal affairs;		
a representative of the PPP Node and	(f) two officers, one of whom shall		
the other of the PPP Centre; and	be a representative of the PPP		
(g) Three persons not being public	Node and the other of the PPP		
officers with expertise in matters	Centre; and		
relating to commercial investment,	(g) Three persons not being public		
infrastructure finance and public	officers with expertise in matters		
private partnerships to be appointed	relating to commercial investment,		
by the respective head of local	infrastructure finance and public		

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

CURRENT CITATION OF THE PPP REGULATIONS, 2020	PROPOSED AMENDMENT	REASONS FOR AMENDMENTS	PPP STAKEHOLDER'S COMMENTS
115. The PPP team for MDA's shall	113(1) Each contracting	to clarify the function	COMMENTS
consist of:	authority under this Part who	contracting authority on	
(a) one executive representative from	intends to implement a PPP may	the formation of MDAs PPP	
contracting authority responsible for	form a PPP team with the		
finance and or planning;	responsibility to perform the		
(b) one executive representative from	functions of a contracting authority	3	
contracting authority responsible for	for PPP to:		
infrastructure and public works	(a) advice contracting authorities		
(c) one executive representative from	on identification, appraisal and		
contracting authority responsible for	procurement of PPP projects;		
procurement;	(b) Monitor and evaluate the		
(d) one executive representative from	respective PPP project during its		
contracting authority responsible for	execution.		
legal affairs;	(2) The MDA's PPP team shall		
(e) one executive representative from	consist of:		
sector ministry PPP's desk responsible			
for legal affairs;	(a) one executive representative		
(f) one executive representative from	from contracting authority		
PPP Centre responsible for small scale	responsible for finance and or		
projects; and	planning;		
(g) one person not being public	(b) one executive representative		
officers with expertise in matters	from contracting authority		
relating to commercial investment,	responsible for infrastructure and		
infrastructure finance and	public works		
publicprivate partnerships to be	(c) one executive representative		
appointed by the respective head of	from contracting authority		
contracting Authority for a term of	responsible for procurement;		
three years in a manner prescribed in	(d) one executive representative		
the guidelines to be prepared by the	from contracting authority		
PPP Centre.	responsible for legal affairs;		

CURRENT CITATION OF THE PPP	PROPOSED AMENDMENT	REASONS FOR	PPP STAKEHOLDER'S
REGULATIONS, 2020		AMENDMENTS	COMMENTS
	(e) one executive representative		
	from sector ministry PPP's desk		
	responsible for legal affairs;		
	(f) one executive representative		
	from PPP Centre responsible for		
	small scale projects; and		
	(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.		
	PART XII PROCUREMENT OVERSIGHT BY	THE ALITHODITY	
Manitarina of an arrange	1		
Monitoring of procurement	Monitoring of procurement	No changess	
116(1) The head of internal audit	114(1) The head of internal		
unit of each contracting authority shall	audit unit of each contracting		
prepare and submit to the contracting	authority shall prepare and submit		
authority quarterly audit report which	to the contracting authority		
shall include a report on whether the	quarterly audit report which shall		
provisions of the Act and these	include a report on whether the		
Regulations have been complied with.	provisions of the Act and these		
(2) After receiving the report under	Regulations have been complied with.		
sub-regulation (1), the contracting			
authority shall, within fourteen days,	(2) After receiving the report		
submit to the Authority a copy of such	under sub-regulation (1), the		
report.			

CURRENT CITATION OF THE PPP REGULATIONS, 2020	PROPOSED AMENDMENT	REASONS FOR AMENDMENTS	PPP STAKEHOLDER'S COMMENTS
(3) Upon receipt of the report, the	contracting authority shall, within		
Authority may, if it considers	fourteen days report.		
necessary, require the contracting	(3) Upon receipt of the report, the		
authority to submit a detailed report	Authority may, if it considers		
on any procurement implemented in	necessary, require the contracting		
violation of the Act and these	authority to submit a detailed		
Regulations for review and necessary	report on any procurement		
action.	implemented in violation of the		
(4) Upon the request by the Authority,	Act and these Regulations for		
the contracting authority shall submit	review and necessary action.		
the requested report within fourteen	(4) Upon the request by the		
working days after receiving the	Authority, the contracting		
request.	authority shall submit the		
(5) The report under this regulation	requested report within fourteen		
shall be in the format prescribed by	working days after receiving the		
the Authority.	request. (5) The report under this		
	regulation shall be in the format		
	prescribed by the Authority.		
Continuous monitoring	Continuous monitoring	Regulation 117(1) (a) is	
117(1) The Authority in the process	115(1) The contracting Authority	proposed to be amended	
of monitor procurement activities	shall submit to the authority for	for clarity	
under the public private partnership	the purpose of continues	io. Gamey	
projects and contract implementation,	monitoring procurement activities		
shall subject the contracting	under the public private		
authorities to submit to the Authority-	partnership projects and		
(a) feasibility study report for solicited	agreement the following:		
or unsolicited public private	(a) feasibility study report for		
partnership projects which include a	solicited or unsolicited public		
procurement plan for both solicited	private partnership projects which		

CURRENT CITATION OF THE PPP REGULATIONS, 2020	PROPOSED AMENDMENT	REASONS FOR AMENDMENTS	PPP STAKEHOLDER'S COMMENTS
and unsolicited proposals and which	include a procurement plan for		
comply with the requirements of the	solicited or unsolicited proposals		
Act and these regulations not later	as a case may be which comply		
than fourteen working days after	with the requirements of the Act		
approval by relevant approving	and these regulations not later		
authorities;	than fourteen working days after		
(b) information on prequalification	approval by relevant approving		
process, invitations for expression of	authorities;		
interest, the shortlist, request for	(b) information on		
proposal within seven working days	prequalification process,		
after submission of proposals,	invitations for expression of		
(c) monthly and quarterly	interest, the shortlist, request for		
procurement implementation reports	proposal within seven working		
within seven working days after the	days after submission of		
end of respective month or quarter	proposals,		
and annual procurement	(c) monthly and quarterly		
implementation reports within thirty	procurement implementation		
working days after the end of the	reports within seven working days		
respective financial year; and (d) any	after the end of respective month		
other information as may be required	or quarter and annual		
by the Authority for monitoring	procurement implementation reports within thirty working days		
purpose. (2) The contracting authority shall	after the end of the respective		
(a) within thirty working days from the	financial year; and (d) any other		
date of award, notify the Authority the	information as may be required		
name of the person or body to whom	by the Authority for monitoring		
the contract is awarded, the amount	purpose.		
of proposal and the date on which the	(2) The contracting authority		
award was made;	shall		

CURRENT CITATION OF THE PPP	PROPOSED AMENDMENT	REASONS FOR	PPP STAKEHOLDER'S
REGULATIONS, 2020		AMENDMENTS	COMMENTS
(b) inform the Authority, not later	(a) within thirty working days		
than fourteen working days from the	from the date of award, notify the		
date of terminating any contract and	Authority the name of the person		
give details on measures taken by it	or body to whom the contract is		
before terminating the contract;	awarded, the amount of proposal		
(c) not later than seven working days	and the date on which the award		
after issuing the instruction to amend,	was made;		
alter or vary any solicited or	(b) inform the Authority, not later		
unsolicited contract and submit a	than fourteen working days from		
report to the Authority of any	the date of terminating any		
amendment, alteration or variation	contract and give details on		
made thereof, by giving details on the	measures taken by it before		
reasons, cost implication and	terminating the contract;		
approvals.	(c) not later than seven working		
(3) The contracting authority and the	days after issuing the instruction		
Chief Executive Officer of the Appeals	to amend, alter or vary any		
Authority shall submit to the Authority	solicited or unsolicited contract		
not later than fourteen days after	and submit a report to the		
issuing their decisions, copies of the	Authority of any amendment,		
decisions concerning, complaints or	alteration or variation made		
disputes arising out of procurement	thereof, by giving details on the		
process under these Regulations.	reasons, cost implication and		
(4)The Authority may, upon receipt of	approvals.		
reports of findings from the	(3) The contracting authority and		
contracting authority or decision of	the Chief Executive Officer of the		
the Appeals Authority, recommend to	Appeals Authority shall submit to		
the competent authority to take	the Authority not later than		
disciplinary measures against the	fourteen days after issuing their		
concerned person or body implicated	decisions, copies of the decisions		
in the report or decision, as the case	concerning, complaints or		

CURRENT CITATION OF THE PPP REGULATIONS, 2020	PROPOSED AMENDMENT	REASONS FOR AMENDMENTS	PPP STAKEHOLDER'S COMMENTS
may be, in accordance with the	disputes arising out of		
provisions of this Act and the Public	procurement process under these		
Procurement Act.	Regulations.		
Procurement, contract and	Procurement, contract and	Regulation 118 is proposed	
performance audits	performance audits	to be amended for clarity	
118(1) Subject to the criteria	116(1) Subject to the criteria	on the procedure for	
prescribed by the Authority, the	prescribed by the Authority, the	procurement, contract and	
Authority may, at any time and where		performance audits	
circumstances requires, select any	where circumstances requires,		
contracting authority project, or	select any contracting authority		
contract for audit.	project, or contract for audit.		
(2) Before the audit, the Authority			
shall inform the relevant contracting	Authority shall inform the relevant		
authority on the intention, objectives	contracting authority on the		
and compliance indicators to be used	intention and objectives of and		
for the audit.	the audit.		
(3) For the purpose of enabling the	, , , , , , , , , , , , , , , , , , , ,		
Authority to carry out the audit, the	the Authority to carry out the		
contracting authorities shall make	audit, the contracting authorities		
available all documents requested for	shall make available all		
auditing in a timely manner prescribed	documents requested for auditing		
by the Authority.	in a timely manner prescribed by		
(4) For ease of procurement	the Authority.		
information retrieval, contracting	(4) Upon completion of the audit		
authorities shall be required to keep	and before issuing the final audit		
procurement records in a proper	report, the Authority shall submit,		
manner as prescribed in the	in writing, the audit findings, if		
Procurement Records Guideline	any to the audited contracting		
prepared by the Authority.	authority.		

CURRENT CITATION OF THE PPP REGULATIONS, 2020	PROPOSED AMENDMENT	REASONS FOR AMENDMENTS	PPP STAKEHOLDER'S COMMENTS
 (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. (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. (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. 	 (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. (6) After approval of the audit findings by the Authority, the audit report shall be submitted to the contracting authority 		
Procurement investigation 119(1) The Authority shall conduct investigation on any matter it considers necessary or desirable stipulated in the Act and these Regulations. (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.	Procurement investigation 117(1) The Authority shall conduct investigation on any matter it considers necessary or desirable stipulated in the Act and these Regulations. (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.	No changess	

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

PROPOSED AMENDMENT	REASONS FOR AMENDMENTS	PPP STAKEHOLDER'S COMMENTS
119(1) The Authority shall, after		
procurement audit, contract and		
performance audit, produce a		
written report containing its		
findings and recommendations to		
the competent authority.		
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concerned to participate in		
	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	## AMENDMENTS 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. (2) The recommendations may include the- (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; (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; (d) rectification of the contravention by taking actions as may be necessary to rectify the same; and (e) suspension of the officer

CURRENT CITATION OF THE PPP REGULATIONS, 2020	PROPOSED AMENDMENT	REASONS FOR AMENDMENTS	PPP STAKEHOLDER'S COMMENTS
	procurement related activities for a specified period.		
Response and implementation of	Response and	No changess	
Authority's recommendations	implementation of Authority's		
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	recommendations 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		
Oversight, Guidelines and	Oversight, Guidelines and	No changess	
Management	Management		
123. For effective discharging of its functions, the authority in consultation with the PPP Centre may prepare Guidelines for oversight function.	121. For effective discharging of its functions, the authority in consultation with the PPP Centre may prepare Guidelines for oversight function.		
PART XIII GENERAL PROVISIONS			

CURRENT CITATION OF THE PPP	PROPOSED AMENDMENT	REASONS FOR	PPP STAKEHOLDER'S
REGULATIONS, 2020		AMENDMENTS	COMMENTS
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- (a) none of the bids is received, assess and correct for the deficiencies in the issued tender documents and reissue; (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 (c) More than one non-compliant bids are received, assess the reasons for non-compliance; re-package the tender and re-issue. (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	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- (a) none of the bids is received, assess and correct for the deficiencies in the issued tender documents and re-issue; (b) All received bids are non-compliant, assess the reasons for non-compliance; re-package the tender and re-issue. (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	Regulation 124 is proposed to be amended; 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)	

CURRENT CITATION OF THE PPP	PROPOSED AMENDMENT	REASONS FOR	PPP STAKEHOLDER'S
process and submit the feasibility study and tender documents for approval, in line with the provisions of these Regulations (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 (4) The bidder offering the most advantageous revised bid shall be adjudged the winner Hand-back 125(1) The provisions relating to handing-over the asset back to the contracting authority in the agreement shall include:	Hand-back 123(1) The provisions relating to handing-over the asset back to the contracting authority in the agreement shall include:	PPP steering committee	COMMENTS
(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.	(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.		

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

CURRENT CITATION OF THE PPP REGULATIONS, 2020	PROPOSED AMENDMENT	REASONS FOR AMENDMENTS	PPP STAKEHOLDER'S COMMENTS
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.	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.	No changess	
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.	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.	No changess	
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	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	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).	

CURRENT CITATION OF THE PPP REGULATIONS, 2020	PROPOSED AMENDMENT	REASONS FOR AMENDMENTS	PPP STAKEHOLDER'S COMMENTS
manufactured or produced goods and related services as prescribed in the Regulations	percent to domestically manufactured or produced goods and related services during evaluation of the private.		
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- (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	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- (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	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	
acceptable by Tanzania Bureau of Standards or other internationally acceptable standards; (b) ensure that qualified Tanzanians are afforded first opportunity for employment; (c) ensure prioritization of on-job training for Tanzanians; (d) ensure availability of succession plan, where applicable;	services are of competitive terms and meet standards acceptable by Tanzania Bureau of Standards or other internationally acceptable standards; (b) ensure that qualified Tanzanians are afforded first opportunity for employment; (c) ensure prioritization of on-job training for Tanzanians;	therefore, does not require approval from Minister	

CURRENT CITATION OF THE PPP REGULATIONS, 2020	PROPOSED AMENDMENT	REASONS FOR AMENDMENTS	PPP STAKEHOLDER'S COMMENTS
(e) ensure that a Tanzanian citizen is	(d) ensure availability of		
given priority in any matter relating to	succession plan, where applicable;		
the technology transfer, research,	(e) ensure that a Tanzanian citizen		
development and innovation in any	is given priority in any matter		
Public Private Partnership related	relating to the technology transfer,		
activities; and	research, development and		
(f) adhere to the Corporate Social	innovation in any Public Private		
Responsibility and its disclosure	Partnership related activities; and		
requirements.	(f) adhere to the Corporate Social		
(2) For the purpose of sub-regulation	Responsibility and its disclosure		
(1) and without prejudice to section	requirements.		
5(1) of the Act, and any other written	(2) For the purpose of sub-		
law relating thereto, the PPP Centre	regulation (1) and without		
may at any reasonable time requires	prejudice to section 5(1) of the		
any such person to prepare and	Act, and any other written law		
submit to the Minister a detailed	relating thereto, the PPP Centre		
employment and training plan which	may at any reasonable time		
shall include:	requires any such person to		
(a) forecast of the hiring and training	prepare and submit to the Minister		
needs of any person which shall,	a detailed employment and		
among others, contain:	training plan which shall include:		
i. a specification of the skills	(a) forecast of the hiring and		
needed;	training needs of any person which		
ii. the anticipated skill shortages	shall, among others, contain:		
in the Tanzanian workforce;	i. a specification of the skills		
iii. the specific training	needed;		
requirements;	ii. the anticipated skill		
iv. the anticipated expenditure that will be incurred by the PPP	shortages in the Tanzanian workforce;		
project in implementing the	workioice,		
project in implementing the			

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

CURRENT CITATION OF THE PPP	PROPOSED AMENDMENT	REASONS FOR	PPP STAKEHOLDER'S
REGULATIONS, 2020	with the employment and training	AMENDMENTS	COMMENTS
other person shall provide to the PPP	with the employment and training		
Centre, a semi-annual report on-	activities undertaken to monitor		
(a) employment and training activities	compliance		
for the reporting period; and (b) a comparative analysis of the			
employment and training plan with			
the employment and training plan with			
undertaken to monitor compliance			
(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 percept 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.			
(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			

CURRENT CITATION OF THE PPP REGULATIONS, 2020	PROPOSED AMENDMENT	REASONS FOR AMENDMENTS	PPP STAKEHOLDER'S COMMENTS
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.			
Revocation GN No. 542 of 2015	Revocation GN No. 37 of 2020	Amendments of PPP	
130. The Public Private Partnership		Regulation of 2020	
Regulations, 2015 are hereby	Partnership Regulations, 2020 are		
revoked.	hereby revoked		