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ZAMBIA REPOSITIONING ITSELF FOR MASSIVE INFRASTRUCTURE GROWTH DRIVEN BY PUBLIC-PRIVATE PARTNERSHIPS

Zambia is aiming to attract increased private sector participation in public infrastructure and services using the public-private partnership (PPP) mechanism by reforming its 14-year-old Public-Private Partnership Act.

Public-private partnerships (PPPs) are a mechanism for government to procure and implement public infrastructure and services using resources and expertise of the private sector.

The country's PPP regulatory framework is anchored on the Public-Private Partnership Act No. 14 of 2009 which was amended in 2018.

Following Cabinet's approval, the Public -Private Partnership Bill 2023 is currently undergoing the formal legislative processes in the National Assembly for its approval and subsequent enactment.

Among the changes proposed in the Public -Private Partnership Bill 2023 is the introduction of clearer public procurement processes in the implementation of PPP projects. The bill introduces specific provisions for solicitation of proposals, treatment of unsolicited proposals and direct procurement of PPP projects. Public procurement regulations have a huge impact on the pace at which PPP projects can be implemented, therefore, clearer guidelines will go a long way in expediting the transition from project conceptualization to implementation.

Another positive feature in the Public -Private Partnership Bill 2023 is the introduction of the Public-Private Partnership Project Development Support Fund which is aimed at supporting project development costs in the initial development phase of a project, capacity development, supporting the activities of the Public-Private Partnership Office and Council as well as in funding transaction advisory services.

The sources of the money forming the Fund will include a prescribed percentage of the fees from a solicitation document issued by a contracting authority, a percentage from the Government

revenue share of the annual gross revenue for the duration of the period of the public-private partnership agreement, monies that may be appropriated by Parliament and any monies received by way of grants or donations, from national or international development partners or financial organizations. By contributing to the financing of the cost of implementation and governance of PPPs, the Fund will greatly strengthen the country's capacity to implement PPP projects.

Regulation of the implementation of public-private partnerships, promotion of the participation of the private sector in the design, financing, construction, development, operation or maintenance of infrastructure or delivery of services through public-private partnerships, providing for rehabilitation, modernization, expansion and operation of existing infrastructure facilities and systems and their maintenance are named as some of the objects of the Bill.

Considering that the Bill is undergoing the process of enactment before National Assembly, this is an opportune time for the private sector and all stakeholders to take a keen interest in the proposed amendments and make suggestions for improvement.

Once thing is very clear however, once enacted, the provisions of the Public -Private Partnership Bill 2023 will substantially change the regulatory framework for PPPs which should result in increased private sector input in public infrastructure and services for the Southern African Mining and Tourism epicenter.

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Stand 6983, Plot # 7, Old Brentwood Road,
Off Los-Angeles Boulevard, Longacres, Lusaka, Zambia.

P.O Box 50940 RW

Tell: +260 211 252254

Email: equitas@equitas-legal.com

Website: www.equitas-legal.com

LinkedIn: <https://www.linkedin.com/company/19211011/admin>