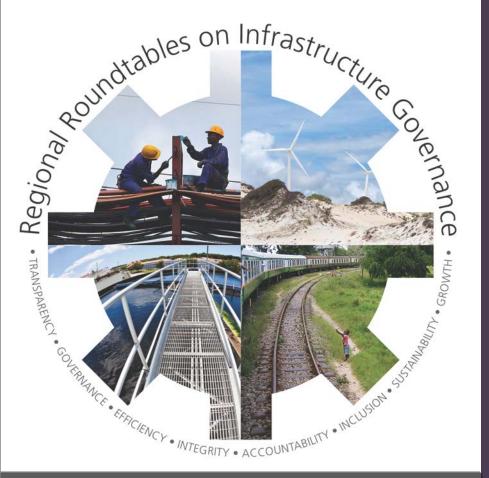
• TRANSPARENCY • GOVERNANCE • EFFICIENCY • INTEGRITY • ACCOUNTABILITY • INCLUSION • SUSTAINABILITY •



Second Regional Roundtable on Infrastructure Governance //Afrikland Hotel in Abidjan, Cote D'Ivoire// on June 21-22, 2018

BUILDING THE RIGHT INFRASTRUCTURE FOR TOMORROW

COUNTRY DIAGNOSTIC REPORT , DISCLOSURE FRAMEWORK AND DISCLOSURE WEB PORTAL

Engr. Chidi Izuwah, Snr (Ag, DG) Infrastructure Concession Regulatory Commission (ICRC), Nigeria





















Infrastructure Investment Awards

Ai Infrastructure Regulator of the Year

Infrastructure Concession Regulatory Commission of Nigeria

WINNER2018





Outline

- □ Nigeria Infrastructure Challenge and the Future
- □ Introducing the ICRC
- □ WB Diagnostic Report
- Disclosure Framework
- Disclosure Web Portal
- PPPs in Nigeria
- □ Way Forward and Flagship Projects



Nigeria



Political Commitment



EXCERPTS OF SPEECH OF PRESIDENT MUHAMMADU BUHARI AT THE 55TH GENERAL CONFERENCE OF THE NIGERIAN BAR ASSOCIATION

AUGUST 23, 2015

"We also have a huge infrastructure deficit for which we require foreign capital and expertise to supplement whatever resources we can marshal at home. In essence, we seek public private partnerships in our quest for enhanced capital and expertise."

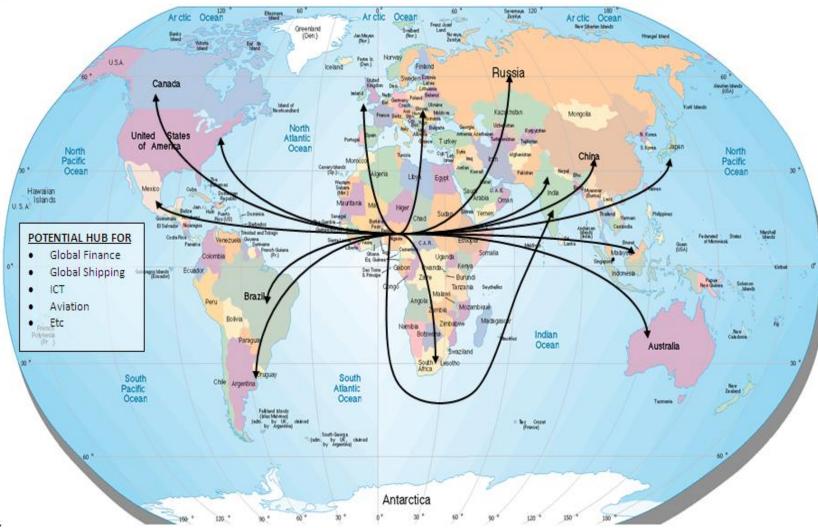
Infrastructure Possibilities

AMERICA HAS GOOD ROADS, NOT BECAUSE AMERICA IS RICH, BUT AMERICA IS RICH BECAUSE IT HAS GOOD ROADS - John F Kennedy Former US President.

The implication of this quote from the 60s is an eternal economic truism. No country can become economically buoyant without good infrastructure especially a good road network.



Introducing...Nigeria centre of the world



4



Africa's Most Formidable CV – Past and Present

- Largest Economy in Africa, 26th ~ IMF 2016
- First TV Broadcast in Africa WNTV 1959 IEEE Explore Library
- Mandela hid in Nigeria for 6 months to escape the Apartheid Regime Vanguard Dec 2013 Chief Mbazulike Amaechi his host
- 2nd Longest Bridge in Africa (11.8 Kms) 1990 World Atlas
- Largest Black Country in the World 198 Million
- Largest Entrepreneurial Population in Africa, Large Mobile Phone User Base
- Third Largest Movie Industry in the World NBS
- Diversifying Economy With Growing Non Oil Sector 51% Services, Agric 22%, Industry 26%, Oil 15%
- Richest Man in Africa Aliko Dangote Forbes Nigerian Finder 2017
- Leading Destination for Investment in Africa UNCTAD
- IF YOU ARE NOT IN NIGERIA, YOU ARE NOT IN AFRICA Prince Alwaleed Saudi Arabia



Africa of Our Dream





Introducing the ICRC



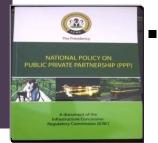
The ICRC Overview & Mandate



Establishment: ICRC was established under section 14 of the Infrastructure Concession Regulatory Commission Act of 2005



Purpose: The Act provides for the participation of private sector in Federal Govt. infrastructure development (financing, construction, development, operation and/or maintenance) through concession or contractual arrangements.

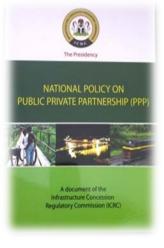


Mandate: To provide an effective regulatory and institutional framework with which agencies of the Federal government can enter into partnership with the private sector for the provision of public services for sustainable socio-economic development.



ICRC's Regulatory Instruments

- 1. ICRC Act (Establishment Etc,) Act 2005
- 2. National Policy on PPP
- 3. PPP Processes, Guidelines and Circulars
- 4. Concession Agreements
- 5. Contract Disclosure documents to ensure transparency
- 6. Regulations Issued on/before end 4Qtr





Functions of the Commission

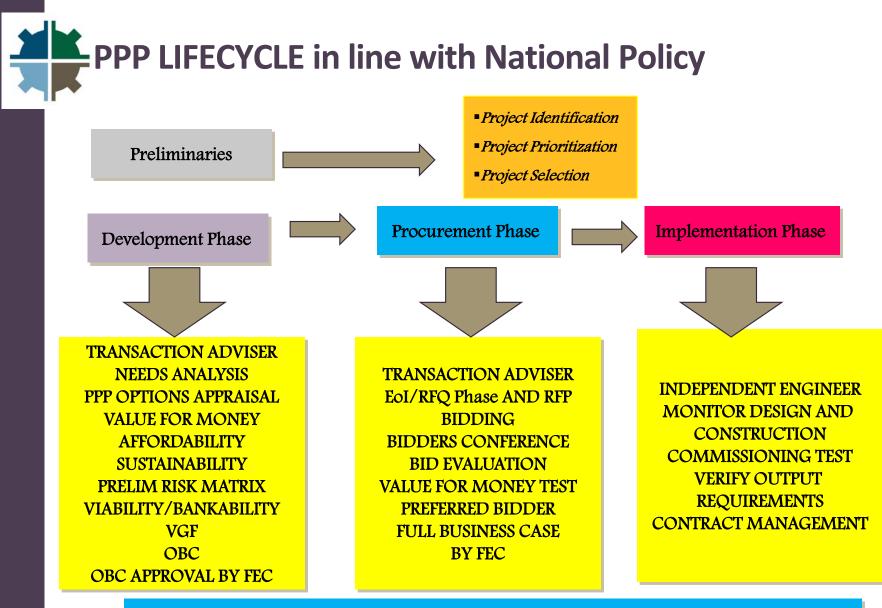
■To Regulate the creation of infrastructure concessions or Public Private Partnership procurement contracts as contemplated under section 1 of the Act.

- To take custody of all Concessions entered into by MDAs and monitor compliance with terms and Condition of the Contract Agreement, Section 20(a).
- Ensure efficient execution of any concession agreement or contract entered into by the Government, Section 20(b).
- Make regulations that are necessary to give full effect to the provisions of the Act, Section 34.
- Ensure the application of the National Policy on PPP (N4P) which propagates:
 - i. Public Interest
 - ii. Value for Money
 - iii. Competition and
 - iv. Transparency





PPP Implementation in Nigeria



PREPARING AND IMPLEMENTING EFFICIENT AND EFFECTIVE PPP TRANSACTIONS

The Key PPP Principles Being Driven by ICRC

- Value for Money : Ensure project appraisals take into account not only cost but also risks and service quality
- **Public interest :** Adequate and prior consultation with end-users and other stakeholders of an infrastructure project as standard.
- Output requirements : Concept of "verifiable service standards" to be used as basis for output or performance based specifications
- Transparency: Very high world class standards of public and corporate governance to enhance credibility and transparency.

- **Risk allocation :** Risks allocated to the party best able to manage them.
- **Competition :** Ensure PPP procurement processes are competitive and value driven by dismantling unnecessary barriers to entry.
- Capacity to deliver : Build required capacity within Government Institutions to efficiently manage the PPP commercial processes and partner on equal basis with their private sector counterparts.



WB Disclosure Diagnostic Report



Diagnostic Report

□ Based on the World Bank Public-Private Partnerships (PPP) study in Nigeria between September 2016 and April 2017

□ The Diagnostic Report examined each of the following areas in Nigeria:

- i. Preliminary overview of the general transparency environment
- ii. History and Outlook for PPP disclosure
- iii. Political Environment for disclosure
- iv. Legal and Policy framework
- v. Process and Institutions
- vi. Guidance on confidential information

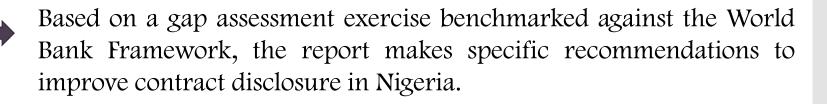
vii. Information systems

viii.Technology and data standards



Diagnostic Report Findings

Findings:



Report suggested enhanced framework for disclosure of PPPs applicable to all federal government projects in Nigeria



Task Government to move towards greater transparency and openness to facilitate investors' confidence – *Current Government is doing*





Public Disclosure Authorized

IMPROVING TRANSPARENCY AND ACCOUNTABILITY IN PUBLIC-PRIVATE PARTNERSHIPS

DISCLOSURE DIAGNOSTIC REPORT: NIGERIA











Transparency Efforts of Nigerian Govt

Nigeria has taken several steps to move toward **lower levels** of corruption and greater transparency and accountability in line with Section 15(5) of the Nigerian Constitution (1999)

Enabling Laws and Processes that Supports Transparency in Nigeria:

- i. The Code of Conduct Bureau and Tribunal Act 1990,
- ii. Independent Corrupt Practices & Other Related Offences Act 2000
- iii. Economic and Financial Crimes Commission Act 2004
- iv. Fiscal Responsibility Act 2010, and Money Laundering Prohibition Act 2011.
- v. PPP Disclosure Web Portal



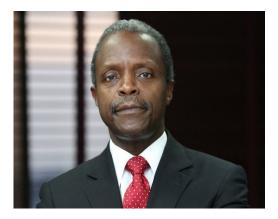
Disclosure Framework



The Disclosure Framework

- □ The ICRC in collaboration with the World Bank Institute (WBI) seeks to ensure transparency in PPP contract implementation in Nigeria in line with global best practices.
- The Disclosure Framework document was designed to ensure all non-confidential information relating to PPP contracts are made available and easily accessible to members of the public.
- WBI assisted the Commission to design and implement clear and concise guidance for systematic disclosure of PPP project and contract information on a web portal hosted by the ICRC website.

Leadership Commitment to Transparency

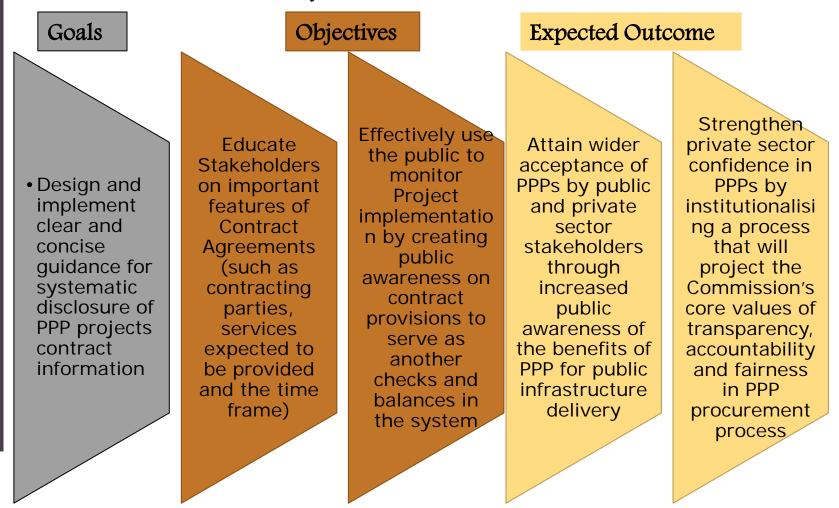


Excerpts of speech of His Excellency Vice President Yemi Osinbajo AT 10th Year Anniversary Lecture of Crescent University, Abeokuta, Ogun State June 11, 2016

.....the Buhari Administration will tackle corruption in all sectors of the economy and establish a sufficient tax culture. The Administration will encourage Public-Private Partnerships ensuring a transparent framework that reduces the bottlenecks in doing business.

Goals, Objectives and Expected Outcome

To further open up governance and entrench accountability and transparency in PPP transactions in the country.





The Disclosure Framework Guidance

- Apply to all PPP Infrastructure procurement contracts executed by MDAs pursuant to Section 1 of ICRC Act,2005.
- Method of Disclosure:
 - i. www:icrc.gov.ng ~ The Commission's website
 - **ii. www:** Public entity's website for disclosure of performance
 - **iii. Hard copy:** made available on request at the Commission's office
 - iv. www.ppp.icrc.gov.ng ~ The PPP Disclosure Web Portal
 - v. Limitations: The Commission and MDAs are to ensure confidential information are redacted.



Disclosure Practice in Nigeria Prior to the Framework

DOCUMENT/INFORMATION	PUBLISHED ON ICRC WEBSITE	PUBLISHED ON RELEVANT MDA WEBSIT	CURRENTLY ON ICRC DIS. PORTAL
Basic project information	Yes	In some cases	YES
Project appraisal report	No	No	YES
Outline Business Case	No	No	YES
ICRC/FEC reports at Outline Business Case stage	No	No	YES
Full business case	No	No	YES
ICRC/FEC reports at Full Business Case stage	No	No	YES
Name of Successful Bidder	Yes	In some cases	YES
Contract Documents	No	No	YES
Performance Reports	No	No	YES

Source: The Country's Diagnostic Report

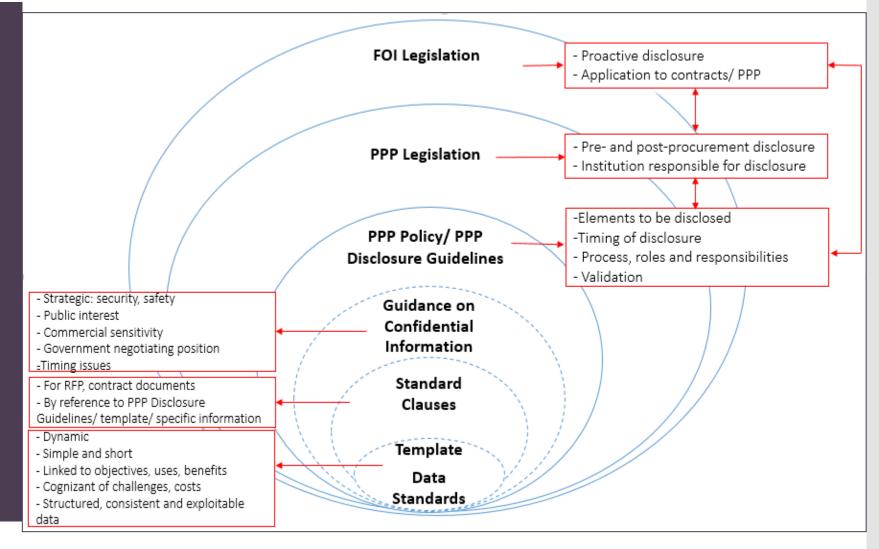


The Need for Objective Disclosure

- □ ICRC is the main repository of information on Federal PPP projects in the country.
- □ ICRC regularly publishes news and general information on its website, on PPP activities, workshops, events, and basic information on legacy, ongoing, and under~consideration PPPs.
- □ Information provided were limited to the project title and type, government agency responsible, name of the private concessionaire (where selected), and duration of the concession for the projects.
- □ In recognition of this limitation the ICRC's PPP Disclosure Web Portal was conceived in collaboration with the World Bank to ensure consistent disclosure of PPP contract information.
- □ All Stakeholders (MDAs, Concessionaires, Financiers, Civil Society Organisations, etc) were adequately consulted in the actualisation of this exercise.



Elements of the World Bank Recommended Disclosure Framework for PPPs





Timeline for Specific PPP Contract Milestones Disclosure

PPP project
pipeline:

Approved	
project will be	
included in the	
published PPP	
project	
pipeline within	
15 days from	
ICRC approval	

15 days

Basic project Information:

To be provided within 15 days after issuance of the Certificate of Compliance for the Outline Business Case (OBC) by ICRC

15 days

Project Milestone tracking:

Dates of achievement of key milestones will be provided as the project progresses in the form of a project milestones tracker.

15 days

Procurement information: Summary procurement information and *key documents* will be provided during the procurement process will be published within 15 days after approval 15 days

Contract documents :ICRC will place the signed PPP contract in the public domain within 30 days of signing of contract, after the redaction of confidential information

30 days



What to Disclose

Part 1: Basic Project Information	Part 2: Project Milestone Tracking
Basic project information expected to be disclosed, includes:	Project Milestone tracking will include:
 Project name Location Sector Sponsoring agency Estimated project value Project need Description of asset and services to be provided Rationale for selecting the PPP mode Estimated dates of key milestones Estimated demand to be served annually Project additionality 	 Date of inclusion in the published projects pipeline Date of appointment of transaction advisors Date of issuance of OBC compliance certificate Date of OBC FEC approval Date of procurement milestones, such as EOI, prequalification of bidders, RFP, Date of contract signing Date of financial close Beginning of construction End of construction



What to Disclose

Part 3: Procurement information	Part 4: Contract Information
 List of short-listed bidders 	Financial structure of SPV
• EOI and RFP	Redacted PPP Contract
 Disclosure of the preferred bidder and the reserved bidder 	Renegotiations and
 Disclosure of FEC approval of the preferred bidder 	renegotiated contracts
 Value-for-money analysis report (extracted from FBC) 	 Performance information



Confidential Information

Section 15 of the FOI Act 2011 provides for exemption of confidential information from public disclosure. The following elements are considered as confidential. These elements will be reviewed every 2~3 years for any modifications:

□ Proposals or bids submitted by bidders

□ Intellectual property

□ The base case financial model by bidders

□ Bid evaluation

Trade secrets



Exempt Information

Privity of Contracts

"Each party agrees to hold in confidence for a period of five (5) years following the termination of the lease, any information supplied"

Exceptions

- The provision of this clause shall not apply to:
 - Information already in public domain
 - Information lawfully in a party's possession prior to receipt from disclosing party
 - Information received from a party having no obligation of confidentiality
 - Information, the revelation of which is required by Applicable Law



Disclosure Web Portal

The PPP Contract Disclosure Web Portal

- Launched on 22nd September, 2017 by the Vice President, His Excellency, Prof. Yemi Osinbajo
 - i. The Portal Currently has 66 PPP Contracts at various Stages
 - ii. 51 PPP Contract Under Implementation
 - iii. 15 PPP Projects at Development and Procurement Stages
 - iv. ICRC partnered with the World Bank to train over 30 staff of various MDAs in Nigeria on the functionality of the portal
- Regular update on progress and milestones achieved on each project
- The portal ensures timely disclosure of project information from initiation through to the implementation
- The Disclosure Initiative supports **HE**, **President Mohammadu Buhari's (GCFR)** efforts at eradicating corruption and building transparency and accountability in the procurement processes in Nigeria.

The PPP Contract Disclosure Web Portal

- The onus for information generation and uploading on the web-based platform will be shared by ICRC, the contracting authority, and the private party to the contract.
- Information will be uploaded by the contracting authority and ICRC after redacting confidential contents.
- The ICRC has at least 7 days within which to review the uploaded information, validate and approve the information for public disclosure.
- The PPP Contract Disclosure is hosted at www.ppp.icrc.gov.ng



Web Portal is Dynamic

- The Web Portal is user friendly and dynamic living database
- Milestones are disclosed as project development/implementation progresses
- □ Serves as a repository of information on current happenings and events regarding PPPs in Nigeria.
- □ Has gained high international and local traction with encouraging impact.



Disclosure By Stage

- ☐ Projects are disclosed by stage in the Project Lifecycle, Sector, and State (Location of Project)
- The three project stages are:
 - i. Development stage
 - ii. Procurement Stage
 - iii. Implementation stage



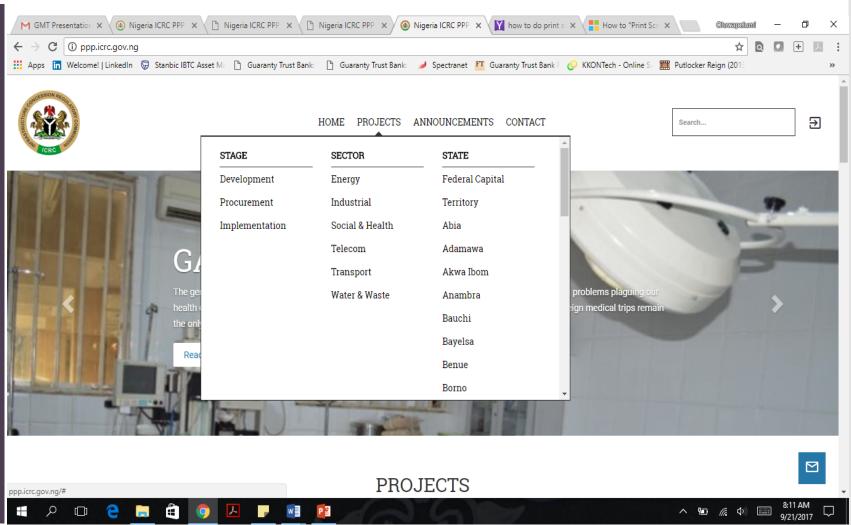
Elements for Disclosure

The Disclosure Framework outlined clearly various contract elements which should be disclosed. These elements are:

- □ BASIC PROJECT INFORMATION
- □ PROJECT MILESTONES
- □ PROCUREMENT DOCUMENTS
- PARTIES
- □ CONTRACT INFORMATION
- □ PERFORMANCE INFORMATION
- □ GALLERY, ETC

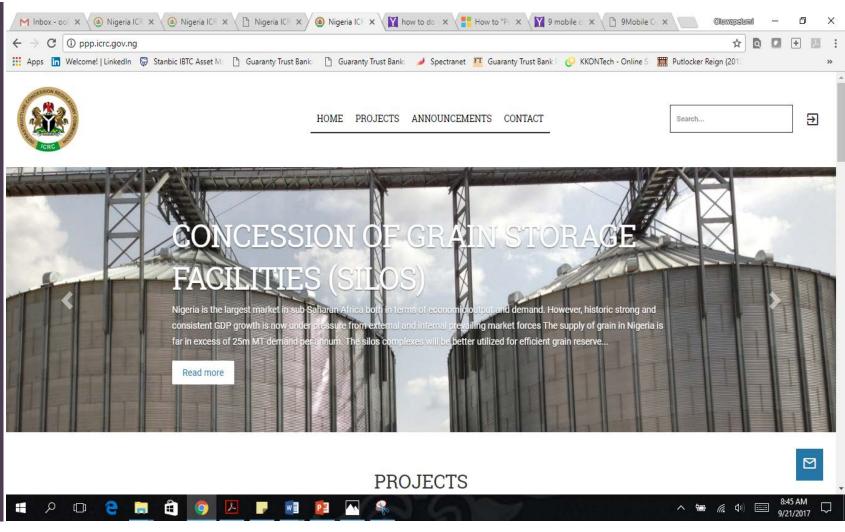


Projects by Stage, Sector and State





Web Portal Sample





PPP Success in Nigeria



Garki Hospital Abuja

- Client: FCT Health and Human Services
- Sector: Social Infrastructure- Health Sector
- Year the project was signed: 2007
- Concession to NISA Premier Hospital Ltd in 2007 for a period of fifteen years (15yrs).
- The introduction of Public Private Partnership (PPP) has resulted in improved services
- Garki Hospital performed its first successful heart surgery in July 2013
- Successfully performed three (3) kidney transplants on the same day in November 2013.
- The hospital ranks in the top 50 of all evaluated hospitals in Nigeria.



Garki Hospital, Abuja - PPP

















Pre PPP Theatre







PPP Theatre: One Of Our 3 Theatres (June 2015 Cardiac Surgery)





PPP: ICU During June 2015 Cardiac Surgery





Pre PPP Radiology









PPP Radiology (CT Scanner)





Pre PPP Laboratory









PPP – One of our laboratories





Port Terminals

- Major Ports reform in 2004, to improve clogged, inefficient, and very expensive ports.
- Experienced private operators engaged through Concessions to rehabilitate and manage 24 port terminals
- Months after the concession of the Apapa-Lagos container terminal, delays for berthing space had dwindled, and shipping lines reduced congestion surcharge from <u>\$525 to</u> <u>\$75</u>, saving the Nigerian economy significant sums
- Goal of concession yet to be fully achieved due to external factors and actors

Lessons

- Risk allocation should consider Government Capacity to deliver (channel depth, wrecks)
- The transaction lead agency should be the grantor who remains accountable for services
- Success requires an integrated approach (Roads, Customs, Rail, Security, State Government)





Tin-Can Island Container Terminal (TICT)

Before 2006

After 2006







Tin-Can Island Container Terminal (TICT)

Before 2006

After 2006







Recent Successes ~ Hydro

- Client: Federal Ministy of Power
- Project Name: PHCN 3 Large Hyrdro Power Plants
- Description: Concessioning of Kainji, Jebba and Shiroro in partnership with BPE
- Preferred PPP Model: Concluded
- Client: Federal Ministy of Power
- Project Name: Small and Medium Hydro Power Projects
- Description: Hydro Power generation of up to 43 mega watts from existing Ten (10) Small and Medium dams
- Preferred PPP Model: Rehabilitate/Build Operate Transfer (RBOT) model







PPP Experience in Nigeria

Sectoral Presentation of Projects			
S/No	Sectors/Projects	Number of Projects	% Composition of PPPs by Sector
1	Sea Ports and Marine Services	26	50.98%
2	Power Sector Projects	3	5.88%
3	Aviation Concessions	3	5.88%
4	Urban and District Engineering Infrastructure	2	3.92%
5	Social Infrastructure (Complexes)	3	5.88%
7	Telecommunication Infrastructure	2	3.92%
8	Inland Container Depot (ICDs)	6	11.76%
9	Health Care Delivery Service	1	1.96%
10	Marine Security concession project	1	1.96%
11	Housing Development Project	1	1.96%
12	National Iron Ore Mining	1	1.96%
13	Information Technology (National ID Card)	2	3.92%
	TOTAL	51	100



Flagship Projects

PPP Recent Accomplishments

- 1. Lekki Deepwater Port Flag Off
- 2. FMWPH Rooftop Solar PPP
- 3. Warehouse in a Box Medical Stores
- 4. NIWA Onitsha River Port
- 5. Kiri Kiri Terminals I and II Modernization
- 6. Lilypond Terminal Conversion to Agro Processing and Export
- 7. Ibom Deepwater Port
- 8. Dadin Kowa Hydro
- 9. Gurara Hydro 0 & M
- 10. AKK Pipeline
- 11. Farm Mechanization PPP



Project 3D Model



To Serve as a Modern facility handling 1.5 million TEU per annum;
Proposed investment ~ US\$1.53 billion on fixed asset and US\$800 million on construction works;



The Lekki Deep Water Port Project

Project Outlook When Completed



Project Cost: Over USD2 billion



MONITOING VISITS - Lekki Deep Water Port

Inspection of On-Going Construction Work



Breakwater Construction



Lekki Deepwater Project - Flagship PPP





INFRASTRUCTURE CONCESSION REGULATORY COMMISSION (ICRC)

The Ag. Director General, Infrastructure Concession Regulatory Commission (ICRC), Engr. Chidi K.C. Izuwah Snr, on behalf of the management and staff of the Commission, wishes to congratulate His Excellency, Mr President; The Vice President; The Governor of Lagos State; The Honourable Minister of Transportation; The Managing Director, Nigeria Ports Authority; and Lekki Port LFTZ Enterprise on the

Official Flag Off of Lekki Deep Sea Port Project On Thursday 29th, March, 2018 at the Lagos Free Trade Zone, Ibeju Lekki, Lagos.

This momentous achievement will transform positively the maritime transportation sector and reaffirm Nigeria's position as the pre-eminent maritime hub in West Africa.



MUHAMMADU BUHARI GCFR



HIS EXCELLENCY MR. AKINWUNMI AMBODE



MR. ROTIMI AMEACHI



ENGR. CHIDI K.C. IZUWAH SNE

Infrastructure Concession Regulatory Commission Plot 1270, Ayangba Street, Near FCDA Headquaters Are 11, Garki District, Abuja, Nigeria Tel: +234-9-4604900, email: info@icrc.gov.ng Website: www.icrc.gov.ng



PROF. YEMI OSINBAJO SAN FEDERAL REP LIC OF HIGERIA

MS. HADIZA BALA USMAN



MR. HARESH ASWANI

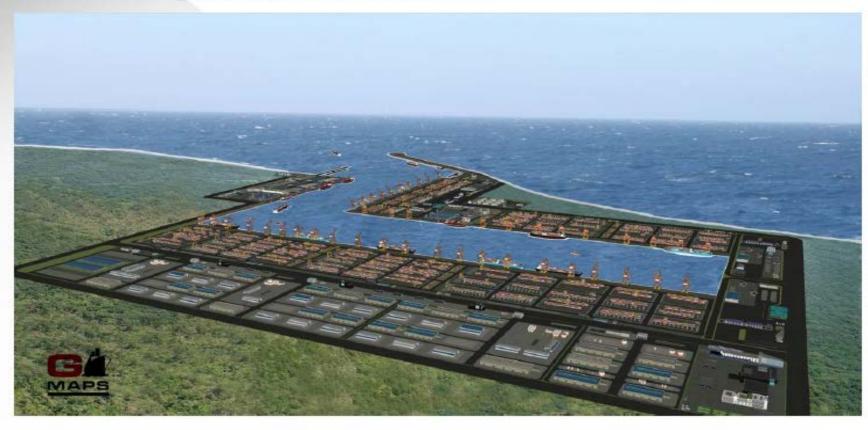


At The Lekki Deepwater Project - Flag-Off



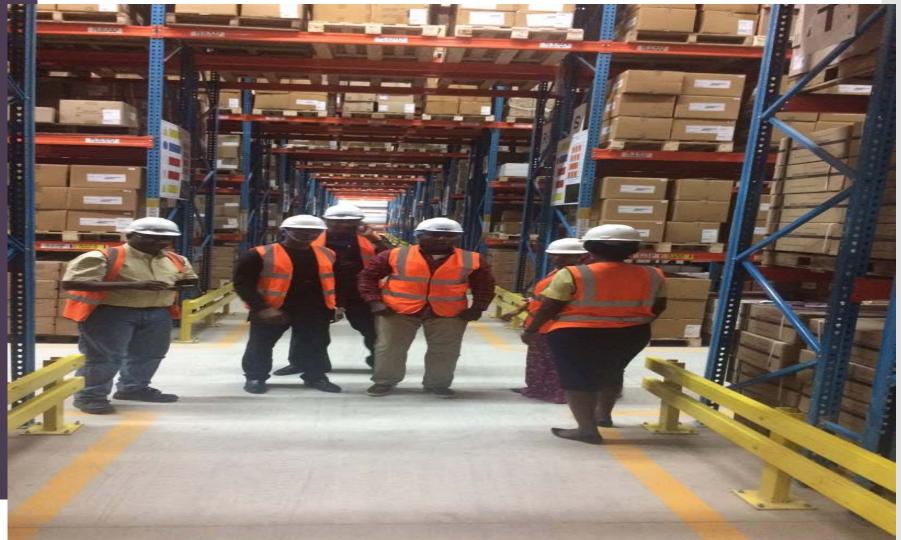


IDSP PHASE 1 & 2 CONCEPTUAL LAYOUT





Ware House in Box - Flagship PPP





Dadin Kowa Hydro - Flagship PPP



Ports and ICD Opportunities

- Bakassi Deepwater Port
- Badagry Deep Sea Port
- Ontisha Inland Container Depot (ICD), Anambra State
- Asaba Container Freight Station (CFS), Delta State
- Nnewi Inland Container Depot, Anambra State
- Gombe CFS, Gombe State
- Dagbolu Inland Container Depot, Osun State
- Lolo Inland Container Depot, Kebbi State



Rail, Aviation, Agric and FCT Opportunities

- NRC Narrow Guage
- New Standard Guage Lines
- Abuja Light Rail Lots 1A and 3
- Lagos, Abuja, Kano and Port Harcourt Airports
- Aircraft MRO Facility
- Silos Concession
- NNPC Pipeline and Depot System
- National Stadia
- Transmission Infrastructure
- Health Facilities Hospitals, Diagnostics, PHC etc



Road PPP Opportunities

- 2nd Niger Bridge
- Lagos Ibadan Expressway
- Rehabilitation and upgrade of 368 Km Shagamu-Benin-Asaba Expressway
- Reconstruction and Upgrade of Abuja Kaduna Kano Dual Carriage Road
- Reconstruction and Full Dualization of Ibadan Ilorin ~ Tegina ~ Kaduna Highway
- Reconstruction and Upgrade of Enugu to Port Harcourt Expressway
- Reconstruction and Upgrade of East West Road
- Reconstruction and Upgrade of Aba-Ikot Ekpene Calabar



PPP Support Initiatives

- □ Nigeria Integrated Infrastructure Masterplan
- □ Nigeria Infrastructure Development Fund
- Nigerian Sovereign Investment Authority (NSIA) and Infra Credit Guarantee Fund
- **PPP** Units in MDAs
- □ Federal Roads and Bridges Tolling Policy
- □ Standardization Efforts (Business Case, Contracts etc)
- Disclosure Framework/Web Portal



Conclusion

The disclosure framework/web portal has gained extensive stakeholders support and international traction.

□ The Framework is in line with global best practice, and in conformity with the FoI Act, 2011.

Contract disclosure clauses have been inserted into the proposed ICRC Draft Amendment Bill and draft Regulations.

□ The Diagnostic Report and the Disclosure Framework is on the Commission's website for easy access to the public.



Infrastructure Concession Regulatory Authority Plot 1270 Ayangba Street, Close to FCDA Headquarters, Area 11, Garki, Abuja – Federal Capital Territory. Phone: +234 94604900 E-mail: info@icrc.gov.ng Website: www.icrc.gov.ng

