



THE PRESIDENCY

INFRASTRUCTURE CONCESSION REGULATORY COMMISSION  
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A **SOLICITED** PPP Procurement over any Federal Government Infrastructure would typically follow the steps below:

**1. PPP PROJECT IDENTIFICATION PHASE**

- PPP Project identification, prioritization by Ministries, Departments and Agencies (**MDA**) articulated in a concept note and submitted to the ICRC for assessment.
- If ICRC's assessment finds the project eligible for delivery through PPP, the Commission will advise the MDA to commence Project Development. The MDA will constitute a Project Steering Committee and Project Delivery Team for the Project and appoint a PPP Project Officer
- ICRC will annually based on the input from MDAs and in consultation with the Ministry of Budget and National Planning develop an eligible pipeline of PPP projects for **Approval** by the Federal Executive Council (FEC)

**2. PPP PROJECT DEVELOPMENT AND PREPARATION PHASE**

- Where an MDA does not have the internal capacity to prepare an **Outline Business Case**<sup>1</sup> (OBC) A **Transaction Adviser** (TA) would be engaged by the MDA through a competitive bidding process as required under the Public Procurement Act of 2007, to produce the OBC.
- The MDA would thereafter forward the OBC to the ICRC for **review**. Subject to assessment, ICRC would issue an OBC Compliance Certificate to the MDA or decline issuance and advise the MDA accordingly.
- The Commission would consult the Federal Ministry of Finance (FMoF) in order to appropriately handle any contingent liability issues that may arise from her review of the OBC.

**3. PPP PROCUREMENT PHASE**

- Following OBC's certification by the ICRC, the MDA's TA would commence a two staged RFQ/RFP<sup>2</sup> **procurement process** leading to a competitive bidding process from which a preferred **PPP Project Proponent (Investor)** will emerge.
- **Negotiations** would thereafter ensue, leading to the conclusion and submission of a **Full Business Case** (FBC)<sup>3</sup> to ICRC for **review**. Following which, ICRC would issue an FBC Compliance Certificate to the MDA or decline issuance and advise the MDA accordingly.
- The MDA would submit the FBC Compliance Certificate to **FEC** through the line Minister, for **Approval**.
- Following FBC's approval, the PPP Contract would be signed between the grantor MDA and the preferred **PPP Project Proponent (Investor)** after which ICRC will **take custody** of the PPP Contract as required under the Section 20 of the ICRC Act.

**4. PPP IMPLEMENTATION PHASE**

- Following commercial close<sup>4</sup>, the TA will follow through with the project and the preferred **PPP Project Proponent (Investor)** to achieve **Financial Close**<sup>5</sup> in line with the condition precedent in the PPP Contract.
- The MDA is required under Section 12 of the Act to supervise the project diligently. On the other hand the ICRC and the MDA are required, under Section 10 of the Act, to conduct regular joint **Inspections** of the Project until the end of the contract.

<sup>1</sup> **Outline Business Case:** A document prepared to establish the need for the project outlining its parameters, scope, demonstrate its bankability and value for money.

<sup>2</sup> **Request for Qualification (RfQ)** The set of documents issued by the procuring authority that constitute the basis of the qualification and potentially the pre-selection of candidates (the short list). Qualified (or short-listed candidates) will then be invited to submit a proposal (or to enter into a new phase prior to bid submission, such as a dialogue phase or interactive phase) & **Request for Proposal (RfP)** The set of documents issued by the procuring authority that set out: The basis or requirements for submitting the proposal (which documents and in which format and contents the bidder has to submit); The basis of the evaluation criteria for selecting the preferred bidder or awardee; and The PPP contract that will be signed with the successful bidder and other annexed information such as forms, templates, complementary information for reference purposes etc

<sup>3</sup> **Full Business Case:** A document prepared by the MDA's TA prior to financial closure and award of contract, which provides all the information needed to support a decision to award a contract and commit actual funding, as well as provide a basis for the necessary project management, monitoring evaluation and benefits realization.

<sup>4</sup> **Commercial Close:** The time when all network of commercial contracts and documentation have been executed between the public and private party.

<sup>5</sup> **Financial Close:** The time when the financial documentation and covenants have been executed with lenders to the project, and conditions precedent have been satisfied or waived. It is now permissible to draw money for project execution