

PPP REGULATORY NOTICE – AUGUST 2025



THE PRESIDENCY

Federal Government of Nigeria | Infrastructure Concession Regulatory Commission

- 1.0. The Infrastructure Concession Regulatory Commission (Establishment, Etc.) Act 2005 established the Commission as the regulatory agency for ALL Public-Private Partnership (PPP) arrangements between any Federal Government Ministry, Department, and Agency (MDA) and the private sector. In the execution of its mandate, the ICRC is statutorily empowered to develop and issue regulations, guidelines, manuals, and processes/procedures that govern PPP procurement as well as to take custody of all PPP agreements.
- 2.0. In accordance with Section 33 of the Act, the President has approved the adoption of Approval Thresholds for PPP Projects and has mandated the Commission to give effect to the approved thresholds in the exercise of its statutory functions.

2.1 Scope

2.1.1 Purpose

The Approved Thresholds for PPP Projects shall apply to ALL PPP Projects undertaken by any Federal MDA involved in the financing, construction, operation, or maintenance of infrastructure, by whatever name called. The thresholds apply to the development and maintenance of public infrastructure assets, facilities, and the provision of public utility and social sector services.

The Federal Executive Council (FEC) will remain the sole approving authority for PPP projects that exceed the approved financial threshold or projects whose initiation and implementation necessitate the participation of multiple agencies and/or subnational governments, where applicable.

2.1.2 Effectiveness

Any PPP Project in the process of being developed and yet to be approved by the FEC, prior to the issuance of the Federal Government of Nigeria Circular (SGF Ref. No. 59804/II243) dated July 7, 2025, shall from the commencement date of the Circular, be subject to the approval threshold guidelines set out in Table 1 below.

Table 1: Approval Thresholds for PPP Projects

S/N	MDA	Project Cost	Approving Authority
1	Ministries, Departments and Agencies (MDAs)	Above ₦20,000,000,000.00	The Federal Executive Council (FEC)
2	Ministries	₦20,000,000,000.00 and below	The Project Approval Board (PAB) of the Ministry
3	Parastatals/ Agencies	Above ₦10,000,000,000.00 but below ₦20,000,000,000.00	The Project Approval Board (PAB) of the Supervisory Ministry
4	Parastatals/ Agencies	₦10,000,000,000.00 and below	The Project Approval Board (PAB) of the Parastatal/Agency
5	MDAs	Any project that requires more than one agency to implement	The Federal Executive Council (FEC)

3.0 Furthermore, the *Presidential approval* directs the ICRC to periodically issue guidelines necessary to ensure the effective and sustainable implementation of the approval thresholds as well as the general administration of PPPs in the country. These include:

3.1. The FEC will remain the sole approving authority for PPP projects that exceed the approved financial threshold in Table 1, or projects whose initiation and implementation necessitate the participation of multiple agencies (and/or subnational governments, where applicable)

3.2. All the projects to be implemented under the current threshold regime shall be executed on the basis that the private sector would fully finance the project without recourse to any form of guarantee, comfort letters or government funding.

3.3. Notwithstanding the new thresholds, every MDA shall obtain the ICRC Certificate of Compliance for every PPP project undertaken, as a prerequisite for approval by either the FEC or the relevant Project Approval Boards of the respective MDA. Any approval granted for infrastructure or service PPPs without a “Certificate of Compliance” duly issued by the ICRC shall be null and void.

3.4. The terms and conditions of projects certified by the ICRC cannot be altered or changed by the MDA without the written approval of the Commission.

3.5. All PPP Agreements shall only be executed by the Project Owners (MDAs), who are the Grantors, to ensure the sustainability of service delivery, given that PPPs are time-bound with a hand-back requirement at the end of the concession period.

3.6. The ICRC will lead project negotiations to ensure that the terms of the contract are fair to all parties, feasible, and that projects are delivered promptly.

3.7. The ICRC will conduct due diligence on all prospective PPP partners to validate the capability of private proponents and the operationalisation of submitted initiatives and proposals.

3.8. The MDAs shall immediately submit one original copy of any signed PPP agreement to the ICRC, as mandated by the ICRC Establishment Act 2005, where the Commission is directed to take custody of every executed PPP agreement. The ICRC will thereafter ensure effective monitoring of PPP agreements to verify compliance with their terms and conditions.

3.9. The ICRC will prepare and submit periodic reports to the President on the performance and status of PPP projects, ensuring that government assets and services are utilised effectively to provide value for money and benefit to the country.

4.0 Where a PPP Agreement has been signed or the PPP Project is already operational outside the regulatory oversight of the Commission, the MDA shall submit the PPP Project along with related documents to the Commission for regularisation.