



SOLICITED PPP PROCUREMENT GUIDE

Federal Government of Nigeria | Infrastructure Concession Regulatory Commission

Process & Execution Steps

A SOLICITED Public-Private Partnership (PPP) Process OR a Ministry, Department, and Agency (MDA) Initiated Infrastructure Project Proposal would typically follow the steps below:

1. PROJECT IDENTIFICATION AND PRIORITISATION PHASE

- MDA identifies and prioritises potential infrastructure projects for PPPs.
- MDA develops a Concept Note outlining project objectives and scope for submission to the ICRC for evaluation.
- The ICRC reviews the Concept Note and makes recommendations on how to proceed.
- PPP Unit initiates the project development phase.

2. PROJECT DEVELOPMENT PHASE

- i. The MDA may procure a Transaction Adviser/Consultant to support the process, where the MDA lacks in-house capacity, and the ICRC may render support where necessary.
- An Outline Business Case (OBC) is prepared and submitted to the ICRC for review.
 - Following review, the ICRC issues an OBC Certificate of Compliance or advises the MDA accordingly.

3. PROJECT PROCUREMENT PHASE

- Procurement documents (Request for Qualifications, RFQ; Request for Proposals, RFP; Project Information Memorandum (PIM), Draft PPP Agreement etc.) are developed.
- The MDA commences the competitive procurement process to select a Preferred Proponent as guided and recommended by the ICRC.
- The ICRC leads and coordinates a due diligence exercise on the preferred bidder and partner(s) to validate their financial, technical capability, and the operationalisation of the submitted proposal.
- Negotiation is undertaken to finalise project details and contractual terms. The ICRC will facilitate and coordinate project negotiations to ensure that contractual provisions are equitable, implementable, and aligned with timely project execution.
- The preferred bidder incorporates a Special Purpose Vehicle (SPV) with the sole aim of implementing the project.
- Full Business Case (FBC) is developed and submitted along with the negotiated PPP Agreement to the ICRC for review.
- The ICRC reviews the FBC and issues a Certificate of Compliance or advises the MDA accordingly.
- MDA's Project Approval Board (PAB) or Federal Executive Council (FEC), as applicable, approves the project.
- The negotiated draft PPP Agreement is transmitted to the Federal Ministry of Justice for vetting within 30 days of receipt of the FEC or PAB extract.
- The vetted PPP Agreement is signed between the MDA and the SPV.

4. PPP IMPLEMENTATION PHASE

- The MDA shall transmit one original copy of the signed Agreement to the ICRC pursuant to Section 20(a) of the ICRC (Est. Etc.) Act, 2005.
- The ICRC shall take custody of the signed PPP Agreement and monitor the fulfilment of Conditions Precedent (CPs), prior to the Effective Date of the Agreement.
- ICRC shall ensure compliance and efficient execution of the terms and conditions of the PPP Agreement in line with Section 20(a) of the ICRC (Est. Etc.) Act, 2005.

