

# PUBLIC-PRIVATE- PARTNERSHIPS (PPP's) Masterclass

Accra, Ghana

organised by

**CORPORATE LAW INSTITUTE**

in association with

**THE CENTRE FOR COMMERCIAL LAW  
AND FINANCIAL REGULATION  
(UNIVERSITY OF READING)**



*“Justice and judgment lie often a world apart.” (Emmeline Pankhurst)*

This Masterclass is intended to walk you through the labyrinth of PPP's and provide you with practical knowledge on how to prepare, procure and implement PPP's.

**How you'll benefit from this outstanding workshop:**

- **Obtain special knowledge** on the notion of PPP's
- **Enhance awareness** of policy considerations and of the key legal and commercial issues related to PPP's
- **Understand** the main procedures involved in the procurement of PPP arrangements
- **Learn how** to structure a road map for getting a PPP project off the ground
- **Go into** the multiple layers of transactions inherent to a PPP project

### **The training will also focus on:**

1. Defining PPP's and their context within infrastructure and development finance
2. Presenting the major types of PPP's
3. Analysing the principal legal considerations for the award and implementation of PPP's
4. Exploring the project cycle of PPP's
5. Shedding light on the application of PPP's in key sectors
6. Commenting on international PPP's cases and on the framework of Ghana to deliver PPP's

**Date: 3 – 7 March 2014**

**Venue: Accra, Labadi Beach Hotel.**

CORPORATE LAW INSTITUTE has invited a commended practitioner of Public Procurement Law to deliver the training. Our trainer has vast experience in this area, advising both participants and strategic investors in their involvement in, and awarding authorities in their running of, tender proceedings, including concession and PPP's projects.

**The Public-Private-Partnerships Masterclass is suitable for lawyers, executives, and government officials**, who need to obtain a thorough understanding of PPP's. The Masterclass addresses the main matters associated with PPP's shedding light on both policy and legal aspects.

The Masterclass aims to explain the rules and principles on the award and also on the implementation of PPP's. It also presents success stories and 'lessons to be learned' of previous experiences in different countries that have implemented PPP's. The Masterclass will also include an interactive workshop with specific cases.

### **TRAINER**



**Gregorios Michailopoulos**

is a legal specialist on Public Finance Law acclaimed for his expertise on Public Procurement.

From his previous capacity (2007-2013) as Head of the Legal Unit, responsible for the management of Community Funds of the European Union, at the Ministry of Development and Competitiveness of Greece, Greg has handled many complicated public investment projects and has been involved in the legal fine tuning of several important legal acts related to Public Procurement Law.

Public Procurement and Construction Law is a core field of practice of Greg. He has vast experience in this area, advising both participants and strategic investors in their involvement in, and awarding authorities in their running of, tender proceedings, including concession and PPP's projects. He has extensively dealt with procurement compliance programmes, the structuring of procurement processes and the preparation of tendering documents.

Greg is practicing law for more than 15 years and is admitted to plead before the Supreme Courts. He also has a substantial administrative litigation and dispute resolution practice, representing his clients in claims arising from the award of public tenders, proceedings for the annulment of acts or decisions. His litigation experience spans to all jurisdictions of Greek Courts and extends as well to the Court of Justice of the European Union (CJEU), where he pleaded cases related to Public Procurement Law.

Greg has consulted and represented many multinational and local business operators, active in several sectors such as infrastructure, energy, consulting, real estate and health. Besides the private clientele Greg currently advises the Ministry of Culture of Greece, the

Municipality of Athens, the recently established state-owned company 'Attica Coastline S.A.', entrusted to manage, administer and develop public and private facilities located in the area close to Athens and several other public authorities.

Greg has provided legal services to the Special Secretariat of PPP's of Greece on several subjects in the past and is working currently on an expertise awarded by the latter upon the implementation and execution of an extensive parking infrastructure system through PPP's. He has also served as an Executive Member at the Management Board of the "Hellenic Public Real Estate Corporation", which has been the Contracting Authority of several PPP's projects implemented in Greece.

Greg is author of the books 'Legal Handbook of Contracts' (*Dashöfer publication*), 'Contracts of Private and Public Law' and 'Contracts of Contemporaneous Commerce' (*Sakkoulas publication*).

Greg has delivered lectures in several scientific workshops in his specialty and is frequently involved in training lawyers and high-ranking civil servants, particularly, upon issues of Public Procurement and State Aid Law.

His significant insight from the public sector coupled with his in-depth commercial awareness rank Greg as a commended Public Procurement practitioner.

## **OUTLINE OF THE TRAINING**

**Please note that the approach is hands-on and very practical, including practical exercises.**

### **SESSION 1: Introduction and welcome**

#### **SESSION 2: Introduction**

- Defining PPP's
- Historical Development of PPP's
- PPP's in correlation to Public Contracts and Concession Contracts

#### **SESSION 3: Reasons to structure a PPP**

- Tool for greater efficiency
- Mobilisation of private funds
- Lessons to be learned

#### **SESSION 4: The expansion of PPP's**

- Roadmap for a dynamic environment
- PPP's at global scale
- Best practices

#### **SESSION 5: Interactive session – Discussion on projects suitable for PPP's**

- PPP's in South Africa
- Projects to be assessed in the light of PPP's in Ghana

#### **SESSION 6: Types of PPP's**

- PPP's and privatisations
- Institutionalised PPP's
- Purely Contractual PPP's

#### **SESSION 7: Available PPP's options**

- Concession Contract
- Build/Operate/Transfer (B.O.T.) and similar arrangements
- Joint ventures
- Leases and Affermage Contracts

#### **SESSION 8: PPP Framework**

- Legal, Regulatory and Policy Framework
- Institutional Structure

#### **SESSION 9: Interactive session – Discussion on how to structure a national PPP Programme The framework for PPP's in Ghana /**

- Thoughts on the institutional structure of a PPP unit in Ghana
- Market management

#### **SESSION 10: Legal regime for the award of PPP's**

- Public Procurement – Rules and Principles
- Procurement Procedures

#### **SESSION 11: Developments in European Public Procurement – PPP's and Concessions**

- Draft Directive
- Competitive Dialogue

#### **SESSION 12: A PPP project cycle**

- Project identification and preparatory work
- Procurement process
- Project implementation

#### **SESSION 13: Case Study (Part I)**

- Comments and analysis of the key provisions of a PPP contract

**SESSION 14: Project identification and preparatory work**

- Assessment of PPP option
- Team of consultants
- Procurement method
- Bid evaluation criteria

**SESSION 15: Procurement process**

- Prequalification and shortlisting
- Invitation to tender
- Finalise PPP contract
- Financing and ancillary agreements

**SESSION 16: Project implementation**

- Management responsibilities
- Dealing with changes
- Legal issues after the selection of the Private Partner
- Dispute resolution

**SESSION 17: Case Study (Part II)**

- Comments and analysis of the key provisions of a PPP contract

**SESSION 18: Application of PPP's in key sectors**

- Infrastructure
- Waste management
- Energy

**SESSION 19: Recent experience with PPP's**

- Case law, landmark court decisions
- Major PPP projects in Europe, USA, Africa

**SESSION 20: Ghana PPP's Bill**

- Comments and analysis
- Comparison to other legal frameworks

**SESSION 21: Closing of the Training Programme**

**KEY ISSUES:**

**Topic: PPP's Masterclass**

**Dates: 3-7 March 2014**

**Venue: Labadi Beach Hotel, Accra**

**Organising Institution: Corporate Law Institute, in association with The Centre for Commercial Law and Financial Regulation (University of Reading)**

