



PPP Legal Agreements, Contract Compliance, Monitoring, and Implementation

October 2 - 13, 2017 | Washington, DC (6.0 CEUs)

Course Description

Contracts and legal agreements are at the heart of any public-private partnership (PPP) transaction. With sound agreements, PPPs can achieve the objectives set forth by governments. With hundreds of millions of dollars at stake, it is imperative that time and money are well spent in designing good PPP contracts.

In this course offered by the Institute for Public-Private Partnerships, A Tetra Tech Company (IP3), participants will learn best practices in creating, negotiating, and implementing sound PPP contracts. Through the use of presentations, contract reviews, and simulation exercises, participants will deepen their understanding of the key elements of successful PPP contracts, how risks are effectively allocated, and how to develop negotiation skills. The course will also cover how to handle contract disputes.

Course Offering

Dates: October 2 - 13, 2017

Location: Washington, DC

Code: 2733-WA

CEUs: 6.0

Tuition: \$5,500

Learning Outcomes

- Structuring agreements for PPP projects between public agencies and private investors
- Developing effective legal contracts within a regulatory framework
- Analyzing and drafting legal documents including implementation agreements, take-or-pay agreements, operating agreements, and essential financial agreements
- Identifying and implementing international best practices to improve negotiating position vis-a-vis international investors
- Reducing costs and delays in procurement and project development by using model contracts and effective negotiation strategies
- Creating a detailed, strategic legal agreement action plan

Become a Specialist

IP3 is an authorized provider of Continuing Education Units (CEUs) as sponsored by the International Association for Continuing Education and Training (IACET).

Successful completion of this course will award 6.0 CEUs.



Who Should Attend

- Legal staff from national line ministries, state infrastructure agencies, and municipal governments
- Legal staff from PPP and privatization units, and investment agencies responsible for infrastructure development
- PPP transaction advisors, legal counselors, and project developers
- Legal staff from regulatory bodies
- Staff of bilateral and multilateral international development organizations

Course Tuition Includes

- All training sessions/materials
- Presentations
- New computer for each participant
- Web-based course content/software
- High-speed internet access
- Receptions and tours
- Daily refreshments and lunch voucher
- Enrollment in professional certification program
- Professional certification counseling

Course Contents

PPP Contracts

- Application of investment acts and laws to PPP concession law requirements
- Review of various types of PPP contracts: service/management contracts, leases, BOT concessions, and divestiture
- Structuring the SPV: legal issues in establishing the SPV project company and key provisions of the SPV contract, including sharing of profits and losses, voting and control issues, and transferring ownership interests in the project company
- Selecting and applying the most appropriate PPP technique
- Balancing contract terms and regulatory requirements
- Understanding the security package of interlocking agreements
- Case examples from the transportation, energy, water, health, education, and other infrastructure sectors

Contract Risk Identification and Allocation: Creating the Legal Due Diligence Checklist

- Relevant project risks: engineering, financial, economic, design/build, political, social
- Developing a risk matrix to evaluate, allocate, and mitigate risks for all relevant stakeholders
- Understanding possible government guarantee requirements
- Elements of the legal due diligence and linkages to risk management

Developing the Key PPP Contract Clauses

- Parties to contracts and roles, responsibilities, and risk allocation
- Technical and financial terms and performance requirements
- Dispute resolution and arbitration clauses
- Review of sample PPP contracts

Procurement Procedures, Award, and Negotiation

- Understanding the PPP procurement cycle
- Linking technical and financial feasibility to the procurement process
- Managing a PPP procurement and award announcement in an accountable and transparent way
- Key negotiation planning strategies

Institutional Requirements to Structure Bankable PPP Projects

- Capacity requirements necessary to conduct feasibility studies, risk allocation, and financial modeling and rationale for PPP units
- Using a PPP unit to structure, promote, and monitor viable PPP projects; institutionalize the procurement process; and serve as a communication tool

Designing Effective Dispute Resolution and Mediation Procedures to Manage Contract Failure

- Strategies to incorporate dispute resolution and arbitration procedures
- Managing a dispute process
- Examining the options for international arbitration protocols: UNCITRAL, FIDIC, ICC, AAA, and ICSID rules

Action Planning

About the Institute for Public-Private Partnerships

IP3 is a leading, global provider of PPP consulting and capacity building services. IP3 provides institutional support to public and private sector entities engaged in PPP projects around the world, helping mobilize private sector expertise and resources to enhance the quality and availability of infrastructure for public services.

IP3 has trained more than 35,000 officials from over 175 countries on PPP programs and opportunities, regulation operations and management initiatives, competitive utility management reform, and public policy and good governance.

Our experts have worked with more than 600 government agencies, ministries, and organizations, including some of the world's most influential institutions.



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