GENERAL INFORMATION


LEGAL AND INSTITUTIONAL FRAMEWORK

**PPP Law**
- No dedicated PPP Law; the PPP Bill is still under review by the National Assembly.
- Namibia Public Private Partnership Policy (NPPPP), 2012

**Other Applicable Sectoral Law**
- The Public Procurement Bill still under first review at the National Assembly

**PPP Unit**
- No PPP Unit; PPP are implemented by line Ministries under the authority of the Ministry of Finance

**Definition** *(Sect. 4 of NPPPP, 2012)*

“The Public-Private-Partnership may be based on its three essential elements – a contractual arrangement, substantial risk transfer, and outcome-based financial rewards to the private sector.

Namibia will define PPP as a medium to long term contractual relationship between the public sector and other private partners in the sharing and transferring of risks and rewards in the performance of a departmental function and also in the provision of infrastructure and/or services” *(Section 4, Definition of a PPP, NPPPP)*
PPP COUNTRY PROFILE – NAMIBIA

General Principles
(Objectives of PPP, Preliminary of NPPPP, 2012)

- Encourage private sector investment and innovation;
- Ensure rigorous oversight and governance;
- Achieve capacity development and skills transfer,
- Encourage service delivery, poverty reduction, employment creation and inequality reduction focus to be woven into the PPP project design and evaluation (Objectives of PPP)

Tendering and contracting procedures/ Choice of the private partnership
(P Sect. 2 Key principles of PPP of NPPPP, 2012)

PPP shall be implemented through the procurement process and approval (Sect. 20)
- Through a competitive process;
- Through a sole bid/speculative bid (sect. 29); or
- Via unsolicited proposals (art. 49)

Project Evaluation
(Art. 36 of NPPPP, 2012)

The future PPP Unit or Committee shall undertake project feasibility assessment for each PPP project (art. 36)

Negotiation and Signature of PPP Contracts
(Sect. 23 of NPPPP, 2012)

A Negotiation Committee shall be appointed by the relevant line Ministry and shall be different from the Evaluation Committee (Sect. 23 of NPPPP).

No provision in the Policy regarding the signature/form of the PPP contracts.

Rights and Obligations of the public partner
No provision in the Policy; subject to negotiations.

Rights and Obligations of the private partner
No provision in the Policy; subject to negotiations.

Obligations of both public and private partners
No provision in the Policy; subject to negotiations.

Applicable Law/ Dispute resolution
(Art. 26 of NPPPP, 2012)

Any dispute should be resolved amicably between counter parties at the Contract Manager level in the first instance and then with the help of a mediator; If no resolution is achieved then the matter will be referred for arbitration as per Namibia’
Arbitration Act, 1965 (art. 26)

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<tr>
<th>Category</th>
<th>Project</th>
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<tbody>
<tr>
<td>Energy</td>
<td>Reho-Electricity</td>
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<td>Water</td>
<td>Goreangab Water Plant</td>
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