

## GENERAL INFORMATION

**Capital:** Port-Louis

**Population:** 1,266 (2021)

**GDP:** USD 11.53 billion (2021)

## LEGAL AND INSTITUTIONAL FRAMEWORK

### PPP Law

- The Public-Private Partnership Act, 2004 (PPPA) (as amended in 2008, 2016 and 2019)
- The Build Operate Transfer Projects Bill, 2016 (BOTPB) (as amended in 2017, 2019, 2020 and 2021)
- The Public-Private Partnership Policy Statement, 2003 (PPPS)
- The Public Procurement Act (2006) and its Public Procurement Regulations (2008) (PPA and PPR)
- The Public-Private Partnerships Guidance Manual, 2016

### Other Applicable Sectoral Laws

- Energy Act, 2011 and its Regulations
- Mauritius Renewable Energy Agency Act, 2015 (MARENA)

### PPP Unit

BOT Projects Unit (BOTPU) established within the Procurement Policy Office of the Ministry of Finance, Economic Planning and Development

### Definition

#### (Sect. 2, PPPA)

*Note: The PPP Act will not apply to any BOT projects. The BOT Act will then apply.*

“A Public-Private Partnership Agreement means an agreement between a contracting authority and a private party, approved under this Act, under which: a) the private party undertakes to provide goods, works or other services to the contracting authority for a specified period; b) the private party receives a benefit for providing goods, works or other services, by way of (i) compensation from a revenue fund, (ii) charges or fees collected by it from users or customers of a service provided by it or, (iii) a combination of compensation and charges or fees; c) state facilities, equipment or other state resources may be transferred or made available to the private party”

### General Principles

#### (Art. 6, PPPS)

Principles of due diligence, competitive and transparent procurement.

### Tendering and contracting procedures / Choice of the private partnership

#### Art 15-25 PPA

No provision in the PPPA.

Procurement shall, in the case of goods, other services or works, be made by means of open advertising bidding, to which equal access shall be provided to all eligible and qualified bidders without discrimination.

Open advertising bidding proceedings may include a pre-

qualification stage, or post qualification stage, before selection of the winning bidder.

Other procurement methods such as direct procurement or competitive negotiations may only be used in limited circumstances.

<b>Project Evaluation</b>	No provision in the PPPA.
<b>Negotiation and Signature of PPP Contracts</b> (Art 10 PPPA)	The Central Procurement Board shall make recommendations to the contracting authority for entering into negotiations with the preferred bidder.
<b>Rights and Obligations of the public partner</b> (Art 4 PPPA)	<p>Identify projects.</p> <p>Submit to the BOT Projects Unit a project brief.</p> <p>Structure projects to ensure value for money.</p> <p>Seek approval of Cabinet to proceed with a project.</p> <p>Seek approval of Cabinet prior to signing an agreement.</p> <p>Furnish such information as the BOT Projects Unit may require with respect to a project.</p>
<b>Rights and Obligations of the private partner</b>	No provision in the PPP Act.
<b>Obligations of both public and private partners</b>	No provision in the PPP Act.
<b>Applicable Law</b> (Art. 6.3, PPPA)	Every PPP agreement shall be governed by and construed in accordance with the laws of Mauritius.
<b>Dispute resolution</b> (Art. 6.4, PPPA)	Every agreement shall provide for disputes between the private party and the contracting authority to be settled by arbitration, according to the rules defined in the agreement.

## EXAMPLES OF PROJECTS STRUCTURED AS PPP

**Power**

St Aubin Power Project

**Port**

Deep River Beau Champ

Port of Mauritius