Procurement Issues in PPPs: Unsolicited Bids

14 November 2011

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Biography

Raj Kulasingam
Senior Counsel

Raj specialises in infrastructure and utility projects including projects in the power, transport (road and rail), water, waste and oil and gas sectors. He advises on concessions, the regulation of utility and transport companies and PFI/PPP projects. He has worked in the UK, the Middle East and Africa, acting for a mixture of developers, sponsors, lenders and governments. He has been advising on PPP projects since the early 90s when the UK government initially started its PFI/PPP programme and advised on many groundbreaking PPP projects such as the Highways Agency’s road PPP programme (including the multi billion pound M25 project), the MOD’s water and wastewater project (Project Aquatrine) and the first municipal PPP project in the Middle East (Ajman Wastewater).

A selection of the projects that Raj is currently working on include a metro in Nigeria, a police PPP project in Uganda and a hydro project in Zambia.
Issues for discussion (1)

- Should unsolicited bids be allowed - many countries either expressly or implicitly prohibit them.

- Does it have a greater role to play in developing economies than in developed economies?
Issues for discussion (2)

- If it is to be allowed what rules and safeguards should be built into the process to protect both the public sector and the private sector and encourage the private sector to put forward unsolicited proposals?

- How do you harness and promote private participation in an unsolicited bid without losing the transparency and efficiency gains of a well conceived competitive tender process?
Issues for discussion (3)

- Can you ever overcome the inherent competitive advantage of a proponent of an unsolicited bid and how do you encourage other bidders to step in to bid for the same project?

- Is lack of competition and transparency in unsolicited proposals a necessary price to pay for promoting/allowing unsolicited proposals?

- How do you encourage unsolicited proposals to deliver value for money?
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