

**GOVERNMENT OF KHYBER PAKHTUNKHWA  
PLANNING & DEVELOPMENT DEPARTMENT**

Dated Peshawar, July 31, 2015

**NOTIFICATION:**

**No. SO(E)P&D/PPP(Misc)/2015:** In exercise of the powers conferred by section 71 of the Khyber Pakhtunkhwa Public Private Partnership Act, 2014 (Khyber Pakhtunkhwa Act No. XX of 2014), Government of the Khyber Pakhtunkhwa is pleased to make the following rules:

**The Khyber Pakhtunkhwa Public Private Partnership Rules, 2015.**

1. **Short title and commencement.** (1) These rules may be called the Khyber Pakhtunkhwa Public Private Partnership Rules, 2015.  
(2) They shall come into force at once.
2. **Definition.** (1) In these rules, unless the context otherwise requires—"Act" means the Khyber Pakhtunkhwa Public Private Partnership Act, 2014 (Act No. XX of 2014).  
(2) The words and expression used but not defined in these rules shall have the same meaning as assigned to it in the Act.
3. **Principles of Public Private Partnership.** A Contracting Authority, while entering into a Public Private Partnership, shall ensure that the Concession Contract is entered in a fair, competitive and transparent manner, and the process for award of Concession Contract is legal, efficient and economical.
4. **Project identification and preparation.** Subject to the provisions of section 10 of the Act, any Contracting Authority may identify and prepare any project for its implementation through Public Private Partnership and shall submit an advance report to this effect, to the Committee established under the Act.
5. **Feasibility study.** Feasibility study is the key component of project preparation and it shall-
  - (a) establish that the project is consistent with the predetermined needs, and is the most suitable technical and financial solution to meet these needs;
  - (b) recommend how the project should be structured and designed;
  - (c) provide information about all costs during the project life cycle;
  - (d) identify the impact of the project on the environment and population and, if necessary, devise a resettlement plan, including compensation and management programs;
  - (e) develop a project-specific land acquisition plan;
  - (f) document all stakeholders consultations undertaken for the project;
  - (g) develop a financial model with key investment ratios, and the capability of running scenario and sensitivity analyses;
  - (h) identify all significant risks associated with the project, and recommend their allocation and mitigation;

- (i) assess whether or not the project is affordable to Government or the end users of the services in terms of direct and contingent fiscal obligations;
- (j) establish the economic justification for the project;
- (k) prepare a project management plan for the subsequent development phases; and
- (l) draft documentation for the procurement of the private party during the transaction execution phase.

6. **Language.** (1) All communication and documentation relating to selection of a private party for Concession Contract shall be in English or Urdu.

(2) When any Concession Contract is required to be executed with any foreigner, the language of the state of the foreigner may also be used in addition to Urdu or English but the original documentation for purposes of record, even in that case, shall be in Urdu or English and the translation in such other language may be used for any other purpose.

(3) In case of conflict, the original documentation on record shall prevail.

7. **Duration and construction period.** (1) The duration of the Concession Contract shall not be more than thirty years, unless a different duration is set forth in the Concession Contract for each project, subject to the approval of the Committee, while after mutual consultation with the PPP Unit reasonable timeframe or grace period may be given to the Concessionaire.

(3) Procuring agencies shall use standard bidding documents as and when notified by the Contracting Agency.

8. **Strict compliance of the Khyber Pakhtunkhwa Public Procurement of Goods, Works and Services Rules, 2013.** Notwithstanding anything contained above, all public procurement by any Contracting Authority established under Public Private Partnership arrangement shall strictly abide by the Khyber Pakhtunkhwa Public Procurement of Goods, Works and Services Rules, 2013.

**SECRETARY TO  
GOVERNMENT OF KHYBER PAKHTUNKHWA,  
PLANNING AND DEVELOPMENT DEPARTMENT.**