



# **ANAMBRA STATE PUBLIC-PRIVATE PARTNERSHIP MANUAL**

***Annexures – The State PPP  
Disclosure Framework***

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# LIST OF ABBREVIATIONS

<b>ANSG</b>	<b>Anambra State Government</b>
<b>ANSIPPA</b>	<b>Anambra State Investment Promotion and Protection Agency</b>
<b>FOIA</b>	<b>Freedom of Information Act</b>
<b>KPI</b>	<b>Key Performance Indicators</b>
<b>MDA</b>	<b>Ministries Departments &amp; Agencies</b>
<b>PPP</b>	<b>Public Private Partnership</b>
<b>PPPU</b>	<b>Public Private Partnerships Unit</b>
<b>RFB</b>	<b>Request for Bids</b>
<b>RFQ</b>	<b>Request for Qualifications</b>
<b>SPV</b>	<b>Special Purpose Vehicle</b>
<b>VfM</b>	<b>Value for Money</b>

# 1. Introduction

## 1.1. Background

The Government of Anambra State recognizes the critical role of Public-Private Partnerships (PPPs) in addressing infrastructure deficits and improving public service delivery. To this end, the State has established a comprehensive framework to facilitate private sector participation while ensuring transparency, accountability, and good governance throughout the PPP lifecycle.

In alignment with the Anambra State PPP Law, the Fiscal Responsibility Act, and other relevant statutes, the PPP Disclosure Framework is designed to foster public confidence and enhance stakeholder engagement. This framework sets out the principles, guidelines, and mechanisms for disclosing information related to PPP projects. By providing timely and accurate information, the State aims to promote informed decision-making, attract credible investors, and ensure value for money in PPP engagements.

## 1.2. Purpose of the Document

The Anambra State PPP Disclosure Framework serves as a foundational document outlining:

- The legal and institutional framework supporting PPP disclosure.
- The scope, timing, and methods of disclosure for PPP projects.
- Responsibilities of key stakeholders in the disclosure process.
- Measures to safeguard sensitive information while promoting transparency.

This framework aligns with the global best practices established by the World Bank's Framework for Disclosure in PPPs and adheres to Nigeria's legislative and regulatory environment. It reflects the State's commitment to sustainable development and achieving the United Nations Sustainable Development Goals (SDGs), particularly Goals 9 (Industry, Innovation, and Infrastructure) and 16 (Peace, Justice, and Strong Institutions).

## 1.3. Key Objectives

The primary objectives of the PPP Disclosure Framework include:

1. Enhancing transparency and accountability in the planning, procurement, and implementation of PPP projects.
2. Ensuring stakeholders, including citizens and civil society organizations, have access to relevant information at all stages of PPP projects.
3. Strengthening governance by embedding disclosure requirements into contractual and institutional processes.
4. Building investor confidence through predictable and standardized disclosure practices.

## 2. Legal and Policy Context

### 2.1. Legislative Foundations

The legal basis for the PPP Disclosure Framework in Anambra State is rooted in:

**1. Anambra State Public Procurement Law:**

- Mandates transparency in all ANSG MDA engagements.
- Requires public disclosure of key project documents, including feasibility studies, contracts, and performance reports.

**2. Freedom of Information Act (FOI), 2011:**

- Guarantees the public's right to request and access information held by public institutions.
- Extends disclosure obligations to private entities involved in PPP contracts with public institutions.

**3. Fiscal Responsibility Act:**

- Requires transparent conduct of fiscal and financial affairs.
- Stipulates full and timely disclosure of transactions involving public revenues and expenditures.

**4. Environmental and Social Impact Assessment (ESIA) Regulations:**

- Ensures the publication of environmental and social risk assessments for PPP projects.

### 2.2. Policy Alignment

The framework aligns with Anambra State's development objectives, emphasizing good governance, accountability, and citizen participation. It integrates national and international standards to ensure harmonized practices.

## 3. Disclosure Guidelines

### 3.1. Introduction

- 3.1.1. The Government of Anambra State is committed to providing accurate and timely information about its PPP activities to the public and other stakeholders. This policy reflects the State's drive to promote efficient, transparent, and accountable governance while empowering citizens to scrutinize and participate in decisions that impact them. These guidelines establish a structured approach for disclosing information in public-private partnerships (PPPs).
- 3.1.2. This framework is aligned with Anambra State's development goals and the United Nations Sustainable Development Goals (SDGs). Goal 16 of the SDGs underscores the importance of building effective, accountable, and inclusive institutions at all levels. Additionally, Goal 17 emphasizes fostering public-private and civil society partnerships, highlighting the critical role of PPPs in achieving sustainable service delivery and infrastructure development.
- 3.1.3. The Freedom of Information Law, the Anambra State Fiscal Responsibility Act, the Anambra State Public Procurement Law, and the ANSIPPA Law, supported by Executive Order 9 of 2023, collectively provide the legal foundation for public access to PPP-related information. These laws mandate transparency in fiscal management, procurement processes, and investment facilitation, establishing ANSIPPA as the one-stop shop for PPP implementation and investment promotion in Anambra State.
- 3.1.4. The PPP Department of the Anambra State Investment Promotion and Protection Agency (ANSIPPA) is tasked with developing equitable, transparent, and efficient processes for managing PPP identification, development, procurement, and implementation. To fulfill this mandate, the unit ensures that all PPP agreements, procurement information, and performance data are publicly accessible on the Anambra State PPP portal.
- 3.1.5. Transparency and accountability are fundamental to enhancing public awareness and dialogue about PPPs in Anambra State. By embedding these values into the PPP process, the State seeks to foster trust, encourage investment, and improve development outcomes.
- 3.1.6. This disclosure framework aims to embed transparency in PPP practices, evolving over time to address emerging needs and challenges. The guidelines will undergo periodic reviews every two to three years to ensure alignment with international best practices and local realities.

### 3.2. Application

- 3.2.1 These guidelines apply to all PPP projects initiated under the ANSIPPA framework and any privately initiated PPP projects that receive State approval.

### 3.3. Specific Disclosures

- 3.3.1 Specific disclosures will consist of the elements included in paragraphs 2.3.2 to 2.3.12 below and will follow Table 1 and the template provided in Section 3. Confidential information as provided under subsection 3.4 will be redacted before publication.
- 3.3.2 **Basic project information.** Basic project information along with estimated dates for key milestones will be provided within 21 days following the PPP Unit's registration of the project. Basic project information will include the project name, location, sector, name of sponsoring agency, estimated project value (with breakdown of costs), project need, technical description of assets and services to be provided, estimated demand to be served annually, rationale for selecting the project for development as a PPP (including cost-benefit analysis), projected policy outcomes of the project (including links to the Preliminary Economic Cost-Benefit Analysis report), and name and contact information of the Project Officer in charge of the project.
- 3.3.3 **Project progress tracking.** Actual dates of achievement of key milestones will be provided within 21 days of project registration and within 21 days of each status change.
- 3.3.4 **Project Feasibility Study Report.** The Feasibility Study (including the preliminary environmental and social impact assessment, but with financial models and / or financial information which may have an impact on the ability of the government to negotiate with private parties redacted) will be disclosed before or at the time of publication of the Request for Prequalification (RPQ) documents. The complete Feasibility Study will be disclosed within 21 days of execution of the project agreement (commercial close).
- 3.3.5 **Procurement information.** Dates and summary procurement information (including the Project Information Memorandum) and key documents will be provided during the procurement process. The RFQ, list of short-listed bidders, and award will be published immediately after approval of the procuring entity. The full Request for Bids (RFB) and award document will be disclosed publicly within 21 days of execution of the PPP agreement (commercial close). Where the Contracting Authority uses the restrictive bidding or direct procurement procedures, the Contracting Authority shall also disclose the reasons for doing so.
- 3.3.6 **Project summary.** Summary information on the PPP contract will be provided within 21 days of execution of the PPP agreement (commercial close). The project summary will include basic information on the PPP agreement, project scope, project value, parties to the PPP agreement, project risk matrix, amounts and types of government support provided to the project, information on tariffs and pricing, termination clauses, duration of the contract, handback provisions, and key performance indicators with target levels.
- 3.3.7 **Project documents.** Key project documents (including the redacted PPP agreement) will be disclosed within 21 days of execution of the project agreement (commercial close).

- 3.3.8 **Financial information.** Information on the financing structure (equity-debt ratio, debt and equity providers, share capital, shareholders, ownership, and so forth) of the project will be provided within 21 days of financial close.
- 3.3.9 **Renegotiations.** Summary information relating to each renegotiation will be published within 21 days of signature of the renegotiated contract. The redacted renegotiated agreement will also be published.
- 3.3.10 **Performance information.** Information on the performance of the private party on key performance indicators against agreed target levels will be published within one year of financial close of the project, with annual updates. Performance information will also include, among others, information on construction milestones, key financial information of the project, and details relating to performance failures. Performance information will be updated annually, consistent with the project's contract management framework. Performance assessments, such as audit reports and/or audited financial statements, extracts from the private party reports (special purpose vehicle self reporting), and extracts from independent expert reports will be disclosed annually.
- 3.3.11 **Unsolicited proposals.** Basic information related to unsolicited proposals will be disclosed within 21 days of the Contracting Authority's decision on accepting the proposal. Information on the objective of the proposed project, services to be provided, proposed location, estimated capital cost, name of the proponent, details of the public interest test, or other rationale will be provided for the same, as well as the Project Feasibility Study Report, further procurement, and bidding process details and special conditions and advantages provided to the proponent, if any.
- 3.3.12 **Projects that do not reach financial close.** Where the execution of the project agreement is reached (commercial close) but the project eventually does not reach financial close, a summary explanation of the reasons thereof will be provided.

**Table 1: Summary of Specific Disclosures**

S/N	Document	Contents	Creator	Approver	Time
<b><i>Disclosure of information at project initiation, updated thereafter</i></b>					
<b>1</b>	Basic project information	Project name Location Sector Sponsoring agency/department Estimated value (with breakdown of costs) Project need Projected policy outcomes of the project Description of asset and services to be provided	Contracting Authority	PPP Unit	Within 21 days following the PPP Unit's approval of the project For unsolicited projects, upon the Contracting Authority's decision to accept the proposal.



S/N	Document	Contents	Creator	Approver	Time
		<p>Rationale for selecting the project for development as a PPP (including cost-benefit analysis)</p> <p>Estimated demand to be served annually</p> <p>Links to preliminary cost benefit analysis</p> <p>For unsolicited proposals, the name of proponent, details of the public interest test, or other rationale will be provided for the same, and special conditions and advantages provided to the proponent, if any.</p>			
2	Project progress tracking	A section on the web-based platform that will reflect actual dates of achievement of key milestones	PPP Unit from registration of PPP project until execution of project agreement (commercial close); Contracting Authority after commencement of operations until end of contract	PPP Unit/ Contracting Authority	<p>Within 21 days from project registration; and within 21 days of each status change.</p> <p>For unsolicited projects, upon the Contracting Authority's decision to accept the proposal.</p>
<b>Disclosure of information during procurement</b>					
3	Feasibility Study Report (partially redacted)	Salient information about the project, including the environmental and social impact assessments; financial models redacted	Contracting Authority	PPP Unit	Before or with the publication of the RPQ
4	RFQ		Contracting Authority	PPP Unit	Following approval for publication of the RFQ
5	List of short listed bidders		Contracting Authority	PPP Unit	As soon as short listed bidders are notified
6	Full RFB		Contracting Authority	PPP Unit	Within 21 days of execution of the project agreement

S/N	Document	Contents	Creator	Approver	Time
					(commercial close)
7	Bid award		Contracting Authority	PPP Unit	Following approval for publication
<b><i>Disclosure of information following execution of project agreement (commercial close)</i></b>					
8	Project summary	Project scope Parties to the PPP agreement Project risk matrix Government support Project value, tariffs, and pricing Termination clauses Handback provisions Key performance indicators with agreed target levels Duration of project Implementation structure (SPC and any subcontractors)	Contracting Authority	PPP Unit	Within 21 days of execution of the project agreement (commercial close) This will apply to unsolicited projects as well.
9	Complete Feasibility Study Report	Salient information about the project	Contracting Authority	PPP Unit	Within 21 days of execution of project agreement the (commercial close)
10	Financial structure of the project	Equity-debt ratio of the project Debt and equity providers Share capital Shareholders with proportion held and voting rights	Contracting Authority	PPP Unit	Within 21 days of financial close This will apply to unsolicited projects as well.
11	Project documents	Including the following: Redacted PPP agreement VfM report for the project	Contracting Authority	PPP Unit	Within 21 days of execution of the project agreement (commercial close) This will apply to unsolicited projects as well.
12	Renegotiations and renegotiated agreements and associated documents	Summary information on each renegotiation Redacted renegotiated clause(s) in the PPP agreement	Contracting Authority	PPP Unit	Within 21 days of signature of the renegotiated contract This will apply to unsolicited projects as well.
13	Where execution of project	Summary explanation of why financial close did not take place	Contracting Authority	PPP Unit	Within 21 days of the decision

S/N	Document	Contents	Creator	Approver	Time
	agreement (commercial close) takes place but the project does not reach financial close				
<b>Performance disclosure throughout contract period</b>					
14	Performance information	Performance of the private party on key performance indicators against agreed targets (including information on construction milestones, key financial information, and information on performance failures, if any) Audit reports Audited financial statements Private party reports Extracts from independent expert reports	Contracting Authority Audit report provided by the PPP Unit	PPP Unit	Within one year of financial close, updated annually This will apply to unsolicited projects as well.

**Note:** CA = Contracting Authority; ESIA = Environmental and Social Impact Assessment; PPP = Public-Private Partnership; PPPU = PPP Unit; RFB = Request for Bids; RFQ = Request for Qualifications; SPC = special purpose company; VfM = value for money.

### 3.4. Confidential Information

3.4.1 Under Nigeria's Freedom of Information Act (FOIA), confidential information, including trade secrets, commercial or financial details obtained from third parties, and information that could harm a third party's interests, is generally exempt from public disclosure under Section 15 of the Act; essentially allowing public institutions to withhold information considered "proprietary" or "privileged" unless consent is given by the relevant party to disclose it.

Key points regarding confidential information exemptions under the Nigerian FOIA:

- **Protection of third-party interests:**

The Act prioritizes protecting the privacy and interests of individuals or businesses by allowing the withholding of information that could cause them significant harm if revealed.

- **Public interest test:**

Even when information is considered confidential, public institutions must still assess whether the public interest in disclosure outweighs the need for confidentiality.

- **Specific exemptions:**

Section 15 outlines specific types of confidential information that can be withheld, including trade secrets, financial data, and information related to ongoing negotiations.

Important considerations:

- **Burden of proof:**

When denying access to information based on confidentiality, the public institution must demonstrate that disclosure would indeed cause harm to the relevant party.

- **Partial disclosure:**

In some cases, a public institution may choose to disclose parts of a document while redacting confidential information.

- **Seeking review:**

If a citizen believes a public institution is improperly withholding information under the confidentiality exemption, they can seek review through the appropriate channels, potentially including legal action.

- 3.4.2 For the purposes of this Framework, the following elements will be considered as confidential. However, these elements will be reviewed and updated every two to three years. (a) (b) (c) Bids or proposals submitted by bidders Trade secrets and any other propriety information protected by law Technology relating to the security of the state.

### 3.5. Method of Disclosure

- 3.5.1 All information and documents will be published on a web-based platform (The PPP Portal) owned and administered by the PPP Unit, and any other media platforms owned by ANSIPPA. To ensure wider public engagement, the PPP Unit will make efforts to disseminate summarized and simplified project information in local languages using online and offline methods.

### 3.6. Responsibilities for Disclosure

- 3.6.1 The onus for information collection, generation, and data entry onto the web-based platform will be on the Contracting Authority and the PPP Unit. The responsibility for approving and publishing information lies with the PPP Unit, in line with Table 1.
- 3.6.2 The Contracting Authority will carry out data entry of all information and documents on the web based platform so as to leave at least seven days within the given timelines for the PPP Unit to validate, approve, and publish the information.

### 3.7. Approval of Information for Publication

- 3.7.1 All information shall be approved by the Director of the PPP Unit or any official designated by him/her for publication.

### 3.8. Standard Contractual Clauses

- 3.8.1 A section/chapter entitled “Transparency and Information Disclosure” will be included in all draft contractual documentation included in the RFB and in all PPP agreements to be signed by the contracting authorities, at the national and county government levels.
- 3.8.2 The section/chapter mentioned in 3.8.1. above will contain clauses pertaining to the proactive disclosures to be carried out by the public entity, including disclosure of summary project and

contract information, project documents, procurement information including procurement documents, and ongoing performance information disclosure.

- 3.8.3 The section/chapter mentioned in 3.8.1. above will also contain the obligation of the private entity to provide documents and information as and when required and in the format required by the public entity as part of its sanctionable service obligations should there be a failure to provide information on the part of the private party.
- 3.8.4 The section/chapter mentioned in 3.8.1 will include a subsection dealing with confidential information, and will list the items of confidential information in a schedule along with the date up to which the information will be considered confidential, where applicable.
- 3.8.5 The contract will be structured in a way such that confidential information can be easily removed before publication of the project agreement.
- 3.8.6 Sample disclosure clauses for use in all draft project documents included in the RFB and in all project agreements are provided in Section 4 and its schedules.

## 4. Framework for Disclosure

### 4.1. Principles of Disclosure

The disclosure framework is guided by the following principles:

1. **Proactive Transparency:** Information will be disclosed proactively without the need for public requests.
2. **Comprehensive Coverage:** All stages of the PPP lifecycle, from project identification to post-implementation, will have associated disclosures.
3. **Timeliness:** Information will be disclosed promptly to ensure relevance and usefulness.
4. **Accessibility:** Disclosed information will be easily accessible through a dedicated PPP portal and other appropriate platforms.
5. **Confidentiality:** Sensitive information, including trade secrets and personal data, will be safeguarded in compliance with applicable laws.

### 4.2. Stages of Disclosure

1. **Project Identification and Development:**
  - Basic project information, including name, location, sector, and rationale for selection, will be published within 21 days of project registration.
  - Preliminary feasibility studies and environmental assessments will also be disclosed.
2. **Procurement Phase:**
  - Key procurement documents, including Requests for Qualifications (RFQs) and Requests for Bids (RFBs), will be made publicly available.
  - Details of shortlisted bidders and award decisions will be published.
3. **Post-Contract Execution:**
  - Summary information on PPP agreements, financial structures, and performance indicators will be disclosed.
  - Annual updates on project performance, including audit reports and compliance assessments, will be provided.

### 4.3. Method of Disclosure

Anambra State will employ multiple channels for PPP disclosure, including:

- A centralized web-based PPP disclosure portal.
- Printed materials and public notices for offline dissemination.
- Community engagement sessions to ensure inclusivity.

### 4.4. Responsibilities

- **PPP Unit of ANSIPPA:** Oversees the implementation of the disclosure framework and manages the PPP portal.
- **Contracting Authorities:** Ensure timely submission of accurate project information.
- **Independent Auditors:** Verify the accuracy and completeness of disclosed information.

## 5. Template for Disclosure

### 5.1. Disclosure during the project identification, development, and procurement stages

#### **BASIC PROJECT INFORMATION**

(disclosed at the project inception phase within 21 days following the PPP Unit's approval of the project)

- Project name
- Location
- Sector
- Sponsoring agency/department
- Estimated project value (with breakdown of costs)
- Project need
- Projected policy outcomes of the project
- Description of asset and services to be provided
- Rationale for selection the project for development as a PPP (including cost benefit analysis)
- In case of unsolicited projects, the rationale for the same

#### **ACTUAL PROJECT MILESTONES**

(within 21 days from project registration; and within 21 days of each status change; and for unsolicited projects, upon Contracting Authority's decision to accept proposal)

- Project proposal registered
- Project proposal screened
- Project proposal approved
- Project Feasibility Study under development
- Project Feasibility Study approved
- Request for Qualifications (RFQ)
- Request for Bids (RFB)
- Award
- Execution of project agreement (commercial close)
- Financial close
- Commencement of construction or development
- Completion of construction or development
- Commissioning
- Contract expiry

#### **PROCUREMENT DOCUMENTS**

- Feasibility Study Report (*with redacted financial models – before or with the publication of the RPQ; complete – within 21 days of execution of the project agreement (commercial close)*)
- RFQ (*following approval and publication*)
- Short-listed bidders (*as soon as short-listed bidders are notified*)

- RFB (within 21 days of execution of the project agreement (commercial close))
- Award (following approval for publication)

## 5.2. Disclosure following signature of contract

### PROJECT SUMMARY

(within 21 days of execution of project agreement (commercial close))

- Project scope
- Parties to the PPP agreement: name of authority, name of representative, address, telephone, fax, e-mail, private party: name of company or consortium, name of representative, address, telephone, fax, e-mail.
- Financial structure (figure showing debt/equity/proportion/providers) (provide link to company registry)
- Links to project documents

### RISKS

RISK	DESCRIPTION	ALLOCATION

### GOVERNMENT SUPPORT

<b>Guarantees:</b>
<b>Grants:</b>
<b>Availability/annuity payment schedule</b>
<b>Land leases, asset transfers</b>
<b>Other support</b>
<b>Revenue share, if any</b>

### TARIFFS

<b>Tariffs and pricing</b>
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### TERMINATION PROVISIONS

PARTY	BRIEF DESCRIPTION OF EVENT OF DEFAULT
<b>Concessionaire</b>	
<b>Authority</b>	
<b>Handback terms and conditions</b>	

### RENEGOTIATIONS

RENEGOTIATION 1	RENEGOTIATION 2	RENEGOTIATION 3	RENEGOTIATION 4



## PERFORMANCE INFORMATION

(within one year of financial close; updated annually)

KEY PERFORMANCE INDICATORS	Year 1		Year n	
	Target	Achievement	Target	Achievement

Performance failures	YEAR	
	Category of failure	
	Number of events	
	Penalty or abatement provided in contract	
	Penalty or abatement imposed	
	Penalty paid or abatement effected: Yes/No	

Performance assessments	Links to audit reports and / or audited financial statements, extracts of special purpose vehicle reports, extracts of independent expert reports
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## 6. Implementation Guidelines

### 6.1. Information to be Disclosed

Anambra State's PPP Disclosure Framework specifies the types of information to be disclosed at various stages of the PPP lifecycle:

1. **Basic Project Information:**
  - Project name, location, sector, and sponsoring agency.
  - Estimated project value, rationale, and projected policy outcomes.
  - Technical description of assets and services to be delivered.
2. **Procurement Information:**
  - RFQs, RFBs, and bidder evaluation criteria.
  - Names of shortlisted bidders and details of contract awards.
3. **Project Agreement Details:**
  - Redacted versions of signed contracts, including financial structures and risk allocation matrices.
  - Key performance indicators and monitoring arrangements.
4. **Performance Updates:**
  - Annual performance reports, including progress against key milestones.
  - Audit findings and compliance assessments.

### 6.2. Confidentiality Measures

To balance transparency with the need to protect sensitive information, the framework includes the following provisions:

1. **Definition of Confidential Information:**
  - Trade secrets, intellectual property, and proprietary financial data.
  - Information exempt under the Freedom of Information Act or other relevant laws.
2. **Redaction Protocols:**
  - Sensitive information will be redacted before public disclosure.
  - A clear rationale for redactions will be documented and made available to oversight bodies.
3. **Review Mechanisms:**
  - Regular reviews will ensure that redacted information is updated and disclosed when confidentiality requirements expire.

### 6.3. Capacity Building

The State will invest in capacity-building initiatives to ensure effective implementation of the disclosure framework. These include:

- Training programs for public officials and private sector partners.
- Development of user-friendly tools for data collection and dissemination.
- Partnerships with civil society organizations to monitor and evaluate disclosure practices.