



**REGIONAL WORKSHOP PROGRAMME**  
**« PREPARING PUBLIC-PRIVATE PARTNERSHIPS »**  
**TOKYO, 3-7 FEBRUARY, 2014**

Asian Development Bank Institute, Tokyo

MONDAY, 3 <sup>rd</sup> February	
9:00-9:30	Registration
9:30-9:50	Opening Ceremony  Welcome Remarks from Dr. Masahiro Kawai, Dean and CEO of ADBI  Welcome Remarks from Mr. Tomomi Tamaki, Representative, Japanese Representative Office of ADB  Welcome Remarks from Mr. Dominique Hautbergue, Pedagogic Manager of CEFEB/AFD
9:50-10:50	<b>Session 1</b> <b>Presentation of the PPP schemes</b> , Mr. Dominique Hautbergue, Pedagogic Manager, CEFEB/AFD  <b>Chair:</b> Dr. Yuqing Xing, CBT Director, ADBI
10:50-11:15	Group Photo / Coffee Break
11:15-12:30	<b>Session 2</b> <b>Participants' Introductions</b>  <b>Chair:</b> Dr. Minquan Liu, CBT Senior Economist, ADBI <ul style="list-style-type: none"> <li>• Current state of the institutional and legal framework in the participants' respective countries</li> <li>• Main PPP projects in respective countries and key issues</li> <li>• Expectations from the workshop</li> </ul>
12:30-14:00	Lunch
14:00-15:30	<b>Session 3</b> <b>PPP Institutional, Economic, Legal and Contractual Aspects</b> , Mr. Marc Frilet, Lawyer, Frilet Société d'avocats  <b>Chair:</b> Mr. Dominique Hautbergue, Pedagogic Manager of CEFEB/AFD <ul style="list-style-type: none"> <li>• Why are PPPs different from traditional public procurement? Practical consequences?</li> <li>• Outline of different PPP delivery forms: two main families</li> <li>• When to choose a PPP</li> <li>• Lessons learnt internationally and status of best practices</li> <li>• Presentation of case studies</li> </ul>
15:30-15:45	Coffee Break

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15:45-17:00	<p><b>Session 4</b>  <b>PPP Institutional, Economic, Legal and Contractual Aspects</b>, Mr. Marc Frilet, Lawyer, Frilet Société d'avocats</p> <p><b>Chair:</b> Mr. Dominique Hautbergue, Pedagogic Manager of CEFEB/AFD</p> <ul style="list-style-type: none"> <li>• Focus on Asian experience</li> <li>• Focus on European experience</li> <li>• Focus on Francophone countries experience</li> </ul>
1730-19:30	Welcome Dinner
<b>TUESDAY, 4<sup>th</sup> February</b>	
09:00-10:30	<p><b>Session 5</b>  <b>Identification and planning of PPP projects</b>, Mr. Marc Frilet, Lawyer, Frilet Société d'avocats &amp; Mr. Vincent Piron, Consultant Engineer and Economist, Piron Consulting</p> <p><b>Chair:</b> Dr. Minquan Liu, CBT Senior Economist, ADBI</p> <ul style="list-style-type: none"> <li>• Evaluation of needs</li> <li>• Planning</li> <li>• Prioritization</li> <li>• Options</li> </ul>
10:30-10:45	Coffee Break
10:45-12:30	<p><b>Session 6</b>  <b>Preparation of a PPP project</b>, Mr. Marc Frilet, Lawyer, Frilet Société d'avocats</p> <p><b>Chair:</b> Dr. Minquan Liu, CBT Senior Economist, ADBI</p> <p>This session will delve into the preliminary evaluation, technical, economic and financial feasibility, and choice of delivery form for PPP projects.</p> <ul style="list-style-type: none"> <li>• The methodological steps, main tools and ratios</li> <li>• Socio-economic order of magnitude</li> <li>• Prefeasibility</li> <li>• Comprehensive socio-economic and financial scenario</li> <li>• Market sounding</li> <li>• Decision to proceed</li> </ul>
12:30-14:00	Lunch
14:00-15:30	<p><b>Session 7</b>  <b>Review of the range of options for selecting the private investor/operator</b>, Mr. Marc Frilet, Lawyer, Frilet Société d'avocats</p> <p><b>Chair:</b> Dr. Minquan Liu, CBT Senior Economist, ADBI</p> <p>Which option for which project?</p> <ul style="list-style-type: none"> <li>• Competitive bidding</li> <li>• Unsolicited proposals</li> <li>• Direct negotiations</li> </ul>

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	<p><b>Procurement process and practice</b>, Mr. Marc Frilet, Lawyer, Frilet Société d'avocats</p> <p><b>Chair</b> : Dr. Minquan Liu, CBT Senior Economist, ADBI</p> <ul style="list-style-type: none"> <li>• Preselection or prequalification</li> <li>• One or two-stage tender</li> <li>• Competitive dialogue</li> <li>• Competitive negotiation</li> </ul> <p>Role of template contracts</p> <p>How to efficiently address misprocurement</p>
15:30-15:45	Coffee Break
15:45-17:00	<p><b>Session 8</b>  <b>Overview of PPP contractual and financial structure</b>, Mr. Marc Frilet, Lawyer, Frilet Société d'avocats</p> <p><b>Chair</b>: Dr. Minquan Liu, CBT Senior Economist, ADBI</p> <ul style="list-style-type: none"> <li>• The PFI/PPP organization chart and main issues</li> <li>• The Concession/PPP organization chart and main issues</li> </ul> <p><b>The content of PPP contracts, Part I</b>, Mr. Marc Frilet, Lawyer, Frilet Société d'avocats</p> <p><b>Chair</b>: Dr. Minquan Liu, CBT Senior Economist, ADBI</p> <p>Highlight key risks issues of a long-term nature and focus on interactive key clauses for PPPs for essential public services, unusual in most contracts.</p> <ul style="list-style-type: none"> <li>• Reference clauses sharing economic and financial risks and opportunities</li> <li>• Reference clauses erasing or limiting risks, and allocating some of them</li> </ul>
WEDNESDAY, 5 <sup>th</sup> February	
09:00-10:30	<p><b>Session 9</b>  <b>The content of PPP contracts, Part II</b>, Mr. Marc Frilet, Lawyer, Frilet Société d'avocats</p> <p><b>Chair</b>: Mr. Wang Hong, CAREC Unit Head, ADB</p> <p>Highlight of key risks issues of long-term nature and focus on interactive key clauses for PPPs for essential public services, unusual in most contracts.</p> <ul style="list-style-type: none"> <li>• Reference clauses for granting special sovereign rights to the public authorities</li> <li>• Reference clauses for granting special compensatory rights to the private partner</li> </ul>
10:30-10:45	Coffee Break
10:45-12:30	<p><b>Session 10</b>  <b>The content of PPP contracts, Part III</b>, Mr. Marc Frilet, Lawyer, Frilet Société d'avocats</p> <p><b>Chair</b>: Mr. Wang Hong, CAREC Unit Head, ADB</p> <p>Highlight of key risks issues of long-term nature and focus on interactive key clauses for PPPs for essential public services, unusual in most contracts.</p> <ul style="list-style-type: none"> <li>• Reference clauses providing special comfort to the lenders</li> </ul>

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	<ul style="list-style-type: none"> <li>• Reference clauses organizing an efficient partnership for resilient ventures</li> <li>• Reference clauses for conciliation and dispute resolution</li> </ul>
12:30-13:30	Lunch
13:30-14:45	<p><b>Session 11</b>  <b>Preparing and developing successful PPPs: Case Study 1</b>, Mr. Marc Frilet, Lawyer, Frilet Société d'avocats &amp; Mr. Vincent Piron, Consultant Engineer and Economist, Piron Consulting</p> <p><b>Chair:</b> Mr. Wang Hong, CAREC Unit Head, ADB</p>
14:45-15:00	Coffee Break
15:00-17:00	<p><b>Session 12</b>  <b>ADB's Strategies for and Experiences in Supporting PPP Projects</b>, Mr. Takeo Koike, Principal Investment Specialist, ADB</p> <p><b>Chair:</b> Mr. Wang Hong, CAREC Unit Head, ADB</p>
17:30-19:30	Dinner Reception
<b>THURSDAY, 6<sup>th</sup> February</b>	
09:00-10:30	<p><b>Session 13</b>  <b>PPP's economic and financial framework: the macro and micro economic tools and their practice, Part I</b>, Mr. Vincent Piron, Consultant Engineer and Economist, Piron Consulting</p> <p><b>Chair:</b> Dr. Aladdin D. Rillo, CBT Senior Economist, ADBI</p>
10:30-10:45	Coffee Break
10:45-12:30	<p><b>Session 14</b>  <b>PPP's economic and financial framework: the macro and micro economic tools and their practice, Part II</b>, Mr. Vincent Piron, Consultant Engineer and Economist, Piron Consulting</p> <p><b>Chair:</b> Dr. Aladdin D. Rillo, CBT Senior Economist, ADBI</p>
12:30-13:00	<p><b>The Successful Case of PPP in Japan: Yurikamome</b>, Dr. Yuqing Xing, CBT Director, ADBI</p> <p><b>Chair:</b> Dr. Minquan Liu, CBT Senior Economist, ADBI</p>
13:00-14:00	Lunch
14:00-17:00	<b>Field Visit to Yurikamome</b> , Dr. Minquan Liu, CBT Senior Economist, ADBI
<b>FRIDAY, 7<sup>th</sup> February</b>	
9:00-9:30	<p><b>Session 15</b>  <b>Exchange on lessons learnt from the tour</b>, Dr. Minquan Liu, CBT Senior Economist, ADBI</p> <p><b>Chair:</b> Dr. Minquan Liu, CBT Senior Economist, ADBI</p>

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<b>9:30-10:30</b>	<b>Preparing and developing successful PPPs: Case Study 2</b> , Mr. Marc Frilet, Lawyer, Frilet Société d'avocats & Mr. Vincent Piron, Consultant Engineer and Economist, Piron Consulting  <b>Chair:</b> Mr. Dominique Hautbergue, Pedagogic Manager of CEFEB/AFD
<b>10:30-10:45</b>	Coffee Break
<b>10:45-12:30</b>	<b>Session 16</b> <b>Conclusion: Development of pipeline of resilient PPPs – the way forward</b> , Mr. Marc Frilet, Lawyer, Frilet Société d'avocats  <b>Chair:</b> Mr. Dominique Hautbergue, Pedagogic Manager of CEFEB/AFD <ul style="list-style-type: none"><li>• How to reach the best compromise between general interest, legal certainty and flexibility</li><li>• The benefit of policies</li><li>• The need for ad hoc institutions and political support</li><li>• The need for an holistic institutional and legal framework in most countries or regions and its possible content (based on lessons learnt internationally)</li><li>• The development of international consensus for designing and implementing a framework law on a regional and country basis</li></ul>
<b>12:30-14:00</b>	Lunch
<b>14:00-15:00</b>	Workshop Evaluation  <b>Chair:</b> Dr. Minquan Liu, CBT Senior Economist, ADBI & Mr. Dominique Hautbergue, Pedagogic Manager of CEFEB/AFD
<b>15:00-15:30</b>	Closing Remarks from Dr. Yuqing Xing, CBT Director, ADBI Awarding Certificates