



MINISTRY OF FINANCE, ECONOMIC PLANNING AND DEVELOPMENT

Ref : F/PPO/4/12/B

BOT Circular No. 1 of 2021

From: Acting Head BOT Projects Unit

To : Heads of Public Bodies

Amendments to Build Operate Transfer and Public-Private Partnership Legal Frameworks

The Build Operate Transfer (BOT) and the Public-Private Partnership (PPP) legal frameworks have been amended as follows:

- (a) BOT Projects Act and PPP Act have been amended through the Finance (Miscellaneous Provisions) Act 2021; and
- (b) New BOT Projects (Prescribed Threshold) Regulations 2021 and PPP (Prescribed Threshold) Regulations 2021 have been made on 15 November 2021.

2. The main amendments to the BOT and PPP legal frameworks relate to the following:

- (i) The procurement for the selection of a private party for a BOT project with a commercial component exceeding 80 per cent of the estimated project value may be carried out using a transparent procurement process at the level of the contracting authority;
- (ii) The BOT Projects Unit may hire the services of a technical advisory firm to be remunerated by the BOT Projects Unit, the private party or both the BOT Projects Unit and the private party;
- (iii) For a project requiring a Government upfront financial contribution to the capital cost exceeding an amount of Rs 300 M, a contracting authority is required to carry out the procurement for the selection of the technical advisory firm or the private party through the Central Procurement Board (CPB); Otherwise, the procurement may be carried out at the level of the contracting authority;
- (iv) The powers of the BOT Projects Unit as provided for under the BOT Projects Act will also be applicable under the PPP Act; and
- (v) The procurement methods for the selection of a private party as provided for in the BOT Projects Act will also apply for the PPP Act.

3. The amended versions of the BOT Projects Act, the PPP Act, the BOT Projects (Prescribed Threshold) Regulations 2021 and PPP (Prescribed Threshold) Regulations 2021 may be downloaded from the BOT Projects Unit website: <http://bot.govmu.org>.

4. You are kindly requested to disseminate the contents of this Circular to all those concerned within your organisation.

BOT Projects Unit
Ministry of Finance, Economic Planning and Development
26 November 2021