



The Catholic University of Eastern Africa

Consecrate them in the truth



FACULTY OF LAW

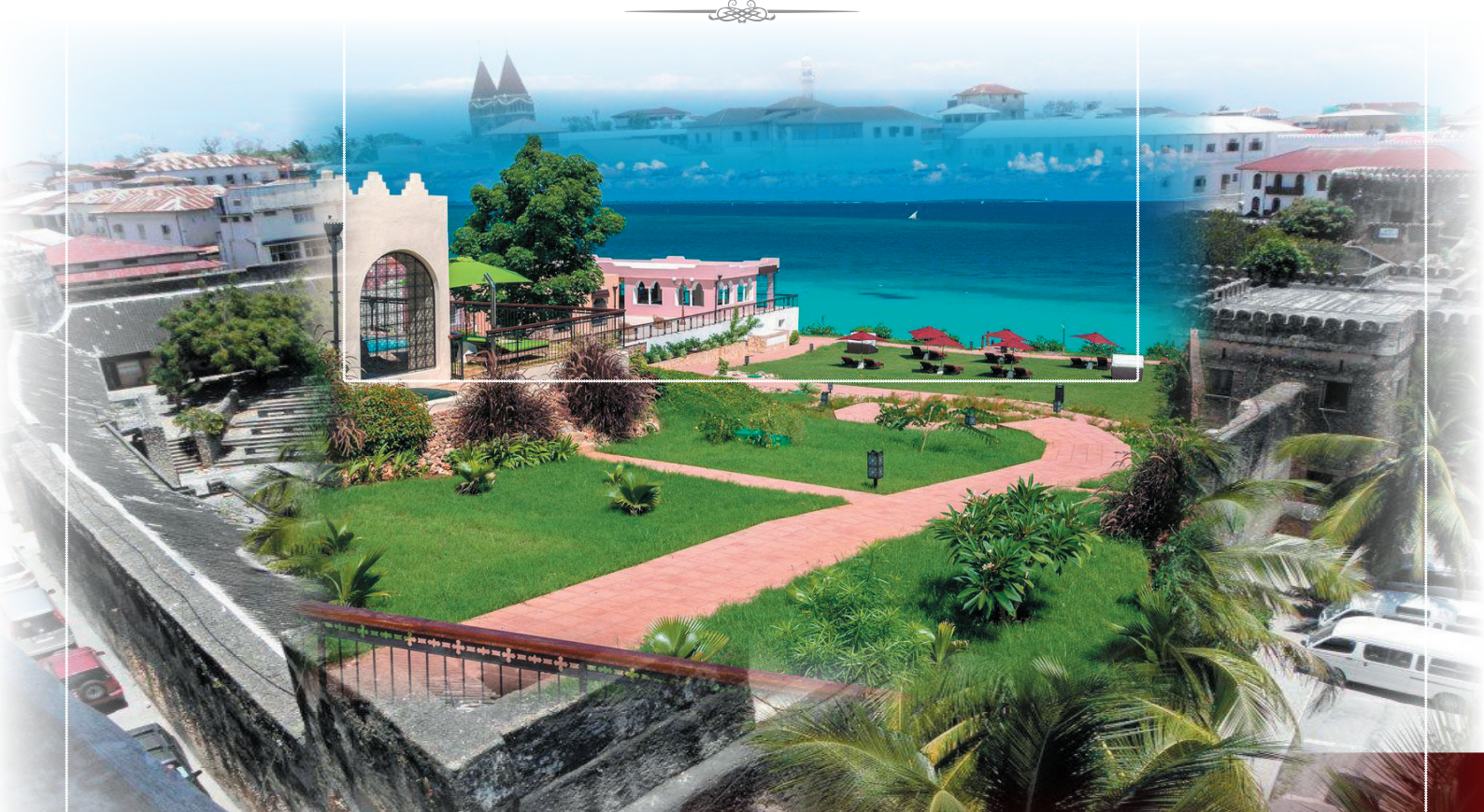
Continuing Professional Development, Projects and Research

TRAINING NOTICE

‘Public Private Partnerships’

**HIDEAWAY OF NUNGWI RESORT & SPA ZANZIBAR
3RD SEPTEMBER TO 14TH SEPTEMBER 2018**

Theme: ‘Get the Full Package at a Fraction of the Cost’



ABOUT CUEA

The Catholic University of Eastern Africa (CUEA) is a private university accredited by the Commission for University Education. CUEA's vision is to be a world class University producing transformative leaders for Church and Society. CUEA's mission is to promote excellence in research, teaching and community service by preparing morally upright leaders based on the intellectual tradition of the Catholic Church.

ABOUT CUEA FACULTY OF LAW

CUEA offers a broad range of courses including an undergraduate degree course in law. The law programme is accredited by the Council of Legal Education.

ABOUT CUEA CPD

CUEA is also accredited by the Law Society of Kenya to offer short courses in law to meet the continuing professional development needs of legal professionals and other actors in the legal sector. The short courses are run by a special purpose vehicle styled as CUEA CPD.

ABOUT THE COURSE

National and Sub-National governments face immense challenges to finance, implement and maintain infrastructure necessary to deliver and sustain basic services to their citizens and foster economic growth. Public-Private Partnerships (PPPs) are one tool that governments are increasingly employing to develop infrastructure and provide essential services.

The objective of this course is to equip the participant with a sufficient understanding of how PPPs can help to address the development



challenges faced in developing countries. The course is extensive in scope and intensive in depth. It seeks to deliver a 'full package' of a PPP in a record duration and at a fraction of what comparable service providers will charge for the 'full package'.

The course is designed and developed by CUEA CPD under the leadership of Mr Charles B G Ouma with assistance from our two lead faculty named below. It was developed in response to an unmet need in East Africa for a home-grown short course in PPPs that covers the entire length, breadth and depth of PPPs in duration that factors in the circumstances of the intended participant at a manageable cost.

In a learning environment comparable to few, a carefully selected panel of speakers explores various aspects of PPPs with sufficient depth to empower course participants to conceptualize and implement PPP projects at their respective work places or render advisory services concerning the same.

INTENDED OUTCOMES

This 2-week course brings together a diverse range of experts from academia, legal practice, government and the private sector to provide global perspectives and real-world experience to



give the participants a deeper understanding of PPPs. The course aims to give the participants an appreciation of the PPP project life cycle and the key issues and challenges a PPP presents, from project selection to implementation. Participants will be able to gain and apply their knowledge and understanding of PPPs to conceptualize, design, develop, and implement PPPs for a broad range of projects.

Through a judicious use of case studies, participants will learn about successes and failures in PPPs and from the success and failure stories, gain an understanding of when and why one might, or might not, chose to implement a PPP project.

COURSE OBJECTIVES

At the end of the course, participants will be able to;

1. Advice on the concept of a PPP and how a PPP can fill the financing gaps in infrastructure development
2. Structure, implement and manage a bankable PPP
3. Identify the challenges and opportunities presented by PPPs

4. Select the most appropriate projects for PPPs
5. Consider and respond to PPP proposals
6. Negotiate and draft PPP contracts

WHO SHOULD ATTEND?

PPPs are structured and implemented by a broad range of actors: policy makers, professional lawyers, and engineers, accountants, experts in finance, energy & utilities. The course content is multi-disciplinary in nature and public servants as well as private practitioners with an interest in PPPs will find the course responsive to their needs.

The course is practical in content and delivery method and an intended outcome of the course is that on successful completion of the course, course participants should be able to structure an actual PPP project or advice on the same. This course, like the many other courses designed by CUEA CPD pays meticulous attention to the identified needs of the potential participant and is flexible enough to accommodate the declared needs of the actual participants. It is therefore expected that participants will have a course experience to remember.



FACULTY

CRISPINE ODHIAMBO (Lead Faculty)

Crispine is presently the Managing Partner and Head, Commercial and Corporate Practice Kiptiness & Odhiambo Associates, Nairobi, Kenya. Crispine is a graduate of both University of Nairobi's Law School and the Kenya School of Law.

In 2007 he undertook an International Lawyers for Africa (ILFA) Scholarship Programme with Linklater's LLP, College of Law and Cambridge University in the United Kingdom and acquired extensive expertise in PPPs and PFIs within the United Kingdom Legal context. Crispine has experience in commercial transactions and Legal framework development including Structuring Advisory in PPP projects, Transaction Agreements, Contracts and Transactional Due diligence.

In the recent past Crispine has been involved in a number of PPP Projects, Regulatory Advisory and Corporate Financing Transactions including advising on the PPP Structuring for the proposed EAC Broadband Network (EAC-BIN), Advising Kenya Railways on the transaction design for the Standard Gauge Railway, Transaction Advisory to Kenya Electricity Generating Limited in the development of Olkaria II and IV Geothermal Projects, and Advisory to the Communications Commission of Kenya in the development of the Kenya Communications Regulations.

JOHN CROTHERS D. (Lead Faculty)

John is a partner in the Projects (Finance and Infrastructure Team) of Gide Loyrette Nouel A.A.R.P.I., a leading international law firm in Paris, France. John specializes in project finance, PPPs, banking transactions and privatizations, both in the developing and developed world.

He has worked across all major infrastructure sectors: transport (motorways, airports, rail and ports); energy (thermal, renewable and nuclear), environment (water, desalination, water treatment and municipal waste); social infrastructure (health, education and tourism) and telecommunications (fixed, mobile and satellite). He has 29 years' experience in large-scale projects, legal transition work, legislative drafting and assistance to governments, IFIs, lenders, sponsors and equity investors, from initial feasibility analysis to international bidding processes and financial closings.

A dual U.S. and France-qualified lawyer, John is fluent in both English and French and has extensive experience working in both civil and common law jurisdictions. John has unique expertise in terms of (i) highly visible pilot projects (ii) representing IFIs, governments and multilateral lenders, (iii) emerging market related mandates, and (iv) "legal transition" and "policy" mandates. John frequently advises national governments, local governments and other authorities granting concessions or setting up Public-Private Partnerships. John has also drafted international "best practice" concession and PPP laws in the Middle East, Africa and Eastern Europe.

CHARLES B G OUMA (Lead Faculty)

This short and intensive workshop has been designed, developed and will be led by Mr. Charles B. G. Ouma with the technical assistance of Messrs John Crothers D. of Gide and Crispine Odhiambo of Kiptiness & Odhiambo Associates, both tier 1 law firms in Paris, France and Nairobi, Kenya respectively .

Charles is an advocate of the High Court of Kenya of 27 years standing. He is the immediate former Assistant Director Continuing Professional Development Projects and Research at the Kenya School of Law. He is presently the head of CUEA CPD Projects and Research. Charles specializes in course development in commercial and finance law and has designed, developed and delivered over 30 such courses since 2009.

The courses designed by Charles have met tremendous success and are being delivered over and over again to ever willing participants. Charles has conducted short courses on emerging and current legal issues behalf of the Kenya School of Law, Law Society of Kenya, Nation Media Group, and the Catholic University of Eastern Africa.

He routinely gets favorable reviews from the participants for his course design capabilities, understanding of the subject and presentation capabilities. Charles has also been lead faculty in several courses on Legal Compliance Audits and will be delivering the presentations on 'Compliance issues in PPP's.

GUEST PRESENTATIONS INVITED FROM;

- ❖ IFC Advisory Services in Public-Private Partnerships.
- ❖ PPU Unit (Treasury Kenya).
- ❖ Prime Minister's Office Tanzania.
- ❖ PPP Unit, Ministry of Finance Planning and Economic Development Uganda.
- ❖ Rwanda Development Board, Kigali
- ❖ Public Private Dialogue Bujumbura.

COURSE CONTENT

1. The case for PPPs.
 - a.) What they are, what they are not.
 - b.) Filling the infrastructure gap.
 - c.) PPPs by County and other Sub-National Governments.
 - d.) SMEs and PPPs.
 - e.) Effective conceptualization, development and planning of a PPP.
 - f.) The PPP project cycle.
 - g.) Financial and tax aspects.
 - h.) World Bank-funded PPP international procurement procedures.
 - i.) The legal and policy framework in East Africa.
 - j.) Key Legal considerations in designing PPP contracts.
2. Structuring a bankable PPP.
3. PPP feasibility assessment: financial/economic analysis.
4. Risk allocation and PPP financing.
5. PPP feasibility assessment: legal aspects.
6. PPP options: assessing various PPP structures.
7. Financing PPPs: financing sources, bankable structures. Instruments for infrastructure PPPs.
8. Regulatory impact assessment.

9. Fundamentals of utility management.
10. Project management and implementation
11. Monitoring and evaluation.
12. Cost Benefit Analysis.
13. The PPP Transaction: procurement, bidding, and financial close.
14. PPP Project Negotiations – achieving a win outcome – win.
15. Transparency, good governance and anti-corruption.
16. Legal compliance issues in PPPs.
17. Public-Private Partnership transactions: case studies by sector.
18. Challenges, opportunities and way forward

YOUR INVESTMENT

Ksh 350,000/- (3500 USD) - (Covers tuition, course materials certification and day delegate conference package)

THE VENUE

The venue of the course is deliberately chosen; a sufficient distance away from the distractions from the office that proximity of venue typically comes with. Zanzibar has plenty to offer.

HIDEAWAY OF NUNGWI RESORT AND SPA, ZANZIBAR

The special location of the hotels large rooms give guests premier views over the Hideaway's gardens and panoramic sunsets. It is easy to while away some hours on the terrace admiring the magnificent landscaping with bao bao trees and palms, cacti and vividly colourful hibiscus. Beds are draped in billowing white muslin for a colonial feel, while photographs of

hidden Zanzibar, woven rugs and hide seats, give a quietly sophisticated sense of Africa. Bathrooms are spacious and finished with style in glittering mosaics, glass and stone.

From the spices and stone town tour, parasailing on the beaches, sailing and snorkeling to a visit to the Bagamoyo ruins, Zanzibar has plenty to offer during this 10 day course. The weekend in between is absolutely free and we have arranged a broad variety of city tours at no extra cost.

Find out more about the course venue at <http://www.africanmeccasafaris.com/travel-guide/tanzania/towns-city/zanzibar-island/why-visit-for-vacations-holidays>

ACCOMMODATION AND TRAVEL

The course fee does not include accommodation and travel. We have organised for a broad range of concessionary offers at the venue and with a number of facilities close to the conference venue. To benefit from these opportunities, please sign up and pay by 30th July 2018

TRAVEL INSURANCE

Participants are encouraged to ensure adequate travel insurance

COURSE PACK

To maximize the levels of interaction and to compensate for the somewhat compressed content, participants will be given the course pack on CD one week before the date of the course. Participants are requested to read the course materials in advance of the presentations.

APPLICATION PROCEDURE

Application: Application forms may be obtained from the **Catholic University of Eastern Africa Langata Campus (Registry)** or downloaded from the www.cuea.edu.

Duly completed application forms or confirmation of attendance should be submitted two weeks before the course begins to facilitate adequate pre-course interaction between the course organizers and the participants.

For Course enquiries please contact Charles B G Ouma (HOD, CUEA CPD (+254 (0) 713 937 282) (ext 1550 on CUEA numbers) email

charles.ouma@cuea.edu ,Dr Maurice Ajwang Owuor (Dean Faculty of Law)(1541) or Agnes Ext 1541 and Jacynter Ext 1545 on +254 -724-253-733/4. You may also email us at cueacpd@cuea.edu or visit our website: www.cuea.edu

CUEA ALUMNI

CUEA alumni are entitled to a 10% discount on Course fee

REGISTRATION DEADLINE

Last day of Registration is 15th August 2018. Participants sign up and pay by 30th July 2018 get a 5% discount.

CUEA is an ISO 9001:2008 Certified Organization.



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