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**A STUDY ON LEGAL AND REGULATORY
FRAMEWORK FOR ENTERTAINING UNSOLICITED
PROPOSALS TO SUCCESSFULLY IMPLEMENT PPPS
IN SRI LANKA**

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Doctor of Philosophy

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University of Moratuwa
Sri Lanka

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Thesis/Dissertation submitted in partial fulfilment of the requirements for the degree
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DECLARATION

I declare that this is my own work and this thesis/dissertation does not incorporate without acknowledgement any material previously submitted for a degree or diploma in any other University or Institute of higher learning and to the best of my knowledge and belief it does not contain any material previously published or written by another person except where the acknowledgement is made in the text. I retain the right to use this content in whole or part in future works (such as articles or books).

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The above candidate has carried out research for the PhD dissertation under our supervision. We confirm that the declaration made above by the student is true and correct.

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ABSTRACT

Governments around the world have sought to involve the private sector in the delivery of public services that have customarily been within the public authorities' domain through alternatives. Public Private Partnership is one of such alternatives. In practice, Public Private Partnership initiatives can be initiated through either solicited or unsolicited approaches, and in recent years, the adoption of unsolicited Public Private Partnership has grown significantly in both developing and developed countries, as it harnesses the unique ideas and innovations of the private sector. The absence of a strong legal and regulatory framework has been identified as a major challenge to unsolicited Public Private Partnerships worldwide, including in Sri Lanka. Thus, this study aims to establish a legal and regulatory system to streamline unsolicited Public Private Partnerships in Sri Lanka. The study commenced with a comprehensive literature review to synthesise current knowledge within the research area and to define the research problem. Furthermore, the process of unsolicited Public Private Partnership was identified, and a theoretical grounds pertaining to unsolicited Public Private Partnership were identified. Subsequently, from an interpretivist philosophical perspective and adopting an abductive research approach, the data was collected through desk research review and semi-structured interviews conducted in four rounds of Delphi surveys. The data analysis carried out using content analysis, with cognitive mapping employed to depict the issues, recommendations, and reforms proposed by respondents during the Delphi survey. Finally, reformed framework was developed to streamline existing legal and regulatory framework of unsolicited Public Private Partnership framework. The developed framework provides comprehensive guidance for both private and public sector organisations concerning the formal procedures for unsolicited Public Private Partnership and the relevant regulatory authorities, from initiation through to award. The enhanced framework removed institutional barriers, allowing the private proponent to submit a proposal that satisfied the requirements of government agencies.

Key words:

Economic Development, Public Private Partnership, Unsolicited Proposals

TABLE OF CONTENT

DECLARATION	i
ACKNOWLEDGEMENT	ii
ABSTRACT.....	iii
TABLE OF CONTENT	iv
LIST OF FIGURES	x
LIST OF TABLES	xii
LIST OF ABBREVIATIONS	xiv
INTRODUCTION	1
1.1 Background	1
1.2 Problem statement.....	3
1.3 Aim.....	5
1.4 Objectives.....	5
1.5 Methodology	5
1.6 Scope and limitation.....	6
1.7 Novelty and Contribution of the Study	7
1.8 Structure of the study	7
1.9 Chapter summary	8
LITERATURE REVIEW.....	9
2.1 Introduction	9
2.2 PPP concept.....	9
2.3 PPP models	11
2.4 PPP for economic development	12
2.4.1 Contribution of PPP to global economic development.....	12
2.4.2 Contribution of PPP to Sri Lanka	14
2.5 Methods of initiating PPPs.....	15
2.6 Unsolicited PPP.....	16
2.7 Process of unsolicited PPPs	18
2.7.1 Phase I – Submission	20
2.7.2 Phase II – Evaluation	20
2.7.3 Phase III – Development.....	20
2.7.4 Phase IV – Procurement.....	21
2.7.5 Phase V – Implementation	21

2.8 Challenges of unsolicited PPPs.....	22
2.9 Legal and regulatory framework for unsolicited PPP	25
2.10 Theoretical positioning	26
2.11 Synthesis of literature and research gap.....	27
2.12 Chapter summary	28
RESEARCH METHODOLOGY	29
3.1 Introduction	29
3.2 Research process	29
3.3 Background study and problem identification	30
3.4 Literature synthesis	30
3.5 Research methodological design.....	31
3.6 Research philosophy	32
3.6.1 Positivism.....	33
3.6.2 Interpretivism	33
3.6.3 Pragmatism.....	33
3.6.4 Selection of philosophical stance	34
3.7 Research approach	34
3.8 Methodology choice.....	34
3.9 Research strategy	35
3.10 Time horizon	37
3.11 Data collection	37
3.11.1 Desk study review	38
3.11.1.1 Legal and regulatory framework of unsolicited PPP in the global contexts	39
3.11.1.2 Legal and regulatory framework of unsolicited PPP in the Sri Lankan context	40
3.11.2 Pilot survey	40
3.11.3 Delphi survey	40
3.11.3.1 Selection of suitable variant	42
3.11.3.2 Process	43
3.11.3.3 Selection of experts	45
3.12 Data analysis techniques	46
3.12.1 Qualitative content analysis	46
3.13 Framework validation	49
3.14 Validity and reliability	50
3.15 Reflexivity.....	52
3.16 Research ethics.....	53

3.17 Chapter summary	53
DATA COLLECTION AND ANALYSIS: DESK STUDY REVIEW.....	54
4.1 Introduction	54
4.2 Legal and regulatory framework for unsolicited PPP: Global context	54
4.2.1 International model laws and guidelines	54
4.2.1.1 UNCITRAL legislative guide and model legislative provisions	55
4.2.1.2 UNIDO's guidelines for infrastructure development through BOT ..	56
4.2.1.3 OECD basic elements of law on concession agreements.....	58
4.2.1.4 EBRD's core principles on modern concession law	58
4.2.1.5 European commission's directives on the award of concessions.....	58
4.2.1.6 Analysis of international model laws and guidelines.....	59
4.2.2 Legal and regulatory framework for USP in various counties.....	63
4.2.2.1 Argentina.....	64
4.2.2.2 Chile	65
4.2.2.3 Indonesia	66
4.2.2.4 Jordan	68
4.2.2.5 Mexico	69
4.2.2.6 Peru	70
4.2.2.7 Philippine	71
4.2.2.8 South Africa	73
4.2.2.9 South Korea.....	74
4.2.2.10 Analysis of legal and regulatory framework for USP in various counties	75
4.2.3 Process of unsolicited PPP	80
4.2.3.1 Submission	80
4.2.3.2 Evaluation	81
4.2.3.3 Development	85
4.2.3.4 Procurement	85
4.3 Legal and regulatory framework for unsolicited PPP: Sri Lankan context	87
4.3.1 Managing solicited PPPs.....	88
4.3.2 Managing unsolicited PPPs.....	91
4.3.3 Analysis of legal and regulatory framework of unsolicited PPP in Sri Lankan context	96
4.4 Chapter summary	102
DATA COLLECTION AND ANALYSIS: DELPHI SURVEY	103
5.1 Introduction	103
5.3 Delphi survey	104

5.3.1 Legal and regulatory framework for process of unsolicited PPPs	105
5.3.1.1 Submission phase – Round I and II of Delphi survey.....	105
5.3.1.1.1 Submission of initial proposal.....	105
5.3.1.1.2 Receipt of USP.....	106
5.3.1.1.3 Time frame to receive USP	106
5.3.1.1.4 Registration of USP	107
5.3.1.1.5 Summary of findings of submission phase – Round I and II of Delphi survey	107
5.3.1.2 Evaluation phase – Round I and II of Delphi survey	109
5.3.1.2.1 Preliminary examination	109
5.3.1.2.2 Initial legislative approval.....	110
5.3.1.2.3 Summary of findings of evaluation phase – Round I and II of Delphi survey	110
5.3.1.3 Development phase – Round I and II of the Delphis	112
5.3.1.3.1 Project development mode.....	112
5.3.1.3.2 Project development activities	112
5.3.1.3.3 Summary of findings of development phase – Round I and II of the Delphi survey	114
5.3.1.4 Procurement phase – Round I and II of the Delphi survey	116
5.3.1.4.1 Decision to competition	116
5.3.1.4.2 Summary of findings of procurement phase – Round I and II of the Delphi survey	116
5.3.1.5 Submission phase – Round III and IV of the Delphi survey	117
5.3.1.5.1 Content of basic proposal.....	117
5.3.1.5.2 Summary of findings of submission phase – Round III and IV of the Delphi survey	120
5.3.1.6 Evaluation phase – Round III and IV of the Delphi survey	122
5.3.1.6.1 Evaluation sub-criteria for preliminary examination	122
5.3.1.6.2 Detail evaluation	124
5.3.1.6.3 Summary of findings of evaluation phase – Round III and IV of the Delphi survey	127
5.3.1.7 Development phase – Round III and IV of the Delphi survey.....	129
5.3.1.7.1 Submission of modified proposal.....	129
5.3.1.7.2 Summary of findings of development phase – Round III and IV of the Delphi survey	129
5.3.1.8 Procurement phase – Round III and IV of the Delphi survey.....	130
5.3.1.8.1 Calling EOIs.....	130
5.3.1.8.2 Calling counter offers.....	130
5.3.1.8.3 Evaluate proposals	131

5.3.1.8.4 Direct negotiation.....	131
5.3.1.8.5 Procurement appeal.....	133
5.3.1.8.6 Final legislative approval.....	133
5.3.1.8.7 Award of contract.....	133
4.3.1.8.8 Compensation to original proponent.....	133
5.3.1.8.9 Summary of findings of procurement phase – Round III and IV of the Delphi survey	134
5.3.2 Regulatory authorities	136
5.3.2.1 Regulatory authorities - Round I and II of the Delphi survey	136
5.3.2.2 Regulatory authorities - Round III and IV of the Delphi survey	136
5.3.2.2.1 National Procurement Commission	136
5.3.2.2.2 National Agency for PPP	137
5.3.2.2.3 National Planning Department.....	140
5.3.2.2.4 General Treasury.....	140
5.3.2.2.5 Attorney General’s Department	140
5.3.2.2.6 Line Ministry and Government Agency	141
5.3.2.2.7 Cabinet Appointed Negotiation Committee.....	142
5.3.2.2.8 Project Committee.....	143
5.3.2.2.9 Specific Project Unit.....	144
5.3.2.3 Summary of findings of regulatory authorities	145
5.4 Identified deficiencies and suggested reforms	147
5.5 Chapter summary	150
RESEARCH FINDINGS AND DISCUSSION	151
6.1 Introduction	151
6.2 Process of unsolicited PPPs	151
6.3 Regulatory authorities for unsolicited PPPs.....	161
6.4 Validating the framework	167
6.5 Chapter summary	170
CONCLUSION AND RECOMMENDATIONS.....	171
7.1 Introduction.....	171
7.2 Conclusion	171
7.3 Recommendations	179
7.4 Research contribution.....	180
7.4.1 Contribution to knowledge.....	180
7.4.2 Contribution to practice	182
7.5 Limitations of the study	183
7.6 Further research directions.....	184

7.7 Chapter summary	184
REFERENCES.....	185
ANNEXURE I	204
ANNEXURE II	207

LIST OF FIGURES

Figure 2.1: The spectrum of PPP	11
Figure 2.2: Investment for PPPs in low and middle income countries	13
Figure 2.3: Investment (\$ million) in PPP projects by sector in Sri Lanka	14
Figure 2.4: Global framework for unsolicited PPPs as a whole	16
Figure 2.5: Global framework for unsolicited PPPs by regional wise	17
Figure 2.6: USP process	22
Figure 2.7: PPP framework overview	25
Figure 3.1: Graphical representation of research process	29
Figure 3.2: Research onion model	31
Figure 3.3: Data collection methods adopted for this study	38
Figure 3.4: Process of Delphi survey	43
Figure 4.1: Procedure for Unsolicited PPPs as outlined in UNCITRAL model law on PPP	55
Figure 4.2: Procedure for unsolicited PPPs as outlined in UNIDO's guideline	57
Figure 4.3: PPP environment in various countries	63
Figure 4.4: Framework of managing unsolicited PPPs in Argentina	64
Figure 4.5: Framework of managing unsolicited PPPs in Chile	66
Figure 4.6: Framework of managing unsolicited PPPs in Indonesia	67
.....	68
.....	68
Figure 4.7: Framework of managing unsolicited PPPs in Jordan	68
Figure 4.8: Framework of managing unsolicited PPPs in Mexico	70
Figure 4.9: Framework of managing unsolicited PPPs in Peru	71
Figure 4.10: Framework of managing unsolicited PPPs in Philippine	72
Figure 4.11: Framework of managing unsolicited PPPs in South Africa	73
Figure 4.12: Framework of managing unsolicited PPPs in South Korea	74
Figure 4.13: Processes of various methods converting USPs to competition	86
Figure 4.14: Process for managing solicited PPPs as per Part II Guidelines	90
Figure 4.15: Process of managing unsolicited PPPs as per Public Finance Circular No. 444	92
Figure 4.16: Process of managing unsolicited PPPs as per supplement No. 23	93
Figure 4.18: Evolution of unsolicited PPP process in Sri Lanka	97
Figure 4.19: Existing legal and regulatory framework for process of unsolicited PPPs in Sri Lanka	99
Figure 4.20: Existing regulatory authorities pertaining to unsolicited PPP in Sri Lanka	101
Figure 5.1: Opinions and views of the experts for submission phase – Round I and II of Delphi survey	108
Figure 5.2: Opinions and views of the experts for evaluation phase – Round I and II of the Delphi survey	111
Figure 5.3: Opinions and views of the experts for development phase – Round I and II of the Delphi survey	115

Figure 5.4: Opinions and views of the experts for procurement phase – Round I and II of the Delphi survey	117
Figure 5.5: Opinions and views of the experts for submission phase – Round III and IV of the Delphi survey	121
Figure 5.6: Opinions and views of the experts for evaluation phase – Round III and IV of the Delphi survey	128
Figure 5.7: Opinions and views of the experts for development phase – Round III and IV of the Delphi survey	129
Figure 5.8: Opinions and views of the experts for procurement phase – Round III and IV of the Delphi survey	135
Figure 5.9: Opinions and views of the experts for regulatory authorities in Delphi survey	146
Figure 5.10: Identified gaps and reforms pertaining to legal and regulatory framework for process of unsolicited PPP	148
Figure 5.11: Identified deficiencies and reforms of regulatory authorities pertaining to unsolicited PPP	149
Figure 6.1: Reformed framework of legal and regulatory framework pertaining to process of unsolicited PPPs in Sri Lanka	152
Figure 6.2: Reformed framework of legal and regulatory framework pertaining to process of unsolicited PPPs in Sri Lanka - Phase I: submission.....	153
Figure 6.3: Reformed framework of legal and regulatory framework pertaining to process of unsolicited PPPs in Sri Lanka - Phase II: evaluation.....	154
Figure 6.4: Reformed framework of legal and regulatory framework pertaining to process of unsolicited PPPs in Sri Lanka - Phase III: development	155
Figure 6.5: Reformed framework of legal and regulatory framework pertaining to process of unsolicited PPPs in Sri Lanka - Phase IV: procurement.....	156
Figure 6.6: Reformed framework of regulatory authorities pertaining to unsolicited PPPs	163

LIST OF TABLES

Table 2.1: Common characteristics of PPP	10
Table 2.2: Global PPP investment in 2023	13
Table 2.3: Steps in the process for unsolicited PPPs	19
Table 2.3: Challenges related to unsolicited PPP	23
Table 3.1: Comparison of categories of the methodical choice	35
Table 3.2: Selection of appropriate research strategy	36
Table 3.3: Comparison between Delphi method and traditional expert interview	41
Table 3.4: Comparison of prevalent variants of the Delphi method	42
Table 3.5: Purposes of Delphi rounds	44
Table 3.6: Selection criteria for experts for Delphi survey	45
Table 3.7: Application of various data analysis methods	47
Table 3.8: Measures taken to ensure the validity and reliability of the research	51
Table 4.1: Key recommendations, strengths and limitations of international model laws and guidelines for unsolicited PPPs	60
Table 4.2: Summary of legal tradition and PPP laws of selected countries	76
Table 4.3: Summary of key characteristics, strengths and limitations the legal and regulatory framework for unsolicited PPP in other countries	78
Table 4.4: Content of unsolicited PPP proposal	81
Table 4.5 Criteria for preliminary assessment	81
Table 4.6: Content of detailed proposal	82
Table 4.7: Evaluation criteria for technical proposal	83
Table 4.8: Evaluation criteria for financial proposal	84
Table 4.9: Project development activities	85
Table 4.10 Details of reviewed documents	87
Table 5.1 Details of respondents' profile and fulfilment of selection criteria	104
Table 5.2: Evaluation criteria for preliminary assessment of unsolicited PPPs and achievement of consensus	109
Table 5.3: Project development activities of unsolicited PPPs and achievement of consensus	113
Table 5.4: Content of basic proposal and achievement of consensus	118
Table 5.5: Evaluation sub-criteria for preliminary examination and achievement of consensus	122

Table 5.6: Technical evaluation criteria for detail assessment and achievement of consensus	125
Table 5.7: Financial evaluation criteria for detail assessment and achievement of consensus	126
Table 5.8: Methods to competition and achievement of consensus.....	130
Table 5.9: Formalities to negation process and achievement of consensus.....	132
Table 5.10: Role of national procurement commission and achievement of consensus	137
Table 5.11: Role of national agency for PPP and achievement of consensus	138
Table 5.12: Achievement of consensus for composition of National Agency for PPP	139
Table 5.13: Achievement of consensus for role of Line Ministry /Government Agency	141
Table 5.14: Achievement of consensus for role of Cabinet Appointed Negotiation Committee	142
Table 5.15: Role of the Project Committee and achievement of consensus	143
Table 5.16: Role of Specific Project Unit and achievement of consensus.....	144
Table 6.1 Details of participants for framework validation	168
Table 6.2 Response to framework.....	169
Table 7.1 Prioritisation of research recommendations.....	180

LIST OF ABBREVIATIONS

ADB	- Asian Development Bank
BII	- Bureau of Infrastructure Investment
BOI	- Board of Investment
BOT	- Build, Operate and Transfer
CANC	- Cabinet Appointed Negotiation Committee
EBRD	- European Bank for Reconstruction and Development
EOI	- Expression of Interest
GDP	- Gross Domestic Product
NAPPP	- National Agency for PPP
OECD	- Organization for Economic Co-operation and Development
PC	- Project Committee
PPIAF	- Public-Private Infrastructure Advisory Facility
PPP	- Public Private Partnership
RFP	- Request for Proposal
UNCITRAL	- United Nation Commission on International Trade Law
UNIDO	- United Nations Industrial Development Organization
USD	- United State Dollars
USP	- Unsolicited Proposal