

BUILDING STRONGER INSTITUTIONS TO DELIVER BETTER PPPs

The role of PPP frameworks

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There is unprecedented interest among developing countries to attract private investment into infrastructure and basic services to meet growing national demand. Today, nearly all developing countries have successfully brought an infrastructure PPP to market. Following a substantial drop in private participation in infrastructure due to the COVID-19 pandemic, private participation rebounded in 2021¹ and many governments are looking to the private sector to help finance and deliver infrastructure investment—seen as a key driver of post-pandemic recovery.

Establishing strong PPP frameworks and institutions communicates a government's commitment to PPPs and is expected to foster efficiency and accountability in their governance and lead to higher quality transactions. PPPs can be implemented on a one-off basis without any specific supporting legal and institutional framework. However, to fulfill countries' ongoing infrastructure investment requirements and to generate "value-for-money" transactions, they will need to go beyond first-mover projects to establishing PPP programs that encourage an active bidder and financing market.

To better understand the drivers of success for PPP programs and how development partners can best provide support to national governments to establish and build their PPP program, the World Bank

¹Global private participation in infrastructure (PPI) in 2020 was at \$45 billion in 252 projects—a 52 percent drop from 2019. PPI investment in 2021 accounted for \$76.2 billion across 240 projects – [PPI Database](#).

Group's Infrastructure, PPPs & Guarantees (IPG) group and the Public-Private Infrastructure Advisory Facility (PPIAF) established the PPP Institutions Building Program.

The PPP Institutions Building Program aimed to distill collective experience of delivering PPP support across the World Bank Group and learn from other institutions and global experience. The program undertook: i) analysis and research to identify critical factors for success and failure of PPP programs and ii) a review of tools, resources, and technical assistance provided to develop PPP institutions. The program is also providing comprehensive institutional building support to selected countries funded by PPIAF.

While there is no one-size-fits-all solution that will guarantee success and the drivers of success for PPP programs are complex and multifaceted, findings around how to support PPP program success have been identified. These findings have been grouped into five key themes: capacity building, legal and institutional frameworks, project preparation, funding and financing, and contract management. This practice note, together with notes on the other four key topics, aims at disseminating the findings of the program on these specific themes. These notes are complemented with a note that maps the tools and products utilized to provide PPP institutional support that were reviewed as part of the research.

This practice note describes findings and lessons learned relating to the role of legal and institutional frameworks in the success of PPP programs.

1. What role do PPP frameworks play in building capacity to drive PPP program success?

The collection of laws, regulations, and guidance that apply to the development and implementation of PPP projects within a country, broadly defined as PPP frameworks, are often considered a critical element in enabling PPPs and supporting PPP programs. However, there are a wide range of legal models that underpin PPP frameworks, from very basic legislation that includes simple PPP enabling provisions (typically found outside of stand-alone PPP laws, often in sectoral legislation), to more comprehensive PPP-specific legislation that captures project development, procedural, institutional, and other governance issues.

PPP frameworks share the objective of enabling and supporting the delivery of successful PPP projects. However, the link between PPP frameworks and PPP program growth is not straightforward. Although basic legislation has often been important to unlock initial PPPs within a country—confirming the importance of an explicit legal mandate for PPPs—the adoption of more detailed PPP frameworks has not necessarily led to an increase in the delivery of PPP projects.

Sectoral legislation has unlocked waves of PPP projects in Jordan (Renewable Energy Law), Kenya (Energy Act), Nepal (Hydropower Law), Nigeria (Ports Concessions), and the Philippines (BOT Law).

Stand-alone PPP Laws such as those in Cameroon, Egypt, Nigeria, and Romania, have not similarly unlocked PPP projects, often due to a lack of clarity or the existence of parallel project development tracks.

Once established, PPP frameworks evolve nearly continuously, including frequent revisions to PPP laws, as well as the issuance of regulation and/or decrees and other guidance material. However, it is difficult to establish a link between deeper, more complex PPP frameworks and PPP program growth. In addition, in some cases, particularly in lesser-developed PPP markets, there is evidence that such frameworks may actually stifle PPP program growth.

These findings suggest that considerable care needs to be taken in the assessment and development of PPP frameworks in order to ensure they are fit for purpose and suitable for the country context and the level of development of the PPP program. In particular, the process of assessing and developing PPP frameworks should be grounded in experience and focused on overcoming roadblocks that prevent PPP transactions. The development of PPP frameworks should also leverage the fact that they will evolve over time, allowing for iterative development based on practical experience and increased capacity levels. Specifically, this suggests that:

- Nascent PPP markets may want to focus on less detail-oriented legislation designed to enable projects and ensure adequate levels of transparency, value, and quality but still provide space for experimentation that can facilitate the emergence of best practice processes over time.
- Maturing PPP markets may benefit from increasing the comprehensiveness of their PPP frameworks by capturing more complex issues over time. However, this approach should not focus on the wholesale adoption of best practice, but instead aim to address the specific, country-contextual challenges faced by a PPP program, informed by an understanding of practical experience and capacity.

2. How has support to PPP frameworks been provided to date?

Given the perceived importance of PPP Legal and Institutional Frameworks, development partners have devoted considerable effort to evaluating them and supporting their development. These efforts include technical assistance and products designed to support government PPP practitioners and generally focus on: (i) assessing the legal, regulatory, and institutional framework within a country to understand its impact on the ability to deliver PPPs; and (ii) supporting the development or improvement of the instruments that underpin these frameworks.

A review has been undertaken both to identify gaps and overlaps in the guidance, tools, and products that exist and to understand how specific technical assistance may be most useful or face challenges in supporting the development of PPP frameworks. The key findings of this review are presented below in two broad categories: (i) best practice guidance, tools, and other products related to PPP frameworks; and (ii) technical assistance provided to assess or develop PPP frameworks, which may or may not leverage specific tools or products.

2.1 Guidance, Tools, and Products

Development partners have developed a multitude of tools and products relevant for supporting technical assistance for PPP legal and institutional frameworks. The table below captures a selection of these tool and products.

Overview of Tools and Products

Tool/Product	Development Partner
Country PPP Readiness Diagnostic: Standardized assessment of a country's readiness to implement PPPs through a review of its PPP environment.	World Bank Group
InfraSAP 2.0: Standardized analysis of private financing constraints to create a roadmap to scale up private participation in sustainable infrastructure.	World Bank Group
Policy Guidelines for Managing USPs: Guidance and e-learning course to help practitioners address challenges related to unsolicited proposals (USPs).	World Bank Group
Disclosure Framework for PPPs: Guidance and e-learning course on design of a disclosure framework for PPPs, including preparation of legislation and policy.	World Bank Group
Guide on PPP Legal Frameworks: Guidance on suggested legal provisions to support the development of a PPP legal framework.	World Bank Group
Global Guide to Community Engagement for PPPs*: Guidance material to improve stakeholder communication and engagement in PPP development.	World Bank Group
PPP Monitor: Online tool that tracks the development of the PPP enabling environment across a range of countries.	Asian Development Bank
PPP Readiness Assessment: Standardized analysis of key areas relevant to building a country's PPP enabling environment.	Economic and Social Commission for Asia and the Pacific (ESCAP)
Public Investment Management Assessment: Standardized analysis of procedures, tools, decision making, and monitoring processes used by governments during public investment cycle.	IMF
Readiness Assessment Tool: Standardized analysis of key areas relevant to building a country's PPP enabling environment and broader infrastructure development goals.	UNECE Int'l PPP Centre of Excellence

Legislative Guide on PPPs and Model Legislative Provisions: Guiding principles and material on PPP legal framework, procurement, and contract issues.	UN Commission on International Trade Law
Model Law for PPP/Concessions*: Model/draft content for common clauses in PPPs/concessions.	UNECE/European Bank for Reconstruction and Development (EBRD)

* Refers to tools or products that are still under development/awaiting publication.

The **assessment tools** cover a wide range of issues that may impact the ability of PPPs to be delivered in a particular country, including macroeconomic and business/investment climate, PPP legal and institutional framework, past PPP experience, PPP procurement, and capacity. There is considerable commonality in the coverage of these core issues across the assessment tools. In addition, most assessment tools also consider project planning and preparation, as well as financial sector development. As a result, there is a lot of overlap across these tools, although it is noted that the tools cover issues in differing levels of detail and the availability of some tools is geographically limited.

Although capacity is considered in most assessment tools, it is largely limited to highlighting whether current institutions are well positioned to undertake the typical activities required for the development and implementation of PPPs. A deeper assessment of specific areas where capacity may be weak and how those weaknesses are impacting the development of a PPP program may be necessary to inform recommendations that are aimed at developing a fit-for-purpose legal framework.

A number of products also support the **development of PPP frameworks**, and these tend to be more practical in nature, focused on general legislative provisions or guidance on thematic areas relevant for PPP frameworks. There appears to be considerable overlap between the products covering general PPP legal framework development. However, much of this content is not specifically focused on developing countries and mainly provides a library of best practice provisions and recommendations. None of the products reviewed consider the level of maturity or institutional capacity in the country in which a PPP framework is being developed.

2.2 Technical Assistance for PPP Frameworks

2.2.1 PPP Framework Assessments

Assessments of PPP legal and institutional frameworks, and of PPP programs more broadly, are sometimes undertaken prior to support for the preparation or revision of these frameworks and at varying points in the development of the PPP programs. The assessments are often used, or intended to be used, as a stepping stone to the design of more specific follow-on technical assistance via customized recommendations based on the findings of the assessment. However, it is not clear that these assessment tools always inform follow-on technical assistance, as in some cases follow-on technical assistance does not occur leading to limited impact.

To ensure that PPP assessments deliver their intended value, it is therefore important to encourage follow-on technical assistance wherever possible. Two factors appear to have increased the likelihood of follow-up in the technical assistance that was reviewed:

- Ensuring strong engagement in and ownership of the PPP framework assessment by government PPP practitioners. Developing and maintaining this ownership can contribute to providing the political will required to implement the assessment's recommendations and reforms. In addition, strong engagement can facilitate the preparation of appropriate recommendations within the assessment through a more accurate understanding of specific

PPP program roadblocks as well as PPP institutional capacity.

- Identifying support for potential follow-on technical assistance in advance of undertaking a PPP framework assessment. This is more achievable where strong relationships exist between development partner(s) and government PPP practitioners, and where a broad program of PPP support to the country is in place or under consideration. There are a significant number of actors active in the development of PPP frameworks, and care should be taken to engage early with these actors (before, during, and after the assessment, as necessary) to facilitate the implementation of the assessment's recommendations.

In Sri Lanka, a framework assessment was undertaken prior to follow-on pipeline development support and was designed to feed into both pipeline development and PPP project preparation support.

PPP assessments are wide-ranging in nature, covering issues related to macroeconomic environment, PPP experience, stakeholder engagement, legal and institutional framework, government support and fiscal risk, access to finance, and disclosure. However, it is not clear that they are often informed by a deep understanding of transaction experience within the country. Capturing this experience would facilitate the identification of specific bottlenecks and constraints to PPP project implementation that are critical to target in follow-on technical assistance. This can be achieved by engaging more closely with government PPP practitioners, or through carrying out PPP assessments in parallel with other technical assistance focused on developing PPP pipelines or projects. This can facilitate the inclusion of practical experience into the framework assessment in real time to ensure that any framework recommendations accurately reflect country context and capacity, and the roadblocks inhibiting PPP program growth that any framework would seek to overcome.

In Angola, a framework assessment was prepared in parallel with project development work, which was helpful in identifying practical bottlenecks to project development such as inconsistencies between energy sector and PPP regulations.

2.2.2 PPP Framework Development

The development of PPP frameworks has been a core component of development partner technical assistance across a range of PPP programs, regardless of the PPP capacity or depth of PPP experience of the country in question. Frequently this has involved the enactment or revision of PPP legislation that enables PPP programs and establishes central PPP institutions. However, there is limited evidence that technical assistance for the development of PPP frameworks has had a significant impact on PPP transaction volume, as project implementation following new legislation has often remained low. This is particularly the case in lower-capacity environments with limited PPP experience. In addition, new PPP frameworks have sometimes been revised relatively quickly, raising further questions about how technical assistance for PPP framework development can best support PPP program growth.

In Afghanistan, institutional support was provided for the enactment of PPP legislation, the creation of a central PPP institution, and the development of a PPP pipeline. Despite this, transaction implementation was slow, hampered by low capacity and inconsistent sectoral support.

Most technical assistance for the development of PPP framework follows a similar approach involving a desk review comparing existing frameworks and best practice, followed by the development of legislation that would align the former with the latter. This approach to legal framework development can encourage the expansion of

Jordan has taken an incremental approach to the development of its PPP framework, enacting sector-specific and PPP legislation over time. More recently the country has revised the PPP Law and established a PIM and FCCL frameworks.

a country's PPP framework to address a broad range of issues. However, as noted above, there are examples where PPP frameworks developed through this approach have not supported increased PPP transactions. In most cases there appears to be little evaluation of specific country-contextual issues that may be preventing the delivery of PPP projects. Even if such challenges are understood, it is not clear that technical assistance focuses closely on how or whether improving the PPP framework will overcome them. It is therefore possible that some framework development support is premature, this seems to be more likely where the capacity to use elements of the proposed framework is limited and highlights the importance of incremental change in the PPP framework to match the countries experience and capacity to implement.

There have been some examples where PPP framework development has been supported through different approaches that may be useful in guiding future support to PPP legal and institutional frameworks. These include:

- **Piloting new framework processes before capturing them in comprehensive legislation.** In Vietnam, a flexible pilot framework was used for the implementation of projects prior to the formalization of the framework within a law. Lessons learned from the pilot process can then be incorporated in the PPP framework.
- **Providing targeted inputs to the development of PPP frameworks.** In Senegal, South Africa, and Vietnam, development partners reviewed and commented on draft and/or existing legislation. This approach empowers government PPP practitioners to maintain control of the legislative drafting process.
- **Providing operationalization support to address implementation challenges with PPP frameworks.** In Indonesia and Kenya, technical assistance provided to operationalize new PPP frameworks has included follow-on preparation of guidance and/or procedural documentation that supports day-to-day implementation of primary legislation. This is particularly relevant for the implementation of new processes and procedures.

Despite their importance, PPP frameworks alone do not drive PPP activity. Therefore, in addition to considering alternative approaches to the development of PPP frameworks, technical assistance should also consider to help address the implementation and practical challenges impacting the ability of a PPP program to deliver PPP projects. The most commonly identified practical challenges facing PPP programs captured in documentation from technical assistance to PPP framework development are listed below. These challenges may require differentiated support beyond or instead of further PPP framework revision/development. They include:

- **Clarity of institutional roles/responsibilities.** It is common within PPP legislation to establish new institutions or expand existing institutions to create an institutional framework that lays out the roles/responsibilities to be performed by various government institutions. However, one of the most common challenge facing PPP programs relates to a lack of clarity around institutional roles and responsibilities. These problems may arise from a lack of clarity in PPP frameworks themselves, but just as often seem to arise from a failure to successfully operationalize existing institutional frameworks.

In Côte d'Ivoire, a communications program was designed to improve coordination between the central PPP institution and the contracting authorities, to avoid the central PPP institution being sidelined during the PPP project development process.
- **A lack of bankable projects.** This can be caused by a variety of issues including procedural challenges, poor project preparation, a reliance on unsolicited proposals (USPs), low capacity, or a lack of sector investment planning, as well as other factors outside the government's control, such as country size. Revisions to the legal and institutional framework may ultimately be required to resolve procedural problems, but broader underlying capacity or other issues that lead to poor project development or a prevalence for USPs may be better addressed without implementing a new PPP framework.
- **Fiscal/financing constraints.** Although not as prevalent as the issues above, fiscal and financing roadblocks are noted in technical assistance to PPP frameworks. These roadblocks may include issues related to foreign exchange convertibility in the absence of local currency financing, or the need for government guarantees or other financial support. These constraints will continue to impact PPP program development irrespective of support to PPP frameworks. Technical assistance may, therefore, better support PPP program development by directly tackling these issues or focusing on the development of projects that can be implemented in spite of these constraints.

3. How can approaches to PPP legal and institutional frameworks be strengthened?

3.1 Considerations when delivering PPP framework assessment support

Incorporate a greater understanding of country capacity and transaction challenges into PPP framework assessments.

To increase their effectiveness for technical assistance to PPP institutions, PPP framework assessments should consider:

- **Focus on explicit roadblocks to PPP transactions, based on practical experience.** Depending on the depth of transaction experience within a country, this may require more time for greater engagement with government PPP practitioners that is currently typical in PPP assessment exercises to explore these issues. The assessment should be anchored by recommendations to address issues impacting the ability to deliver transactions.
- **Routinely include a review of program-specific challenges that may not be impeding initial PPP project development,** but which can expose PPP programs to considerable risk that may undermine their development. This may include:
 - A country's fiscal constraints and general fiscal management practices (including existing capacity to manage the constraints) as well as relevant law.
 - Post-award project governance and contract management practice.
 - Law and practice with respect to the acceptance and treatment of USPs.
- **Include a greater consideration of the capacity of government PPP practitioners** in the design of recommendations emanating from the PPP framework assessment. These recommendations should reflect and incorporate country context and capacity and focus on priority issues that are realistic and implementable.

Technical assistance that utilizes PPP framework assessment tools should incorporate design features that will encourage follow-on work.

PPP framework assessments require follow-on support to be effective. In this context, the following design features may be useful to consider:

- **PPP framework assessments should be part of broader technical assistance** programs to allow for support for the implementation of recommendations.
- **Increased engagement with government PPP practitioners** should be encouraged to build develop recommendations that build consensus and commitment to their implementation. This is particularly relevant in lower capacity environments.
- **Consider preparation of a PPP framework assessment in parallel with pipeline/project development work,** given that this will assist in identifying practical project/transaction development issues and bottlenecks.

3.2 Considerations for delivering PPP framework development

Determine whether key roadblocks to PPP program growth can be addressed through other interventions prior to embarking on the development of new legal instruments.

Other options to be considered where appropriate and depending on the nature of key PPP program roadblocks include awareness building, capacity building, or policy or operationalization support. Key roadblocks that may be better addressed through non-legislative interventions include:

- **Clarity of institutional roles and responsibilities** – Awareness and capacity building or operationalization support should be considered as a first step where legal instruments are generally clear. When legal framework revision is necessary, awareness and capacity building or operationalization support should be considered alongside legislative intervention to support the implementation of institutional change.
- **Lack of bankable projects** – Both procedural challenges and lack of capacity can result in the development of non-viable projects. Where procedures captured in law are generally appropriate, technical assistance for pipeline development/project pre-feasibility work or capacity building for contracting authorities around project development may be more useful.
- **Investment framework or financing issues** – These issues may need to be tackled far more broadly than PPP framework instruments and some issues, such as foreign exchange shortages, may not be addressable in legislation. In these instances, consider focusing on the development of projects that can be implemented in spite of constraints.

Legal and institutional framework technical assistance should be designed to address specific PPP program roadblocks at the time and take a more iterative approach to development of the PPP framework.

This approach leverages the process of continual, iterative PPP framework development to build on practical experience and focus on smaller, targeted PPP framework engagement when possible. It should also help to reduce the risk associated with the introduction of legislation that may pose implementation challenges. Design features of technical assistance following this approach include:

- **Ensure that PPP program experience and capacity are taken into account during the development of legal and institutional frameworks.** This likely requires considerable engagement with government PPP practitioners around the implications of proposed procedures and processes over the course of the technical assistance.
- **Sequence technical assistance based on need via highly targeted interventions.** Where practicable, consider the development of guidance or policy as a first step or otherwise pilot approaches to address PPP program roadblocks prior to developing legal instruments.
- **In more mature markets, focus technical assistance on helping to identify key legal impediments** that may be driving PPP program roadblocks and ways these could be addressed. Technical assistance to legislative drafting may benefit from focusing on a narrower range of essential topics, as opposed to recommending a wider range of best practice elements.
- **Incorporate follow-on support** to assist with operationalization of new or revised frameworks wherever possible.

4. Checklist for technical assistance for legal and institutional frameworks

This note has captured a range of different recommendations that are applicable to the design and development of legal and institutional support to PPP institutions. These recommendations can be grouped into categories that are relevant for consideration at different stages in development, design, and implementation of institutional support. The key categories include findings related to:

- Selection: What support is appropriate given specific circumstances or objectives.
- Sequencing: When certain types of support may be appropriate given other components of a technical assistance program.
- Tool Usage: What tools or products may be particularly relevant and when.
- Design: Suggestions to improve the efficiency or effectiveness of how support is delivered.

The recommendations below are also split between PPP framework assessment and PPP framework development.

PPP Framework Assessment

Selection	Consider whenever a comprehensive review of a PPP program is needed to inform future engagement. Confirm that no recent comprehensive reviews have been undertaken by development partners or whether a targeted approach would be more practical.
Sequencing	Sequence an assessment at the beginning of a phased program of technical assistance. Other elements that may be useful to consider delivering in parallel include: <ul style="list-style-type: none">▪ Classroom-based training, primarily general PPP trainings in less mature programs.▪ Pipeline/project development, which can help to highlight PPP roadblocks that an assessment should capture.
Tool usage	Routinely support the use of standardized assessment tools when an assessment needs to be supported as a part of technical assistance.
Key Design Considerations	<ol style="list-style-type: none">1. Identify specific roadblocks to PPP transactions into the framework assessment. This must go beyond the identification of previous PPP projects and a review of PPP frameworks as compared to best practice to explore the practical challenges a PPP program is experiencing related to project development and implementation. The goal should be to identify and obtain consensus around explicit roadblocks to PPP transactions, which then forms the basis for action plan development.2. Ensure technical assistance for framework assistance is designed to encourage follow-on support. These features could include:<ol style="list-style-type: none">a. Increased government engagement to build consensus and commitment around the assessment's recommendations.b. Increased coordination with development partners to ensure complementary interventions are appropriately considered and incorporated.

Other Design Considerations	<p>Diagnostics and assessments should routinely include the following to identify program-specific challenges that may not be impeding initial PPP project development, but which can expose PPP programs to considerable risk that may undermine their development.</p> <ul style="list-style-type: none"> ▪ A review of a country’s fiscal constraints and general fiscal management practices (including client capacity to manage the constraints) as well as relevant law. ▪ A review of post-award project governance and contract management practice. ▪ A review of laws and practice with respect to USPs.
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PPP Framework Development

Selection	<p>Require that the country-contextual issues impacting PPP program activity that are to be addressed by PPP framework development technical assistance are clearly understood. The design of the technical assistance should be tailored to focus on overcoming country-specific roadblocks to PPP project implementation or significant PPP program risks (such as those related to FCCL, USP, transparency, contract management, etc.)</p>
Sequencing	<p>Assess whether key roadblocks to PPP program growth can be better addressed through other technical assistance prior to embarking on the development of new legal instruments. Key roadblocks identified in this work that may be better addressed through different interventions include:</p> <ul style="list-style-type: none"> ▪ Clarity of institutional roles and responsibilities – Awareness and capacity building or operationalization support should be considered as a first step. When legal framework revision is necessary, these components should be considered to support the implementation of institutional changes. ▪ Lack of bankable projects – Where procedures captured in law are generally appropriate, consider support to pipeline development/project pre-feasibility and capacity building around project development. ▪ Investment framework or financing issues – May need to be tackled far more broadly than PPP framework instruments and some issues, such as foreign exchange shortages, may not be addressable in legislation. Focus on the development of projects that can be implemented in spite of constraints.
Tool Usage	<p>Leverage best practice guidance when developing PPP frameworks, but focus on aspects of best practice that are relevant to tackle the country-specific roadblocks.</p>
Key Design Considerations	<p>Legal and institutional framework support should be designed to address specific PPP program roadblocks rather than comprehensively adopting “best practice” and should also be adapted to market maturity.</p> <p>This approach leverages the process of continual, iterative framework development to focus on smaller incremental improvements of PPP frameworks. Design features that support this approach include:</p> <ul style="list-style-type: none"> ▪ Increasing engagement with government PPP practitioners throughout the framework development process to better understand procedures and processes that PPP program experience and capacity can support. This is particularly important to ensure clarity of institutional roles and responsibilities. ▪ Sequence support to PPP legal and institutional frameworks based on need via highly targeted interventions. Where practicable, consider the development of guidance or policy as a first step to pilot approaches to address PPP program roadblocks prior to developing legal instruments.

- **Focus on identifying approaches to address key legal impediments** that may be driving PPP program roadblocks and ensuring that draft PPP frameworks capture essential issues.
- **Incorporate follow-on technical assistance** to support operationalization of new or revised frameworks to help inform future interventions.

Other Design Considerations

- Ensure legal and institutional framework development is informed by an understanding of actual post-award project governance and contract management practice to help support clarity around institutional roles at all stages of the PPP project life cycle.
- On-site learning through study tours or other engagement with more experienced PPP units may be particularly useful to support the development of new policy/procedures, when there is a clear learning objective and where careful selection of appropriate government practitioners is possible.

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