Ukraine PPP Implementation Agency
Project

INCEPTION REPORT
AND
WORKING PLAN

June 2020

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1 Introduction

The creation of the PPP Unit under the Ministry for Development of Economy, Trade and Agriculture of Ukraine (MDETA) marked a turning point in PPP institutionalization. Concentrating professional competence for PPP projects seeks to promote PPP mechanism at both state and local levels by practical assistance to the potential public partners in their endeavors to launch PPPs.

The Memorandum of Engagement on the establishment of the PPP Agency (of June 20, 2019) paved the way for the cooperation and understanding between the Ministry and International Finance Cooperation (IFC). Through a technical assistance project (further in text PPIAF Project or Project), funded by PPIAF (Public-Private Infrastructure Advisory Facility), IFC will support Ukraine in setting up the PPP Agency over the course of two years. To that end, the following kinds of support will be offered:

1. Establishing the PPP Agency;
2. Training of the PPP Agency;
3. Providing just in time technical support;
4. Developing key methodologies to be used by the PPP Agency.

2 Key Initial Findings

The following paragraph will reflect on the current development of the PPP in Ukraine, including legal and institutional frameworks, and cover the most updated information on the setup of the PPP Agency. It will include the proposal of the key issues identified to be addressed by PPIAF Consultants together with the working plan for the Local Legal Consultant regarding the issues and expected outputs of the Project from the Local Legal Consultant.

This report is mostly based on the information and data received from the MDETA representatives as well as on the previous research and practical experience of PPP projects implementation in Ukraine.

2.1 Legal Framework

2.1.1 PPP Law

The Law of Ukraine "On Public-Private Partnership" (hereinafter – Law on PPP or PPP Law) forms the basis for the PPPs implementation in Ukraine since its adoption in 2010. It was significantly changed by the adoption of the Law on Concession (hereinafter – Law on Concession or Concession Law), which passed and came into force in October 2019. Currently, the practical application of PPP Law depends on the adoption of several by-laws that are still under development.

Under the PPP Law, PPP is a cooperation between the state of Ukraine, the Autonomous Republic of Crimea, territorial communities represented by the relevant state bodies that, under the Law of Ukraine "On Management of State Property" manage state property, local governments, the National Academy Sciences of Ukraine, national branch academies of sciences (i.e., public partners) and legal entities, except for state and municipal enterprises, institutions, organizations (i.e., private partners), which is carried out based on an agreement in the manner prescribed by legislation.
The above cooperation between public and private partners should necessarily include all the following elements:

1. granting the rights of management (use, operation) of the object of partnership or acquisition, creation (construction, reconstruction, modernization) of the PPP object with the subsequent management (use, operation), subject to acceptance and fulfillment by the private partner of the investment obligations in accordance with the contract concluded;
2. long-term relationship (5 to 50 years);
3. transferring some of the risks to the private partner;
4. private partner investments required.

The PPP can take a form of a concession, joint activity, management (service) contract, mixed or any other contract that fits within PPP definition and meets all the requirements. On the other hand, all investment projects that meet the characteristics of public-private partnership should be implemented only following the provisions of the PPP Law.

Based on the information of central and local executive bodies in Ukraine, as of January 1, 2020, there are 187 PPP agreements, of which 52 agreements are being implemented (34 - concession agreements, 16 - joint venture agreements, 2 - other agreements).

PPP can be applied in a vast number of areas such as various transportation infrastructure, energy sector, health, education, waste and water sector, recreation, culture, sport, housing, tourism, etc. The statutory list of the segments is none exhaustive. Thus, the scope of PPP application can be extended to other sectors by a respective decision of the public partner if the provision of socially essential services requires to do so. However, the economic activity under PPP shall not be the one allowed exclusively to the state enterprises, institutions or organizations according to the law.

PPP project can be initiated either by the public (central, local) authority or by an interested private partner (unsolicited proposal). Preparation of any PPP proposal in any of the forms allowed with a subsequent efficiency assessment is carried out under Section III of the PPP Law. The efficiency assessment is obligatory in both cases, a public PPP proposal or an unsolicited one.

The PPP Unit of the MDETA:

1. runs the efficiency assessment of PPP realization regarding the state assets if another management body for such assets is not defined;
2. agrees upon the efficiency assessment reports regarding the state assets prepared by central or local executive authorities with the management functions regarding such assets;
3. agrees upon the efficiency assessment reports regarding the communal assets developed by

The results of the efficiency assessment constitute grounds for a decision on either expediency or inexpediency of deciding on the PPP implementation. The conclusions reached during the efficiency assessment, and the process of the agreement by the MDETA, define the principal elements and design the main structure of the future cooperation between the state and the private side. The quality and depth of the analysis run at the initial stages of the project development are essential for building long-term and mutually beneficial relationships.
2.1.2 Concession Legislation

The provision of water, energy, gas, health, education, and transport infrastructure services to citizens is, for the most part, a function of the state. Experience of the developed PPP markets shows that annual public investments in infrastructure projects significantly exceed the volume of annual private sector investments in similar projects.

According to the Review of the European PPP Market by European PPP Expertise Center in 2019 in particular:

1. the aggregate value of PPP transactions that reached financial close in the European market totalled EUR 9.8 billion, a 31% decrease from 2018 (EUR 14.3 billion);
2. transport remained the largest sector both in terms of value and number of projects (with over EUR 6 billion worth of transactions compared to EUR 7 billion in 2018; ten transport projects reached financial closure in 2019 compared to seven in 2018);
3. 55% of the transactions closed were government-pay PPPs.

Therefore, the PPP mechanism, particularly concessions, can allow more efficient use of financial, human, managerial, and other resources while providing relevant services to the society. One of the most common PPP forms worldwide is a concession, particularly for infrastructure development. The state is gradually transferring the management functions to the private side.

However, for an extended period in Ukraine, no large-scale concession project has been implemented, and rare attempts of PPP/concession projects were not successful. The low interest of the private investors in long-term cooperation was caused, amongst other things, by the insufficient guarantees of investments and complex procedural requirements provided by the legislation. To that end, the reform of the concession legislation of Ukraine has become an urgent requirement of the time.

The Law on Concession, adopted on October 3, 2019, which amended 25 legislative acts, including the PPP Law, provides a systematic approach to involving private business in infrastructure development and eliminates existing contradictions of legal regulation by consolidation of the whole PPP legal framework. The Concession Law also improves the procedures and introduces new instruments for the project implementation, such as:

1. possibility to engage advisors and independent experts to the appraisal of the project and transaction support;
2. transferring from lease to concession subject to the specified conditions;
3. expanding the category of bidders to residents and non-residents, and a consortium of the companies;
4. direct agreement for the lenders;
5. statutory guarantees of land allocation;
6. licenses and permits succession.

However, currently, a number of the by-laws providing for the implementation of the Concession Law are being finalized. Also, the positive experience gained in pilot concessions, namely the projects in Olvia and Kherson sea ports, lead to the increased interest if both public and private sides in a proven PPP mechanism.
The recent development of the PPP legislation does not entirely solve practical difficulties in the extensive use of PPP:

- insufficient capacity of officials responsible for or engaged in PPP;
- the complexity of actual implementation of the guarantees provided by the state for the PPP project implementation, etc.;
- structure and content of the feasibility study, approved by legislation, a methodology of appraising the projects, bid evaluation are not clear and should be reviewed and updated.

### 2.2 Institutional Framework

Institutional PPP framework in Ukraine is defined in a way that the main policy and gateway role belong to the MDETA (PPP Unit), while the newly created institution (PPP Agency) has the role of being responsible for the preparation and delivering of PPPs. An important role in the process of assessment and approval of PPP projects belongs also to the Ministry of Finance, which is assessing project proposals regarding assumed fiscal obligations and fiscal risks.

#### 2.2.1 PPP Policy Unit (PPP Unit)

The PPP Unit within the Investment Attracting Division of the Ministry of Economic Development and Trade has an important role in defining and implementing public policy in PPP by means of the strategic documents, legal acts and their amendments, development of methodological tools, PPP promotion, etc.

The PPP Strategy for the period 2019-2025. PPP sets the key goals for the period:

1. Improvement of legal regulations through harmonization of legislative acts provisions;
2. Improvement of the budget and tax legislation regarding the regulation in respect to the PPPs;
3. Amendment to the public procurement legislation to exclude the PPP relations from the scope;
4. Improvement of the methodology for appraising PPPs;
5. Improvement and update of other PPP methodologies;
6. Improvement of the institutional capacity through establishing specialized PPP units in public authorities, methodological support;
7. Improvement of qualification and skills of the state servants and local communities in regards to the PPPs;
8. Involvement of international organizations to the development of an institutional environment for the PPP implementation;
9. Ensuring the functioning of state support in PPPs;
10. Promotion of PPP;
11. Development of the PPP projects pipeline.

The PPP Unit also develops several by-laws, regulations, and methodologies (on reporting, step-in rights, concession payment calculation, hand back procedure, advisors selection, changes to the tender procedure, etc.) to reflect the changes introduced by the Concession Law.

Besides its policy role, PPP Unit has also more concrete project-oriented responsibilities such as:
1. Approval and assessment of project documentation (concept note and feasibility study) for PPP projects initiated by central public authorities (and on certain conditions as well for project initiated by local public entities). So far, the PPP unit has evaluated 8 projects. For 2 of them, the Concept Note was not approved. In 6 other cases, Concept Note and Feasibility Study were approved. Of these 6 projects, 4 projects moved to the next phase.

2. Monitoring of all PPP projects, which should be registered and monitored according to procedures and criteria under the special resolutions.

2.2.2 PPP Implementation Unit (PPP Agency)

The idea of establishing the PPP implementation unit (PPP Agency) was inspired by the previous experience in the Ministry of Infrastructure of Ukraine, where a number of experts created an advisory body of the Ministry further called "SPILNO" in 2016 with an initial financial support of Western NIS Enterprise Fund (WNISEF) in order to support the preparation of the pilot seaport concession projects from the public side. SPILNO has served as an incubator for building successful PPPs in the transport sector – supporting the delivery of high-profile port concessions (Olvia, Kherson and Chornomorsk Ferry Terminal). At the regional/sub-national level, some of the first PPP projects are also being prepared by SPILNO experts as a part of U-LEAD (Ukraine Local Empowerment and Accountability Development) program, a multi-donor action of the EU and Denmark, Estonia, Germany, Poland, and Sweden.

There is a high interest in PPP of the local councils given the decentralization reform and empowerment of the local communities. The MDETA collected information about 148 municipalities that are or could be interested in launching the PPP projects. Initial interest is often weakened by the lack of experience in preparing rather complex PPP projects from the public side and lack of confidence from the potential private partners. Thus, the assistance in preparation and structuring of PPPs by the public side is very much required. To that end, a permanent PPP Agency was established as a center of excellence, bringing best practices (e.g. through trainings and developing standard contracts), responsible for preparation and delivering of PPP projects from the public side.

The PPIAF Project was approved with the main purpose of supporting the Agency in getting necessary administrative capacities in fulfilling its role and mission.

*Establishing PPP Agency*

As of today, the following initiatives were taken to set up the PPP Agency:

- foundation of the State Organization "Agency on the support of the PPP development" and approval of its Statute by the MDETA Order dated November 02, 2018, No. 1607;
- development of the budget program 1201580 "Measures to Strengthen Institutional Capacity to Prepare PPP projects" with the amount of 5.2 mln UAH;
- PPP Agency registered (March 13, 2019);
- the "Procedure of using state budget funds for measures to strengthen institutional capacity and the preparation of public-private partnership projects" approved by the Cabinet of Ministers of Ukraine (May 15, 2019);
- registration of the PPP Agency in the State Treasury Service of Ukraine (April 6, 2019);
- approval of the Passport of the Budget Program by the MDETA Order (dated June 07, 2019 No. 971);
– Internal Structure and Staff Content of the PPP Agency approved by MDETA (June 14, 2019);
– MDETA and IFC have signed the Memorandum of Engagement on the establishment of the PPP Agency as a permanent and sustainable solution for the development of PPP projects in Ukraine (June 20, 2019);
– several internal regulations required by the legislation drafted and approved;
– project screening started and initial candidates to the PPP project pipeline pre-selected;
– the initial pipeline of the PPP projects was developed;
– Rivne and Vinnitsya Airports were selected as the pilot projects;
– PPP Agency finished the pre-Feasibility study and drafted the Concept Note on Rivne Airport;
– First draft of the PPP Agency Strategy.

**Legal form, goals and competences**

**Legal form.** According to the Statute, PPP Agency is a legal entity in the form of a state organization in state ownership, belonging to the MDETA (as an Authorized Management Body) and it is a state non-profit organization.

**The main goal** of the Agency is an implementation of the PPP state policy for the preparation of high quality and investment-attractive PPP projects in transportation, communal, energy, social infrastructure and other sectors of Ukraine.

**The main activities** to be performed by the Agency are:

- identification of PPP projects;
- preparation and support of the preparation of concept notes and feasibility studies for public authorities;
- assisting public authorities in the preparation of the tender documentation;
- organization and conduction of training, conferences, seminars and other activities aimed at increasing the institutional capacity of public and local authorities in PPP;
- consulting public authorities during the initiation and implementation of PPP projects;
- supporting the state and local authorities in the setting-up important investment climate and effective project management of PPPs;
- share a successful experience of applying the PPP in Ukraine;
- providing MDETA with proposals and recommendation to the PPP policy, in particular, drafting methodological recommendations in PPP;
- exploring the demand from potential investors (private partners) for PPP projects and providing them with information on opportunities in Ukraine;
- collaboration with international organizations, governmental and non-governmental organizations on attracting investments to the PPP projects in Ukraine;
- requesting the state and local authorities and/or business entities to obtain additional information on PPP projects to prepare concept notes and feasibility studies;
- publish information regarding its activities on its official website;
- participation in projects, programs aimed at improving the development of the PPP mechanism in Ukraine.

**Management structure**
The management structure of the PPP Agency is made of Director and Supervisory Board.

The authorized management body (MDETA) exercises its rights regarding the management of the PPP Agency through a director who is accountable to the Authorized Management Body.

The MDETA appoints the director under a contract specifying the term of employment, the rights, duties, and responsibilities of the director, the conditions of his/her material support, dismissal from office and other terms of employment by agreement between the parties.

**Director of the PPP Agency** is responsible for the representation of the PPP Agency and performing different Agency duties (ever day management, preparation and implementation of the PPP Agency strategy, preparation of the working and financial plan, drafting proposals for improvements, drafting and submitting reports, etc.)

**The Supervisory Board of the PPP Agency** is a planned (not yet existing) management body of the Agency which oversees the activities of the PPP Agency. In particular, this refers to the approval of the Agency's draft strategy, overseeing all potential conflicts of interest regarding the Agency's Director or Supervisory Board members, supervision of the Agency's management efficiency and initiation of necessary corresponding measures, supervision of Agency’s financial report, etc. MDETA still has to adopt a resolution regarding the structure of the Supervisory board.

**Internal structure and staffing**

The internal structure of the PPP Agency was adopted in June 2019 as well as a decision regarding the classification and number of necessary staff.

Internal organization (Annex 2) is made of the Agency's Director, Accountant, Lawyer, HR Inspector, Commissioner for anti-corruption and PPP Projects Development Support Division. Totally 9 people are planned to work in the PPP Agency (Staff structure is Annex 3). Depending on the future activities and approval of the State Budget, it would be also possible to employ more people.

Besides the Director, Accountant, and Lawyer, it is envisaged that 2 Project Managers and 3 Analysts will be employed. As of the date of this Report 1 Project Manager and 3 Analysts are already working on the Agency’s projects.

**PPP Agency working plan for 2020-2021**

According to the received information in Annual Plan for 2020-2021, the following activities are approved:

- preparation of the concept notes and feasibility studies for the projects selected (1 note completed and 4 – in progress by the end of 2021);
- providing consultations, explanations, advice on PPP projects;
- further PPP demand study;
- organization of conferences, training, workshops on PPP for the public partners (both state authorities and local communities, 10 events);
- assistance in preparation of the concept notes/feasibility studies (for the projects under preparation of the public authorities, not by the Agency itself).
3 PPIAF Project Scope

3.1 Key issues initially identified and the Project scope suggestions
The PPP Agency, in general, was established as a non-profit government organization according to the existing Ukrainian legislation, applicable government practices and mechanisms conventional for the state authorities, which was easier to approve. However, the current status of the Agency and the way it is financed has placed several limitations on its operations, which are not sustainable and not consistent with the international approach.

Funding issue and a business plan

Despite the fact that the Statute of the PPP Agency states that the Agency being a non-profit organization could charge money for its services and spend all the money earned on self-development, the reality at the moment is different. Since the Agency is funded from the state budget through the state Budget Program, and the state budget allocates funds to develop PPP, it appears for the state authorities inappropriate to charge additional fees from any public service beneficiary because the services are "already paid for" from the state budget. However, as it was initially forethought, the PPP Agency should be a self-sustainable unit, funded partially from the state budget as well as from other sources, including retainer fees, success fees, donor funds, etc. Moreover, funding from the state budget inhibits flexibility in operations.

The PPIAF Consultants need to pay special attention to the funding mechanism of the PPP Agency and the way of its transformation into a more sustainable and independent one.

It is highly important to develop a detailed Business Plan of the PPP Agency. PPIAF Consultants should make a significant contribution to the development this Business Plan.

At the same time, it is essential to find appropriate machinery for creating such a sustainable and self-sufficient organization. Legal Consultants should make a significant contribution to the development of such legal instruments, particularly for the possibility of:

1. providing services by the PPP Agency on the fee basis and success fee approach;
2. financing the PPP project preparation, procurement of external consultants;
3. using other funding sources such as donor funds, etc.

Internal regulations and methodologies

A number of internal regulations required by the legislation were approved by the PPP Agency, such as:

- Fire security and labor protection regulations;
- PPP Projects Development Support Division regulation;
- Regulation on allowances and bonuses;
- Regulation on the protection of personal data;
- Regulation on procurements; and other.

All the internal regulations approved are quite standard for the state authorities and aimed mostly at being consistent with existing legislation requirements. However, according to the information received, there was no additional research on international best practices while developing these regulations.
Some more regulations would probably be needed but are not directly required by the legislation, such as some conflict of interest, confidentiality, regulations on external advisor selection, corporate governance regulations for the Supervisory Board, etc.

It would be valuable for the PPP Agency if the PPIAF Consultants share an experience on above mention matters, as well as some draft regulations from their previous experience or suggestions to the existing internal regulations of the PPP Agency in order to implement best international practice into corporate governance and internal procedures, which will at the same time bring to the public sector higher operating standards than those required by current Ukrainian legislation.

Based on its acquired experience the PPP Agency will provide some suggestions on the PPP legal framework changes required and produce some standardized documents, methodologies, templates and recommendations, which would be used by the government officials during the preparation and analysis of PPP projects, such as:

- typical structure of the pre-feasibility study and feasibility study;
- typical structure for the Efficiency Analysis conclusion, as well as new updated Methodology for analyzing the effectiveness of the implementation of public-private partnership;
- typical tender documentation;
- sample concession agreement.

These templates should be prepared under the best international practices, and PPIAF Consultants could bring a significant advantage here from previous experience. At the same time, it is important not to make them too complicated, since the PPP market in Ukraine is only at the early stages of development and excessive complication of the methodological recommendations can lead to negative consequences.

*Human resources issue, trainings and just in time support*

The fact that the PPP mechanism is quite new for Ukraine and is not widespread, there are critically few people on the market who have practical and even theoretical background in PPP.

As a result, fairly competitive salaries for the Agency's staff were still insufficient to attract people with specific PPP experience. Thus, the personnel recruited to the PPP Agency have relevant project management and analytical skills and experience, but lack of the experience in PPP.

Thus, it would be very valuable if PPIAF Consultants provide *project management "just in time support"* on the first projects till the Agency's staff have sufficient experience to develop the projects on their own.

Moreover, the PPP Agency staff need specific PPP training to study the best international practice to apply them to the project preparation process. A number of trainings were delivered, such as:

1. training within APMG Certification Program, foundation level (November 2019);
2. workshop by PPIAF Consultants on PPP Agency strategy;
3. workshop on Unsolicited Proposals (July, 2020).

One more issue identified is staff performance management and valuation. At the moment, the key performance indicators (KPI) are general for the whole Agency and regulated by the goals of the Budget
Program, which is not reflecting a common approach to performance management. There are no individual KPIs for the staff and no valuation procedures in place.

It would probably be very useful if PPIAF Consultants of the Project share some relevant templates of procedures and regulations on performance management and staff valuation approach according to the KPIs, which corresponds to the best international practice.

3.2 Local Legal Consultant Scope

3.2.1 Role of the Local Legal Consultant
The ToR for the position of the Local Legal Consultant on a Project defines the involvement over 2 years from within Ukraine according to the work plan agreed at the inception of the work.

The main role of the Local Legal Consultant is together with International Consultants to guide the PPP Agency and the MDETA on local practical experience in PPP projects preparation, best practices, and their local application, provide "just in time" support to resolve issues or address request from the client.

Deliverables shall be *ad hoc* agreed with the client according to the specific issues arising during the 2 years of support.

Local Legal Consultant shall be also contributing to the solving legal issues related to the following:

1. Establishment the PPP Agency: legal set up, status, organization, management and supervisory board functions, funding, budget and personnel;
2. Training of the PPP Agency: 4 workshops (PPP Agency operations, PPP pipeline management and role of PPP Agency, PPP project management, PPP key sectors (transport, water, waste, healthcare, energy);
3. Just in time technical support: coaching and training while reviewing and developing projects, international resident support in advisory services to key projects of the PPP Agency;

3.2.2 Support provided in 2020
Since March 2020 a number the following support to the PPP Agency and PPP Unit was provided:

- Advisory on project prioritization, selection and pipeline development (particularly, given the existing legal and institutional framework, identifying barriers to PPP implementation on a case-by-case basis);
- Project Management mentoring and day to day support on the initial stages (in particular, while preliminary legal analysis of the projects and review of the initial data available);
- Just-in-time support in project preparation;
- Key PPP Agency deliverables reviewed and suggestions provided;
- Several PPP/concession by-laws and regulations drafted or reviewed (upon MDETA request), particularly the draft Regulation of the Cabinet of Ministers on the selection of advisors, the draft Regulation on the procedure of PPP monitoring, etc.
### 3.2.3 Proposal to the Working Plan

Taking into consideration requirements set up by the PPIAF Project of supporting the PPP Agency, as well as all received information about the current states of play including planned activities of the PPP Agency for the next 12 months, in the following text the Working Plan will be proposed.

This Working Plan for Local Legal Consultant will contain the notion of proposed activities that will make deliverables to the PPP Agency as well as to the PPIAF in regard to the requirements of the Project that have to be fulfilled. The Working Plan proposed is open-ended and will be continuously updated with any other activity and/or deliverables agreed with the MDETA/PPP Agency on *ad hoc* principle according to the specific issues arising during the engagement.

<table>
<thead>
<tr>
<th>Activity</th>
<th>PPP Agency deliverables</th>
<th>PPIAF deliverables</th>
<th>Timetable</th>
</tr>
</thead>
<tbody>
<tr>
<td>1  Supporting the PPP Agency with preparation of at least one Concept Note in 2020</td>
<td>Suggestions to the structure, content, key legal issues to be addressed, etc.</td>
<td>Just in time technical support provided</td>
<td>July-September 2020</td>
</tr>
<tr>
<td>2  Supporting the PPP Agency with preparation of the Ferry Terminal PPP projects</td>
<td>Suggestions to the asset's preparation approach, key issues, timeline, etc.</td>
<td>Just in time technical support provided</td>
<td>July 2020-June 2021</td>
</tr>
<tr>
<td>3  Contribution to the PPP Agency Strategy</td>
<td>Suggestions to the list of services, advisory offering and pitches, fees for services and success fee, other funding mechanisms for the PPP Agency, etc.</td>
<td>PPP Agency Strategy prepared</td>
<td>July - September 2020</td>
</tr>
<tr>
<td>4  Contribution to the establishment of the PPP Agency Supervisory Board</td>
<td>Draft Regulation on the structure of the Supervisory board,</td>
<td>PPP Agency Supervisory Board established</td>
<td>July - December 2020</td>
</tr>
<tr>
<td>5  Contribution to the preparation of PPP Agency regulations</td>
<td>Internal regulation on conflict of interest, confidentiality protection, on external advisors selection, corporate governance, etc.</td>
<td>Just in time technical support provided</td>
<td>July 2020 - June 2021</td>
</tr>
<tr>
<td>6  Preparation of the key requirements to Feasibility Study</td>
<td>Key requirements to Feasibility Study</td>
<td>One of the key methodologies developed</td>
<td>January-February 2021</td>
</tr>
</tbody>
</table>
4  Annexes

Annex 1. PPP Legal Framework

Codes and Laws:

- Economic Code of Ukraine
- Civil Code of Ukraine

Subordinate legislation:

- Resolution of the Cabinet of Ministers of Ukraine dated April 26, 2017, No. 298 "On Approval of the Procedure for Replacement of a Private Partner under an Agreement Concluded within the Framework of Public-Private Partnership"
- Resolution of the Cabinet of Ministers of Ukraine dated of February 16, 2011, No. 232 "On Approval of Methods for Identifying the Risks of Public-Private Partnership Implementation, their Evaluation and Definition of their Management Form"
- Resolution of the Cabinet of Ministers of Ukraine dated April 12, 2000, No. 639 "On Approval of the Methodology for Calculating Concession Payments"
Annex 2. PPP Agency Internal Structure

Director

→ Lead Accountant

→ Lawyer

→ HR Inspector

→ Division of the PPP projects development support

→ Commissioner for anti-corruption activities
Annex 3. Staff Structure

Staff list of the State organization "Public-Private Partnership Support Agency"

<table>
<thead>
<tr>
<th>№</th>
<th>The name of the structural unit, the position (profession)</th>
<th>Number of the staff units</th>
</tr>
</thead>
<tbody>
<tr>
<td>1</td>
<td>Division</td>
<td></td>
</tr>
<tr>
<td>2</td>
<td>Director</td>
<td>1.00</td>
</tr>
<tr>
<td>3</td>
<td>Lead Accountant</td>
<td>0.75</td>
</tr>
<tr>
<td>4</td>
<td>HR inspector</td>
<td>0.25</td>
</tr>
<tr>
<td>5</td>
<td>Lawyer</td>
<td>1.00</td>
</tr>
<tr>
<td>6</td>
<td>Commissioner for anti-corruption activities</td>
<td>0.25</td>
</tr>
<tr>
<td>2</td>
<td>Division of PPP projects support</td>
<td></td>
</tr>
<tr>
<td>6</td>
<td>Head of the Division</td>
<td>1.00</td>
</tr>
<tr>
<td>7</td>
<td>Manager for advisory services</td>
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</tr>
<tr>
<td>8</td>
<td>Analyst for consolidated information</td>
<td>2.75</td>
</tr>
</tbody>
</table>

**TOTAL** | **8.00**