

# TERMS OF REFERENCE FOR LEGAL CONSULTANT

## (Required services for the modification of the Proposed Bill)

1. Review of the Draft PPP Bill (the “Proposed Bill”) in the light of:
    - a. internationally best available legislative and regulatory frameworks;
    - b. internationally recognized risk management and mitigation frameworks;
    - c. internationally recognized criteria for projects’ eligibility for financial subsidies and other incentives;
    - d. existing domestic legislation and in view of the present legislative environment and governmental procedures relating to infrastructure development, procurement rules, financial regulations and controls that have a direct or indirect impact on procurement of infrastructure and infrastructure related services under the PPPs in Pakistan;
    - e. provincial legislations relating to PPPs and the PPP policy of the Government of Pakistan with a view to eliminate any inconsistencies between the existing Legal Framework and the Proposed Bill;
    - f. internationally recognized PPP contractual frameworks, concessions, management and operational schemes and methods that are best fitted within the purview of the local contract laws; and
    - g. dispute mechanisms recognized as best available solutions for PPP procurements.
  2. Provide the written review report on the findings reached and concluded professionally by the consultant under Section 1 above duly supported by the documentary evidence highlighting comprehensively areas that require modifications, alterations, additions, restructuring, if any, and to define there at the redrafting parameters for the Proposed Bill as general and generic law encompassing all areas and concepts of PPPs.
  3. Propose the redrafted PPP Legislative Bill to IPDF and if so required by the IPDF/Ministry of Finance to circulate it to the stakeholders and hold consultative seminars and workshops of the stakeholders, if so required by IPDF/Ministry of Finance.
  4. Decide and incorporate with the consultation of IPDF the feedbacks and suggestions in the redrafted Bill and make final amendments, if any, and present the draft to IPDF/ Ministry of Finance in final form.
  5. Do and perform such other tasks and assignments which are reasonably required by IPDF from the consultant that is/are necessary for the achievement of the assignment contemplated herein.
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