



Project Financing Committee Annual Report May 2008, Prague

Panos Panagopoulos, Acting Chairman



Objectives of the Committee

- Contribute to EC on legal framework of procurement (partnership with common objectives)
- Define appropriate project preparation & award procedures for MAs to promote to their national Contracting Authorities
- Exchange experience & compile recommendations on contract provisions & project execution for member firms



Comments invited!



Committee meetings

Meetings in June 2007, September 2007 & January 2008; reasonable attendance from Associations (ACA, AHCEA, BCW-VBI, FRI, HELLASCO & ORI) + FIEC representative.

In June 2007 Marco Villa, Economist and Chief Financial Officer Tecnip Italy, was appointed new Chair of the PF Committee, with a 1 year transition period; unfortunately Mr. Villa is unavailable to chair future meetings



MAs invited to propose Chairs for the PF Committee



Committee deliverables, 1/2

1. EFCA Report & Position Paper on Award Procedures for PPPs
3. EFCA Position Paper on Institutional PPPs (awarded to a joint company of public & private sector).

Main point: choosing contractor/financer and partner

Main messages:

- apply provisions of 2004/18 for award, i.e. selection (by financial/technical ability), then award
- define specific scope, location & characteristics of project
- no double tendering: setup IPPP and award project
- IPPP's activities limited to works, services directly related to its scope.



Committee deliverables, 2/2

4. [EFCA Position Paper on Competitive dialogue](#) in coop with Public Procurement Committee.

Main point: the quest for flexibility in public procurement; at what cost?

Main messages:

- MS: evaluate whether competitive dialogue is appropriate - OK for PPPs
- MS: reimburse participants commensurately with work
- EC: limit number of participants & restrict dissemination of ideas

5. Comprehensive Report on '[Engineering PPP projects](#)' targeted to MS and firms is being elaborated (albeit with some delay).



E.C. Consultation on IPPPs

- In June 2007, the EC invited EFCA comments for an EC communication on the application of public procurement law to IPPPs
- Comments & proposals submitted in July 2007
- In February 2008, the EC adopted the Interpretative Communication on IPPPs (award procedures) which is consistent with the EFCA views.



Protection of solutions

- The applicability of the concept of intellectual protection for design solutions proposed in competitive dialogue was investigated
- **conclusion: present legal framework only protects novel ideas & aesthetic value (e.g. architectural design) - not a successful synthesis of existing concepts**



- investigate possibility of extending available legislation
- promote the provision of confidentiality + foresee procedures for access to documents after award to check its application



Dialogue with Contractors (FIEC)

- Objective: to exchange opinions on issues of common interest for PPP (and DB), i.e.
 - IPPPs
 - competitive dialogue

In this context, issue of appropriate remuneration of consulting firms to reflect their value of the engineering solutions



Other

- Comments on FIDIC's Policy on PFI/PPPs
- EFCA Library on documents & references