



**P3A**  
PARTNERSHIPS FOR  
GROWTH



Ref. No. PPPA/HLA/005/2022-211

17 August 2023

From: **Mohammad Awais**  
Head Legal Affairs, P3A

To: **Yasir Irfan**  
Director (Dev)  
Ministry of Federal Education & Professional Training  
C-Block, Pak Secretariat, Islamabad

AS	
TA	
JS (A)	
JS (IC)	
JS (Policy)	
JS (FT)	
JS (FE)	
DG (ME)	
Director (NCC)	
Director (Dev)	✓

**SUBJECT: REQUEST FOR INPUT ON DRAFT CONCESSION AGREEMENT**

Dear Sir:

Reference letter number 2-187/2002-23(Dev) dated 4<sup>th</sup> August 2023 on the subject noted above.

2. As stated in the captioned letter, the establishment of School under PPP modality at F-11/2, Islamabad is a 'non-qualified' project therefore, under Section 14A of the P3A Act, 2017 (as amended) the implementing agency is authorized to seek participation from the private sector in appropriate projects in accordance with the Act, without seeking approvals under Section 14 of the P3A Act. Hence, an implementing agency is empowered to enter into public private partnership agreements and arrangements with private parties after obtaining approvals applicable to projects generally undertaken by the relevant implementing agency. The relevant portions of Section 14A is reproduced hereinbelow for ready reference:

*"14A. Private sector participation.- (1) Notwithstanding anything to the contrary contained in any other laws for the time being in force, the implementing agencies shall be authorized to seek participation from the private sector in appropriate projects in accordance with this Act.*

*(2) Subject to the provisions of this Act and the rules and regulations made thereunder, the implementing agencies shall be fully empowered to enter into public private partnership agreements and arrangements with private parties under mutually agreed terms and conditions in one or several projects and may provide project support to private parties on such conditions as deemed mutually fit for the purposes of such projects."*

4. P3A, as per its mandate under P3A Act, 2017 (as amended), does not have a mandate to approve/vet the procurement process/documentation pertaining to non-qualified projects. Therefore, P3A recommends that you may engage an independent legal firm/counsel to provide you feedback and vetting of the Concession Agreement keeping in view your organization's legal framework, as well as other applicable laws, including the P3A Act, 2017 (as amended) and the PPRA framework, etc.

*Mohammad Awais*  
(Mohammad Awais)  
Head Legal Affairs, P3A

CC: (i) Secretary, Ministry of Planning, Development & Special Initiatives  
(ii) CEO, P3A  
✓ (iii) SPS to Secretary, Ministry of Federal Education & Professional Training, Islamabad

5666  
No. by Chieftain (Dev)  
Dated 21-8-2023

Secretary, FE&PT  
4249  
18/8/23

3138 AS(FE&PT)  
18-08-23

Director (Dev)

28/8  
Mo (Dev)

Dr (Dev)

18/8/23