

Role title: Legal & Regulatory Expert

Description

Name of the Project: United Kingdom Nigeria Infrastructure Advisory Facility (UKNIAF)

Name of the Client: Department for International Development (DFID)

Sector Lead: Infrastructure Finance Lead

Reports to: Infrastructure Finance Lead

Location: Abuja, Nigeria with the possibility of some travel within Nigeria

Africa PPP Advisory Services is working with Tetra Tech International Development, to deliver the DFID-funded United Kingdom Nigeria Infrastructure Advisory Facility (UKNIAF), a £72.8m technical assistance facility which aims to improve the lives of some of Nigeria's poorest people by improving the way infrastructure is designed and delivered in the country.

The UKNIAF programme is active across the Federal road network, power and infrastructure finance sectors. Working with the Federal Government of Nigeria, selected state governments and the wider international community, it aims to catalyse a transformational change in livelihoods across Nigeria by unblocking obstacles to growth.

UKNIAF's Infrastructure Finance Component is committed to developing a \$3 billion pipeline of bankable private sector financed projects, at least \$1 billion of which will be at or close to financial close by 2023.

This assignment supports the delivery of the 2021 milestone targets for output indicator 3.1 - Project Delivery Framework, which contains the following parts: (a) Stakeholder engagement and technical assistance required to build consensus around the proposed Accelerated Project Delivery Framework, (b) Development of the PPP project pipeline (c) Development of 5 concept notes, and, (d) Preparation of at least 2 Outline Business Cases to be completed by Sept 2021.

Responsibilities

- Advise on the legal feasibility of proposed pipeline projects under consideration for development
- Carry out preliminary assessment of the legal issues related to the feasibility of the project as a PPP, and readiness to launch tender
- Identify legal, regulatory and administrative risks such as capacity of project sponsors to enter into PPPs, planning requirements, permits and other approval processes, environmental licenses and possible changes in law
- In conjunction with other advisors, draft a risk matrix and propose risk allocation between parties
- Contribute to the Value for Money analysis
- Work with other advisors as required to produce a detailed risk matrix and determine the optimal risk allocation amongst the parties
- Produce an outline/draft of the PPP Concession Agreement
- Advise on a bid evaluation process in compliance with ICRC and BPP guidelines

- Contribute to the drafting of the procurement notice and the pre-qualification questionnaire
- Assess the formal admissibility of expressions of interest and qualification submissions
- Draft letters for both qualified and successful bidders
- Support the MDAs in the drafting of parts of the tender documentation, finalise the drafting of the PPP contract to be proposed to the bidders, fine-tune the evaluation criteria, set out instructions to bidders regarding the legal aspects of their bids.
- Review and verify the final version of the tender documentation before it is sent to bidders
- Analyse the legal aspects of bid submissions with a specific focus on the allocation of risks/responsibilities between the MDA and the bidder's consortium and within the various components of the consortium itself
- Contribute to the development of the contract negotiation strategy
- Analyse the legal aspects of final bids, in particular the proposed PPP contract amendments
- Support discussions with the preferred bidder
- Carry out a final review of the full PPP contract documentation
- Review the financing agreements and ensure consistency with the PPP contract and the direct agreement
- Assist the MDA in negotiations with the lenders
- Review the conditions precedent to financial close

Key Performance Indicators (KPI's)

The main KPI will be the quality of the advice and deliverables, and their utility to UKNIAF, FCDO, Nigeria and the Government of Nigeria, in line with the Task Order'.

Person specification

- An advanced degree in Law and Legal Practice in Nigeria (Required). International experience and qualifications an added advantage.
- Minimum of 15+ years post-qualification experience in drafting and reviewing Legal, institutional and regulatory frameworks for government agencies, private sector organisations, Financial Institutions and institutional investors; commercial deal structuring, PPP transaction advisory services, advising on Privatisation & Commercialisation of government agencies, Competition law, labour and environmental law etc; legal due diligence, structuring and facilitating Project and Corporate Finance, from multiple perspectives (Government, Private Sector, Lenders).
- Demonstrable experience of successfully drafting and negotiating PPP Concession Agreements across multiple sectors.
- Experience advising government and building capacity across the overall PPP/private financed project lifecycle. And in particular, familiarity with key agencies in the federal and subnational PPP ecosystem.
- International experience of successfully delivering PPP transactions and capacity building projects across multiple sectors.

- Experience of working as part of virtual multi-disciplinary teams of consultants and transaction advisors
- Experience in establishing and maintaining productive relationships with banks and other financial institutions, fund managers, institutional investors, and other project sponsors and financiers.
- Strong leadership, interpersonal and organisational abilities.
- Strong analytical, conceptual and writing skills. Excellent written and oral communication skills in English.
- Strong demonstrable proficiency in Microsoft Office (Word & PowerPoint in particular).

Special requirements

- The position is based in Abuja, with limited travel as a result of COVID19 restrictions. Some out of hours work might be required.

