



**MOSELEY
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An Introduction to the *Mongolia PPP Handbook* 2026

Mongolia PPP Forum
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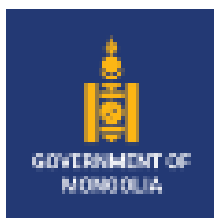
Outline of the Presentation



Five main topics

- I. **Development of the *Mongolia PPP Handbook 2026***
- II. **The Purpose of the *Mongolia PPP Handbook 2026***
- III. **International Examples of PPP Handbooks and Operation Manuals**
- IV. **Overview of the Proposed *Handbook***
- V. **The PPP Project Cycle in Mongolia**

I. Development of the *Mongolia PPP Handbook 2026*



MINISTRY OF ECONOMY
AND DEVELOPMENT



CLDP
COMMERCIAL LAW DEVELOPMENT PROGRAM

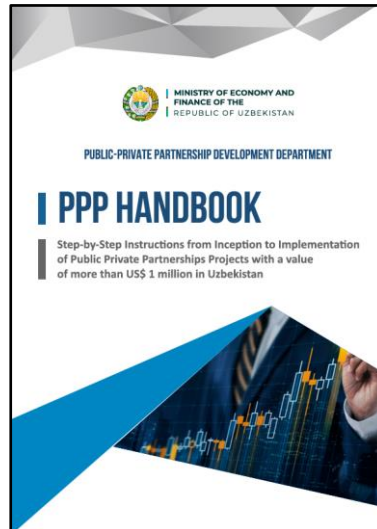
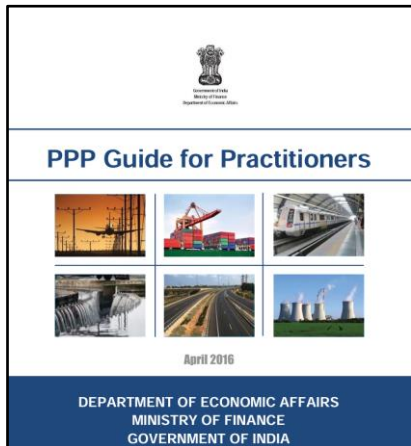
- the *Mongolia PPP Handbook 2026* is currently being developed by the **Ministry of Economy and Development (MED)**, with the assistance of the **Commercial Law Development Program (CLDP)** of the U.S. Department of Commerce
- interviews with key PPP stakeholders were conducted in March, and initial drafts of the *Handbook* are now being prepared
- the draft *Handbook* will be further developed as the updated PPP amendments come into force
- **the plan is to finalise the *Handbook* by June 2026**
- **the *Handbook* will be a living document**, which will be amended, from time to time, as the PPP process in Mongolia evolves

II. The Purpose of the *Mongolia PPP Handbook 2026*

Mongolia's *Law on Public Private Partnerships* contains provisions designed to ensure the **transparency** of PPPs – in accordance with **Article 51.5**, on the publication of a PPP manual

- Article 51.5 of the *PPP Law* requires the MED and the PPP Center to publish a PPP manual, which shall include **“instructions for the proper, efficient and effective implementation of PPPs”**
- on this basis, the *Mongolia PPP Handbook 2026* will be a **publicly-available** guidebook for **all PPP stakeholders** in Mongolia – including MED and PPP Center staff, other national government officials, subnational government officials, private sector project developers, lenders, and members of the public
- accordingly, the *Handbook* will provide **public officials and private sector investors** with a comprehensive understanding of the Mongolia PPP processes, for **both national and subnational PPP projects**

III. International Examples of PPP Handbooks and Operation Manuals



- many nations with successful PPP programs have developed handbooks, guides and operational manuals used by PPP practitioners in those countries
- **South Africa** and **India** were amongst the first jurisdictions to publish PPP manuals
- more recently, in 2025, **Uzbekistan** developed a PPP Handbook* for its well-regarded PPP program

* available at https://api.mf.uz/media/filestore/ENG_PPP_Handbook_290425.pdf

IV. Overview of the Proposed Handbook



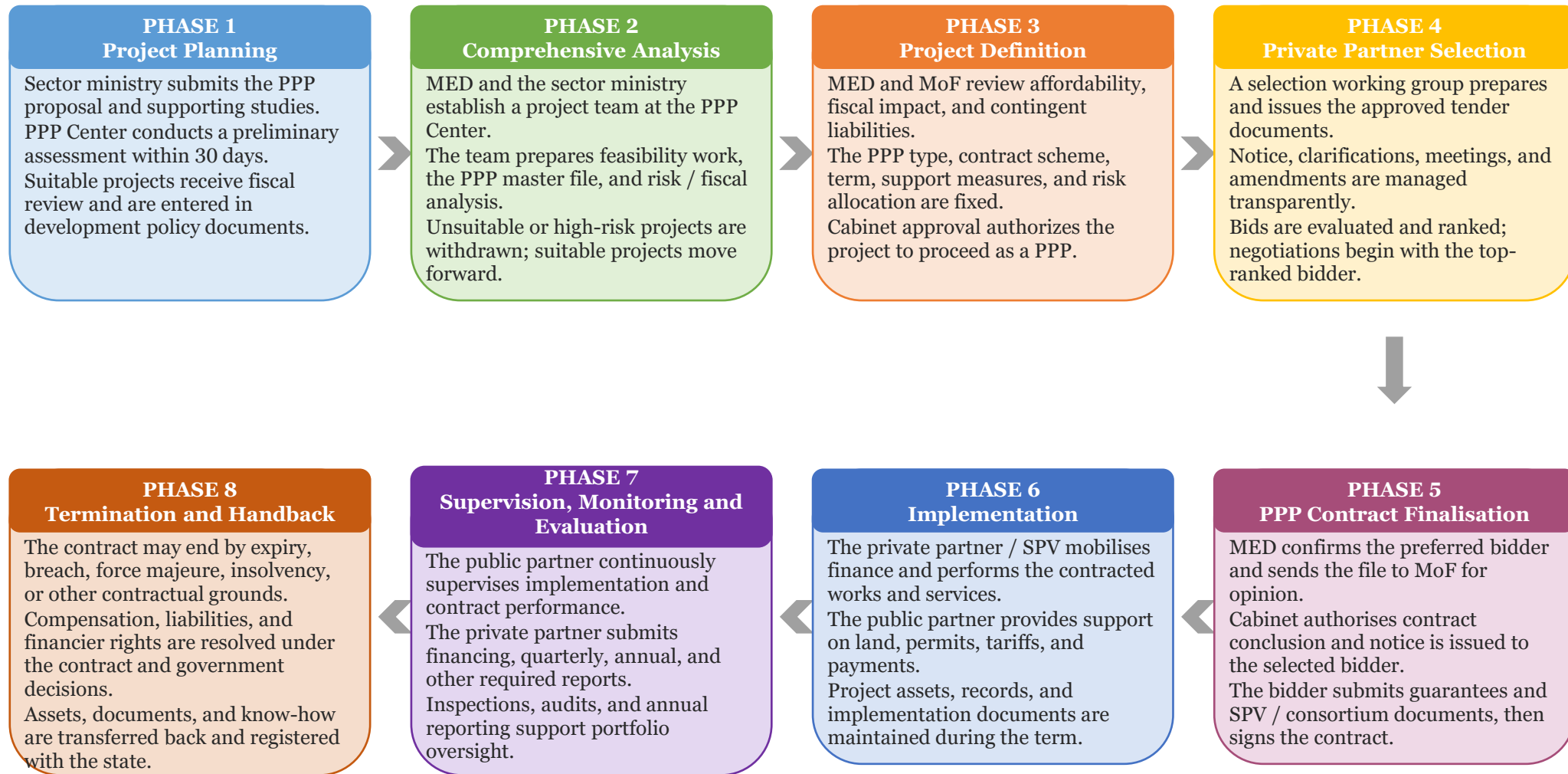
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- it is anticipated that the *Mongolia PPP Handbook 2026* will have **separate chapters** dealing with **national-level PPPs and subnational PPPs**
- there will also be separate chapters on PPP **Unsolicited Proposals**, PPP **Contract Disputes and Renegotiations**, and on the Mongolia PPP **Project Development Fund**
- in addition, there will be a brief introduction to the PPP concept, plus an Annex containing definitions of PPP words and phrases
- the key part of the *Handbook* will be the sections describing, on a **step-by-step basis**, each phase of the Mongolia PPP process
- this step-by-step analysis will be based on the **8 phases of Mongolia’s PPP project cycle**, as set out in Article 17 of the *PPP Law*

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V. The PPP Project Cycle in Mongolia



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V. The PPP Project Cycle in Mongolia



| PHASE 1 Project Planning |
|--|
| Sectoral Ministry submits proposal to MED / Partnership Center. PPP Law Articles 10.1.1-10.1.3; Analysis Reg. 2.1, 2.3, 2.5 |
| Partnership Center + Sectoral Ministry conduct preliminary assessment within 30 days. PPP Law Article 17.1.1(a); Analysis Reg. 2.8-2.10 |
| If suitable, MED seeks finance / fiscal review and approves the preliminary assessment conclusion. Analysis Reg. 2.12-2.14 |
| MED notifies the Sectoral Ministry and records the project in development policy documents. PPP Law Articles 8.1.2, 17.1.1(b); Analysis Reg. 2.15, 3.1-3.3 |

| PHASE 2 Comprehensive Analysis |
|---|
| MED + Sectoral Ministry establish a project team under the Partnership Center. PPP Law Articles 8.1.14, 10.1.6; Analysis Reg. 4.2-4.4 |
| Project team scopes the work, budget and timetable; full analysis normally within 6 months, extendable once by up to 6 months. Analysis Reg. 4.5-4.7 |
| Project team prepares project analysis, preliminary and detailed feasibility study, PPP master file, and risk analysis. PPP Law Article 17.1.2; Analysis Reg. 4.1, 5.1-5.5, 6.1-6.2, 7.1-7.3 |
| If analysis shows the project is unsuitable / too risky, MED returns or withdraws it; otherwise the full documentation is submitted to MED and the Sectoral Ministry. Analysis Reg. 8.1-8.4 |

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V. The PPP Project Cycle in Mongolia (cont.)



| PHASE 3 Project Definition |
|---|
| MED reviews the comprehensive analysis and requests finance / fiscal opinions. PPP Law Articles 8.1.3, 9.1.1-9.1.4 |
| PPP type, contract scheme, term, fiscal support / guarantee needs and risk allocation are fixed from the analysis. The PPP contract is drafted from the standard PPP template and must cover risk allocation, support / guarantees, termination compensation, asset ownership, step-in rights, control and handback. PPP Law Articles 14-15, 20.4, 31-32, 35.2, 36, 42.8, 43-48; Contract Reg. 1.6, 2.7-2.10 |
| MED submits the project, together with fiscal opinions, to Cabinet for a decision on whether to authorise conclusion of the PPP contract. PPP Law Articles 8.1.3, 21.6-21.7; Contract Reg. 3.5 |
| Cabinet approves the project for PPP implementation and authorises the making of the PPP contract. PPP Law Articles 7.1.1, 7.1.5, 17.1.3 |

| PHASE 4 Private Partner Selection |
|---|
| MED + sectoral ministry establish a selection working group. PPP Law Article 24.1; Selection Reg. 2.1-2.5 |
| Working group prepares selection documents and obtains MED approval. PPP Law Articles 24.3, 25.1-25.2; Selection Reg. 2.6, 3.1-3.2 |
| Selection notice is published at least 30 days in advance; documents are issued to applicants. PPP Law Articles 24.4-24.7, 25.3; Selection Reg. 2.8-2.10, 3.5-3.7 |
| Clarifications close 10 working days before submission; amendments must extend the deadline by at least 5 working days and cannot be made within 14 days of deadline. Selection Reg. 3.3-3.4, 3.8-3.9 |
| Bids are submitted, registered and evaluated within 30 days; participants are ranked and notified within 5 working days. PPP Law Articles 25.4, 56.4; Selection Reg. 3.10-3.17 |
| Complaint window: 5 working days to the Dispute Resolution Council; working group then negotiates with the top-ranked bidder, moving to the next-ranked bidder if needed. PPP Law Articles 25.5, 26.2, 56.1-56.4; Selection Reg. 4.1-4.2 |

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V. The PPP Project Cycle in Mongolia (cont.)



| PHASE 5 PPP Contract Finalisation |
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| MED identifies the bidder with the best mutually agreed terms and sends the file to the finance / fiscal authority within 5 working days. PPP Law Articles 25.6-25.7, 26.3-26.4; Selection Reg. 4.3-4.5; Contract Reg. 3.2-3.5 |
| The MoF issues its opinions within 10 working days; if approval is refused, reasons must be given. PPP Law Articles 9.1.5, 26.4; Contract Reg. 3.3-3.4 |
| MED submits the proposed contract to Cabinet; if authorised, MED issues a notice of contract award to the selected bidder within 10 days. PPP Law Articles 7.1.5, 26.5, 33; Contract Reg. 3.5-3.6 |
| Selected bidder submits execution guarantee, financier evidence, SPV / consortium documents and signing authority evidence; guarantee payment must be made 5 working days before signing. PPP Law Article 44.7; Contract Reg. 2.5.1, 3.7 |
| Bidder must sign within 180 days of notice. Draft amendments are prohibited unless the Government decision permits them. The signed agreement is then disclosed / uploaded. PPP Law Articles 8.1.6, 10.1.8, 25.8, 33; Contract Reg. 3.8-3.13, 8.3-8.4 |

| PHASE 6 Implementation |
|---|
| Private partner / SPV mobilises financing and implements the project in accordance with the contract and supporting agreements. PPP Law Articles 42, 44.1-44.6; Contract Reg. 2.9 |
| Public partner performs its contractual functions, including support on land, permits, tariffs / user fee methodology and contractual payments where applicable. PPP Law Article 28.1; Contract Reg. 2.4.1-2.4.4 |
| Private partner performs design / construction / operation / maintenance services and complies with fee and tariff limits and guarantee obligations. PPP Law Articles 28.2, 44.7; Contract Reg. 2.5.1-2.5.2 |
| For budget-funded PPPs, annual performance and financing requests feed into the budget cycle. PPP Law Articles 14.3-14.4, 31-32; Contract Reg. 50.1-50.8, 53.1 |
| Assets, records and project documents are maintained throughout implementation in accordance with the contract. PPP Law Articles 43-44; Contract Reg. 55, Appx. 1 Clauses 7-8 |

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V. The PPP Project Cycle in Mongolia (cont.)



| PHASE 7 Supervision, Monitoring and Evaluation |
|--|
| Public partner continuously supervises implementation and contract performance. PPP Law Articles 8.1.18, 10.1.9-10.1.11, 55.1; Contract Reg. 5.1 |
| Private partner submits financing, quarterly, annual and other required reports. Contract Reg. 54.1-54.6, 58.1-58.7 |
| MED may inspect the site at least once each year and may engage consultants / independent evaluators. PPP Law Article 55.4; Contract Reg. 59.1.1-59.1.4 |
| Cabinet / State Audit may conduct audits of PPP operations, legislation compliance and fund management. PPP Law Article 55.2-55.3 |
| MED consolidates implementation reporting and annual performance information. PPP Law Articles 8.1.8, 10.1.10; Contract Reg. 58.7 |

| PHASE 8 Termination and Handback |
|--|
| Contract may end by expiry, unremedied breach, force majeure, insolvency / dissolution, or other contractual grounds. PPP Law Articles 48, 58.1; Contract Reg. 7.1-7.4 |
| On termination, compensation, liabilities, financier rights and any restart / transfer decision are handled under the contract and Government decision-making. PPP Law Articles 46-48; Contract Reg. 2.7.12-2.7.15, 7.3-7.6 |
| Private partner transfers project assets, documents, know-how and related rights to the public partner as required. PPP Law Articles 43.7, 48.5; Contract Reg. 7.5 |
| MED organises transfer and registration of PPP items into state property in accordance with the contract and relevant property laws. PPP Law Article 8.1.17, 17.1.8; Contract Reg. 7.7 |
| If the agreement expires and is not extended, handback is completed and the PPP process closes. PPP Law Articles 36.2-36.3, 43.7; Contract Reg. 6.8, 7.1.1 |

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