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| Course title : Legal Aspects of Bidding and PPP | | | | |
| Course code : MPL 148 | No. of credits : | L-T-P distribution : 12-16-0 | Learning hours : 28 | |
| Pre-requisite course code and title (if any) : | | | | |
| Department: Centre for Post Graduate Legal Studies | | | | |
| Course coordinator (s) : Dr. Jaya Vasudevan | | Course instructor (s): Dr. Jaya Vasudevan | | |
| Contact details : jaya.vasudevan@terisas.ac.in | | | | |
| Course type | Core | | | |
| Course offered in | Semester 2 | | | |
| Course Description: The course is designed to introduce students to the basic legal concepts of competitive bidding and PPP projects. It will also identify the financial and other risks related to bidding and PPP projects as well as challenges in execution of such contracts. | | | | |
| Course objectives : 1. Apprise students about the basic principles of competitive bidding and PPP projects 2. Discuss the risks and benefits associated with bidding / PPP projects 3. Case law studies on important issues related to bidding / PPP projects 4. Discuss role of governments & regulators | | | | |
| S. No | Course Contents | L | T | P |
| 1. | Module 1: Introduction to Competitive bidding | 3 | 4 | |
| | Understanding the concept of bidding, basic rules applicable to bidding, its merits and demerits, Bidding vs Bilateral Contracts Case discussion | | | |
| 2. | Module 2: Risks associated with bidding and execution of contracts | 3 | 4 | |
| | Introduction to assessment of risks for purposes of bidding, risks related to execution of contracts, challenges in long term contracts – how to address changes and alterations in circumstances; change in law and force majeure clauses, termination and step in rights; dispute resolution Case study: Review of bid documents for different projects | | | |
| 3. | Module 3: Introduction to PPP projects | 3 | 4 | |
| | Understanding the concept of PPP projects, its merits and demerits, Role and duty of PPP developers, applicability of RTI Act, Financing models for PPP projects Case discussion | | | |
| 4. | Module 4: Role of government and regulators | 3 | 4 | |
| | Role of governments, courts and regulatory bodies in relation to PPP projects – risk of governmental and judicial interventions Case discussion | | | |
| Total | | 12 | 16 | 0 |

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| Evaluation procedure : | |
| | Weightage (%) |
| • Class participation | : 10 |
| • Term Paper | : 25 |
| • Presentation | : 25 |
| • Test 3 | : 40 |
| Learning outcomes : | |
| By the end of the course, it is expected that the students will be: | |
| <ol style="list-style-type: none"> 1. Able to understand legal issues related to competitive bidding & PPP projects 2. Appreciate business and regulatory risks related to PPP and infrastructure projects | |
| Pedagogical approach : | |
| The course will be taught through interactive sessions with reference to case laws and materials for understanding the legal issues related to infrastructure and PPP projects. | |
| Suggested Readings : | |
| <ol style="list-style-type: none"> 1. Report of the Committee on Revisiting & Revitalizing the Public Private Partnership Model of Infrastructure (Kelkar Committee Report), November 2015 2. Public Private Partnership Projects in India: Compendium of Case Studies, June 2015 3. Public Private Partnerships (ppp) in Infrastructure Projects - Public Auditing Guidelines, Comptroller & Auditor General of India, 2009 | |
| Additional information (if any) : | |
| Student responsibilities : | |
| Attendance: At-least 75% attendance will be necessary to be able to appear for the final exam. | |

Course Reviewers:

1. Shri C S Vaidyanathan, Sr. Advocate, Supreme Court of India
2. Dr. Rajesh Babu, Associate Professor, Public Policy and Management, Indian Institute of Management, Calcutta.