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政府与社会资本合作（PPP）概念与案例

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讲座介绍

- 讲座预期目标：了解政府与社会资本合作（PPP）概念
  - 政府与社会资本合作（PPP）概念
  - 基础设施项目的常规监管介绍
  - 以悉尼轻轨PPP项目为例介绍两种非常规项目监管

- 讲座过程中欢迎随时在腾讯会议的聊天框里提问

- 请扫描右侧二维码加入本次讲座互动（www.menti.com，1912 6487）
- 互动#1：请用俩字的一个词来描述此刻生活状态

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政府与社会资本合作（PPP）概念

PPP定义

- 请扫描右侧二维码加入本次讲座互动（www.menti.com，1912 6487）
- 互动#2：你对政府与社会资本合作（PPP）了解多少
- 目前没有成熟通用的PPP定义 → 一个国家的PPP项目在其他国家可能不认为是PPP项目

A long-term contract between a public party and a private party for the development (or significant upgrade or renovation) and management of a public asset (including potentially the management of a related public service), in which the private party bears significant risk and management responsibility throughout the life of the contract, provides a significant portion of the finance at its own risk, and remuneration is significantly linked to performance and/or the demand or use of the asset or service so as to align the interests of both parties.

PPP定义分析

- “A long-term contract between a public party and a private party”
  - Long-term: one of the essential features of any PPP, which is the effective risk transfer and responsibilities to the private party over a significant part of the project life
  - Contract: a written document comprising the rights and obligations enforceable by either party
  - Public party: governments (the procuring authority), or agencies, companies and entities that may act in the respective contract as procuring authorities in the name of the government
  - Private party: the contractual counterparty of the public party, commonly refers to the key private sector company or companies
  - New company (i.e. SPV), state-owned enterprise, public sector as a shareholder of the project company?

PPP定义分析

- “for the development (or significant upgrade or renovation) and management of a public asset (including potentially the management of a related public service)”
  - Development and management of the asset: one of the essential features of the PPP model is the search for efficiency through the involvement of private party in the design, construction, and maintenance
  - Significant upgrade or renovation: PPPs may be also used for intensive additional investment in an existing asset
  - Potentially including management of a related service: many PPPs also include the management or operations of a public service when the infrastructure relates to such service or is a platform to allow public authorities to render the service

PPP定义分析

- “in which the private party bears significant risk and management responsibility throughout the life of the contract”
  - Significant management responsibility: the private party should be materially and integrally in charge of the management of the asset (especially life-cycle cost management)
  - Significant risk transfer: there should be significant risk transfer to the private sector over a significant part of the asset life cycle (in addition to the transfer of construction risks)
  - Significant: not ALL

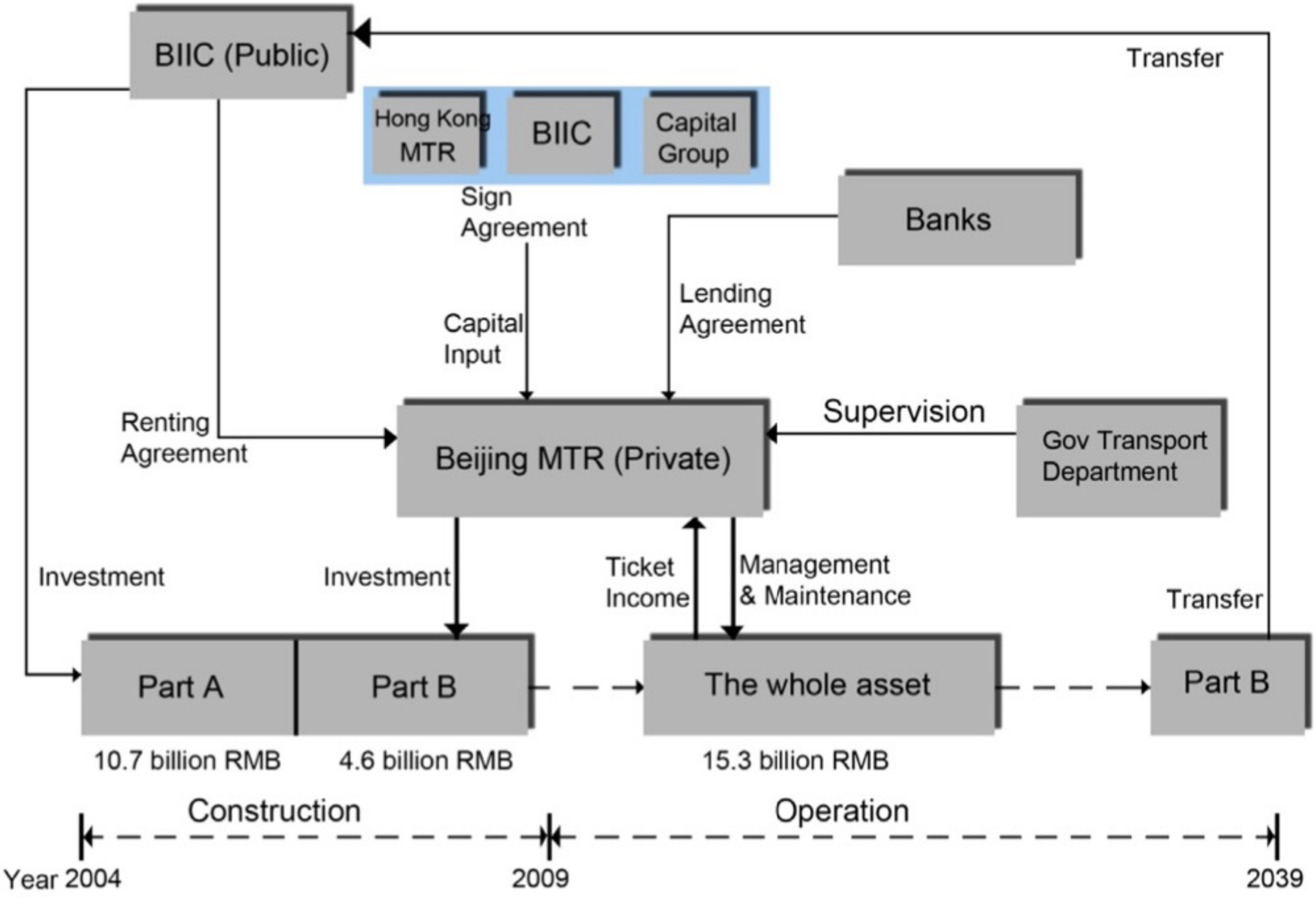
PPP定义分析

- “provides a significant portion of the finance at its own risk”
  - Private participation in the financing of a project is not a necessary condition for a project to be regarded as a PPP
  - Securing private finance may be an objective or motivation in itself for a public authority to procure infrastructure using PPP
  - Private finance (usually under a “project finance” structure) may also be an essential factor for efficiency
    - It incentivizes the private partner to be proactive in maximizing the objective of the public party
    - The private finance also incentivizes the private partner to manage whole-of-life costs

PPP定义分析

- “and remuneration is significantly linked to performance and/or the demand for or use of the asset or service, so as to align the interests of both parties”
  - The link of remuneration to performance is critical for aligning the interest of the private partner (mostly focused on obtaining benefits) with the objectives of the public sector (mostly focused on service reliability and quality)
  - Output specifications, performance indicators, evaluation and reporting, etc. are particularly important to structuring a PPP deal

北京地铁四号线PPP项目



Source: Chang (2013)

真伪PPP项目判断

- 请扫描右侧二维码加入本次讲座互动（www.menti.com，1912 6487）
- 互动#3：请你以本讲座所下定义为基准，判断下述案例是否为PPP项目

- Design-Build-Finance: Contract for design and build of infrastructure (e.g. a road, a rail track), having the contractor pre-financing the works against future payment
  - 政府与社会资本签订一个为期4年的施工总承包合同
  - 社会资本在项目前期为项目融资，垫资施工
  - 政府方项目经理依照产出要求对项目进行约定的进度、质量等方面的审查
  - 项目移交后，政府依照约定的支付进度（如3-5年）完成付款

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政府与社会资本合作（PPP）案例
—— 从项目监管的角度来看

监管的概念

- 涉及法学、政治学、行政学、经济学乃至整个社会科学领域，争议极大
- 监管性质 (是什么)、监管主体（谁监管）、监管范围（监管什么）、监管方式（如何监管）
- 项目监管 —— 政府投资项目为主，投资金额巨大、工程意义重大、社会关注程度高
  - “轻”监管：政府方基本不参与项目实施过程管理，一般在出现问题时才会介入
  - “重”监管：政府方不仅参与到项目实施全过程，还动用行政管理和公众监督等形式
  - 我国于2019年7月1日起施行《政府投资条例》投资项目在线审批监管平台

中国政府投资项目的监管

来源：何学源律师，上海市建纬律师事务所
https://zhuanlan.zhihu.com/p/77215666

政府投资项目全过程监管

- “事前”阶段聚焦源头控制，侧重于在宏观层面对一级地方政府投资策略的把控
  - 项目立项阶段，项目审批机关需着重审查政府投资项目的项目建设的必要性、技术经济可行性、社会效益以及项目资金等主要建设条件
- “事中”阶段聚焦投资控制和资金管理，在微观层面对具体项目落地的监督管理
  - 工程招标阶段对重大项目的招标控制价进行审查；在项目资金支付过程中，遵循“按资金预算、按拨付程序、按合同约定、按审核结果”
- “事后”阶段聚焦审核与绩效评价，在微观层面对具体项目运营情况的监督管理
  - 对项目工程结算、竣工财务决算审核实现全覆盖，对已完工程应加快财务决算

监管的主要内容

- 投资监管（常规工程管理专业授课范围）
  - 财政资金的使用和财务会计管理
- 建设监管（常规工程管理专业授课范围）
  - 项目建设过程把控，项目设计、招标投标、设备采购、工程施工、结算签证、完工验收等
- 风险监管
  - 社会、财务、纪律风险（例如腐败），大多涉及内部审计、纪检、监察和有关职能部门

监管的主体与主要方式

- 内部<u>监管</u>是指国家权力机关内部和相互间的监管
  - 立法机关、监察机关和司法机关对行政机关的监管（非常规、本次讲座案例）
  - 行政机关部门间监管，如政府投资项目的立项、建设等工作由发改部门负责，但财政资金的拨付由财政部门负责；环保、消防、城管、审计等
- 外部<u>监督</u>是指非国家公权力机关的其他组织、团体、个人对政府投资项目的监督
  - 中介机构监督，包括监理单位、保险公司、信用评级机构、各类专业咨询机构、行业协会以及政府投资项目的贷款方和融资方
  - 社会公众监督，包括新闻媒体和社会公众（非常规、本次讲座案例）

澳洲基础设施项目的常规监管

常规项目监管 – 联邦层级（以Infrastructure Australia为例）

- 独立的基础设施顾问单位（https://www.infrastructureaustralia.gov.au）
- 政策/改革的研究与建议，包括参与联邦PPP指南框架的维护等
- 基础设施规划、审计，包括联邦重大基础设施优先列表的维护
  - Assessment Framework: For initiatives and projects to be included in the Infrastructure Priority List https://www.infrastructureaustralia.gov.au/sites/default/files/2019-06/infrastructure_australia_assessment_framework_2018.pdf
  - Infrastructure Priority List (>100M) https://www.infrastructureaustralia.gov.au/sites/default/files/2019-08/current-ipl-july-19.pdf

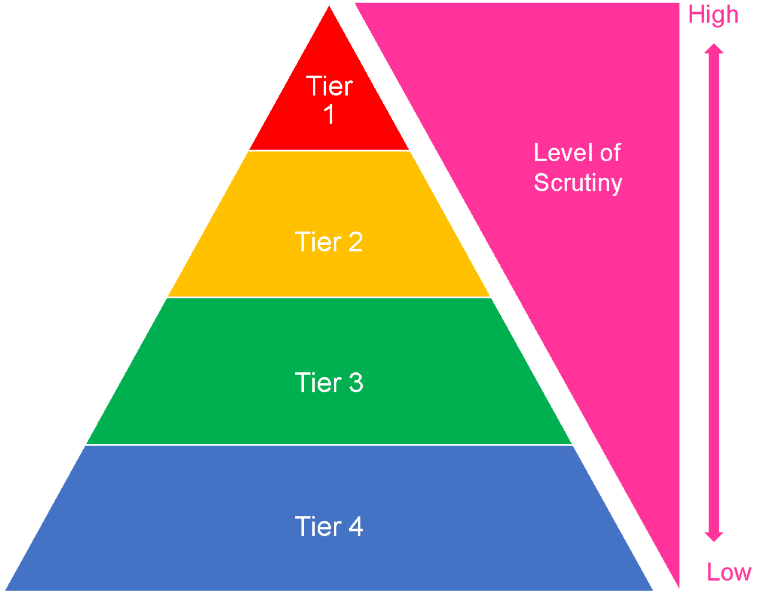
常规项目监管 – 州/领地层级（以Infrastructure NSW为例）

- 独立的法定机构（http://www.infrastructure.nsw.gov.au）
- 基础设施中远期规划、政策建议
- 协助其他部门提交联邦重大基础设施优先列表申请
- 在州长的命令下承担/监管个别重大基础设施（如城市改造项目）
- 审核评估其他政府部门建议的重大基础设施项目
  - NSW Infrastructure Pipeline (http://www.infrastructure.nsw.gov.au/expert-advice/pipeline-of-projects/)

常规项目监管 – 州/领地层级（以Infrastructure NSW为例）

- Infrastructure Investor Assurance Framework (http://www.infrastructure.nsw.gov.au/media/2095/iiaf-march-2019-update-_final-published.pdf)

Weighted Risk Score	ETC Range				
	$10M – 50M	$50-$100M	$100M - $500M	$500M - $1B	>$1B
0.0 – 2.0	Tier 4	Tier 3	Tier 3	Tier 3	Tier 2
2.1 – 2.2	Tier 4	Tier 3	Tier 3	Tier 2	Tier 2
2.3 – 2.4	Tier 4	Tier 3	Tier 2	Tier 2	Tier 2
2.5 – 2.9	Tier 3	Tier 2	Tier 2	Tier 2	Tier 1 – HPHR
3.0 – 3.9	Tier 2	Tier 2	Tier 2	Tier 2	Tier 1 – HPHR
4.0 – 5.0	Tier 1 – HPHR	Tier 1 – HPHR	Tier 1 – HPHR	Tier 1 – HPHR	Tier 1 – HPHR

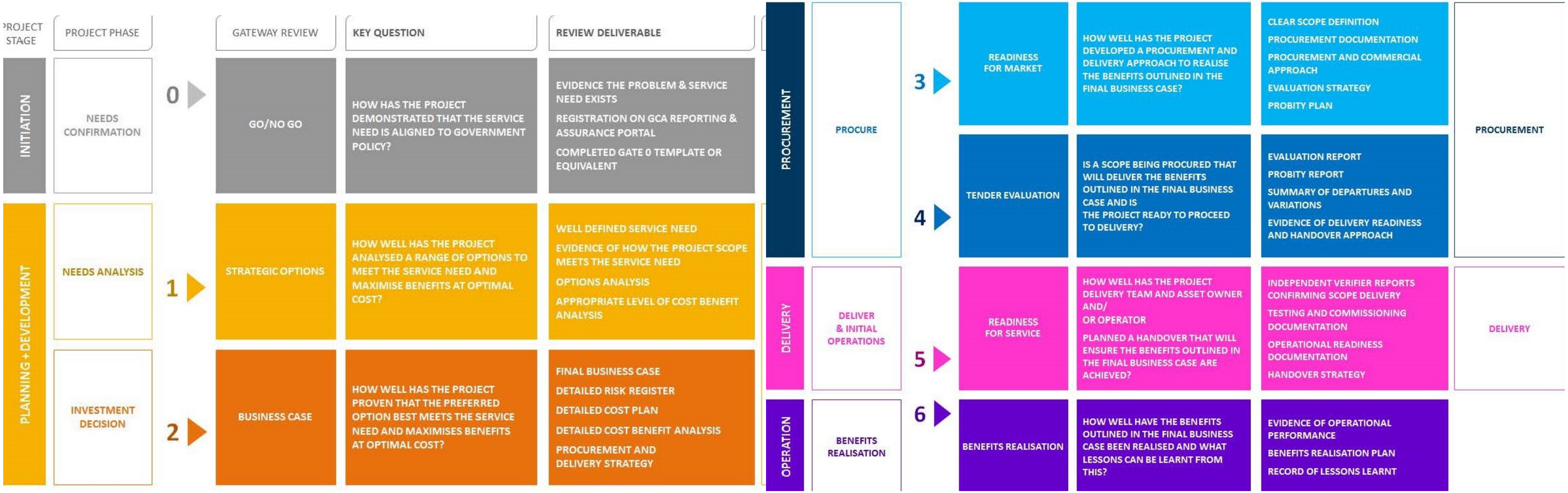


常规项目监管 – 州/领地层级（以Infrastructure NSW为例）

- Infrastructure Investor Assurance Framework
- Tier 1 – High Profile / High Risk projects must pass through all Gates
- Tier 2 projects must pass Gate 0 (Project Justification), Gate 1 (Strategic Assessment), and Gate 2 (Business Case)
- Tier 3 projects must pass Gate 0 (Project Justification)
- Tier 4 projects (lowest risk) do not require Gateway Reviews.

常规项目监管 – 州/领地层级（以Infrastructure NSW为例）

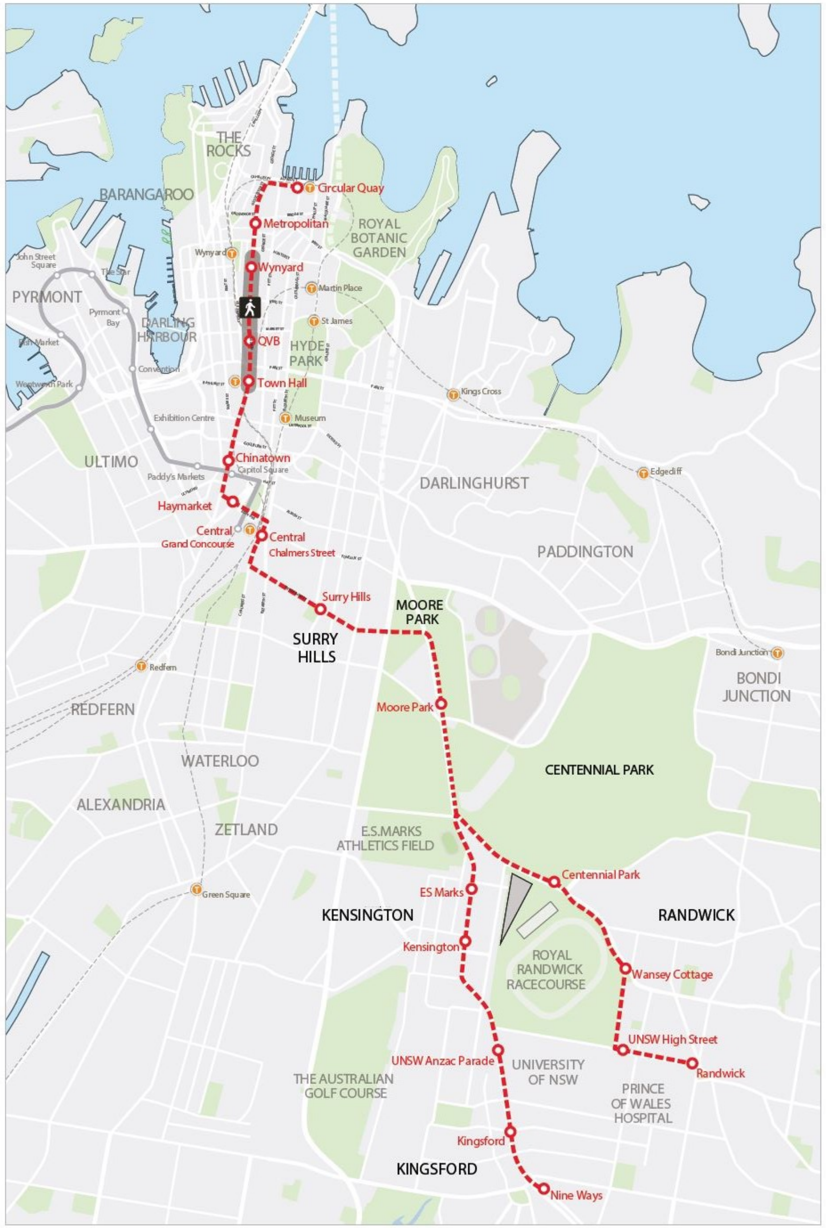
- Infrastructure Investor Assurance Framework



以悉尼轻轨PPP项目为例介绍两种非常规项目监管

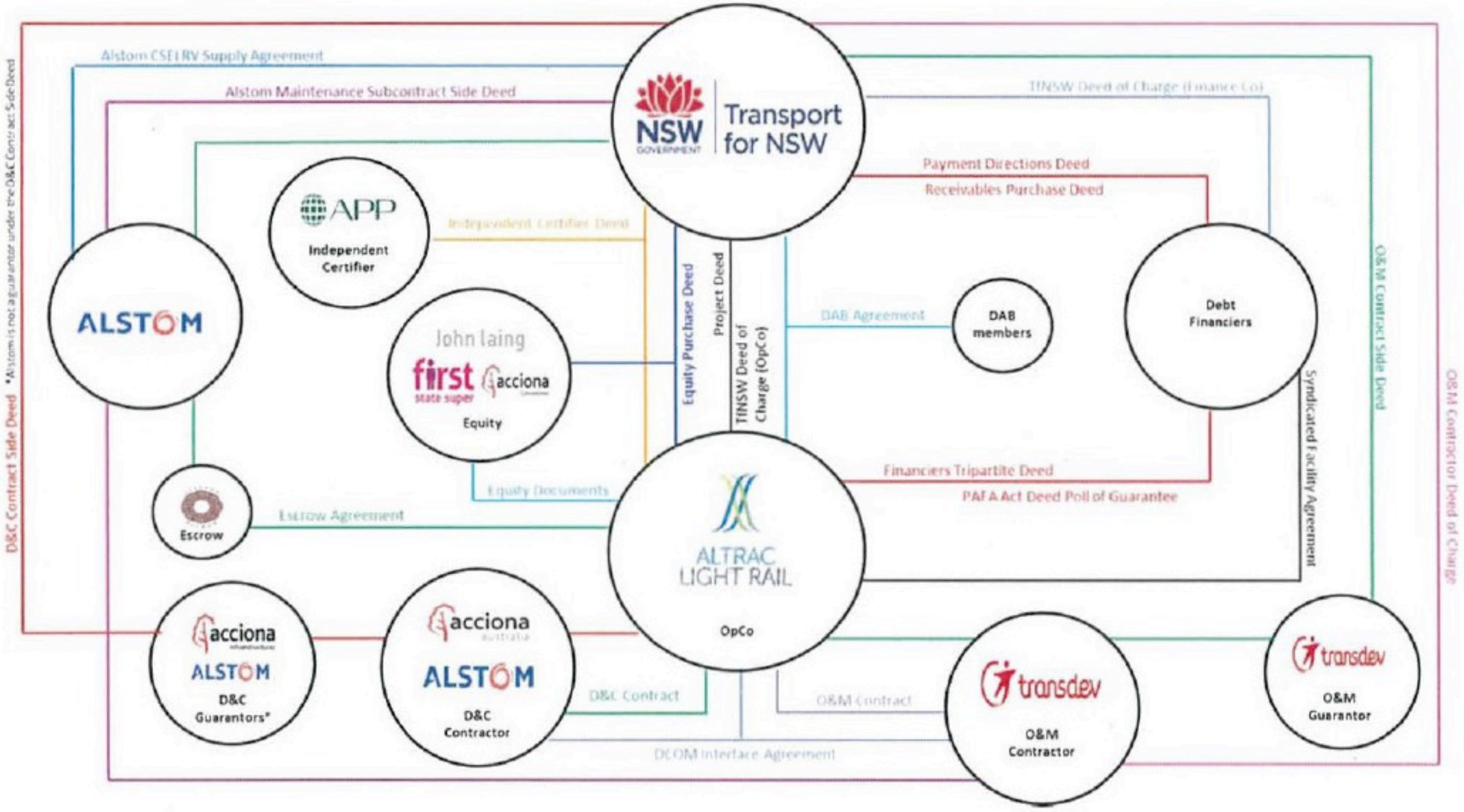
悉尼轻轨PPP项目概况

- CBD and South East Light Rail (CSELR) project
- A new 12 kilometre route with 19 stops
- 2012年12月，建造该项目的计划被提出
- 2013年11月，Business case（1.6b），项目采购开始
- 2014年10月，宣布ALTRAC联合体中标
- 2014年12月，合约签订（19 ys, 2.1b）
- 2015年2月，融资完成（Financial Close）
- 2015年10月，项目开工
- 2019年12月，L2开始运营；2020年4月，L3开始运营



悉尼轻轨PPP项目合同结构

- ~30年
- Transport for NSW
- ALTRAC联合体
  - Acciona Infrastructure
  - Alstom Transport Australia
  - Transdev Sydney



项目绩效表现 – 工期

- 预期完工时间是2019年3月16日
- 2018年8月，former Deputy Secretary at Transport for NSW称预期完工时间为2020年3月
- 2018年10月，Managing Director of Acciona Infrastructure和Chairman of ALTRAC称预期完工时间为2020年5月
- 紧后的听证中，Transport for NSW拒绝延长两个月的请求
- 2018年11月4日，双方同意预期完工时间为2020年5月29日
- 主要原因：heritage (土著人遗址) and utility issues (无记录的废弃电缆管道)
- 请扫描右侧二维码加入本次讲座互动（www.menti.com，1912 6487）
- 互动#4：悉尼轻轨PPP项目的成本超支该由谁承担？

项目绩效表现 – 成本

- 2013年11月，Business case（1.6b）；2014年12月，合约签订（2.1b）
  - mispricing and omissions in the business case
  - scope changes and planning modifications
- Acciona工程合同额是$870 million
- 2018年10月4日，Acciona称成本已达大约$1.45 billion，预期总成本将为$1.8 billion
- Acciona → ALTRAC → Transport for NSW (1.1b)
- 2019年6月3日，达成协议，政府赔付$576m → 2.7b

非常规项目监管#1 – Parliament Inquiry/议会调查

- Public Accountability Committee
- 2018年5月22日，该委员主动发起（self-referred）关于悉尼轻轨PPP项目的调查
- 2018年7月8日，公开意见征集截止
- 2018年8月20日、2018年10月3日、2018年10月4日、2018年11月5日和2018年11月29日，在新州议会召开五次听证会
- 2019年1月25日，完成最后报告并公示（其中包括给新州政府的20条建议）
- 2019年7月9日，新州政府公示关于20条建议的回复

此次议会调查的价值 – 素材/研究/经验总结

- 详细资料： https://www.parliament.nsw.gov.au/committees/inquiries/Pages/inquiry-details.aspx?pk=2492
    - 195 submissions and 5 supplementary submissions, one of which includes survey responses from Surry Hills residents
(No. 18 Auditor-General of New South Wales, No. 39 Transport for NSW, No. 86 City of Sydney, No. 87 Randwick City Council, etc.)
    - The committee also received 62 pro-formas
    - The committee held five public hearings at Parliament House in Sydney
    - Impact of the CBD and South East Light Rail Project - Final Report (205页)
    - Government responses (20 short sessions, 23页)

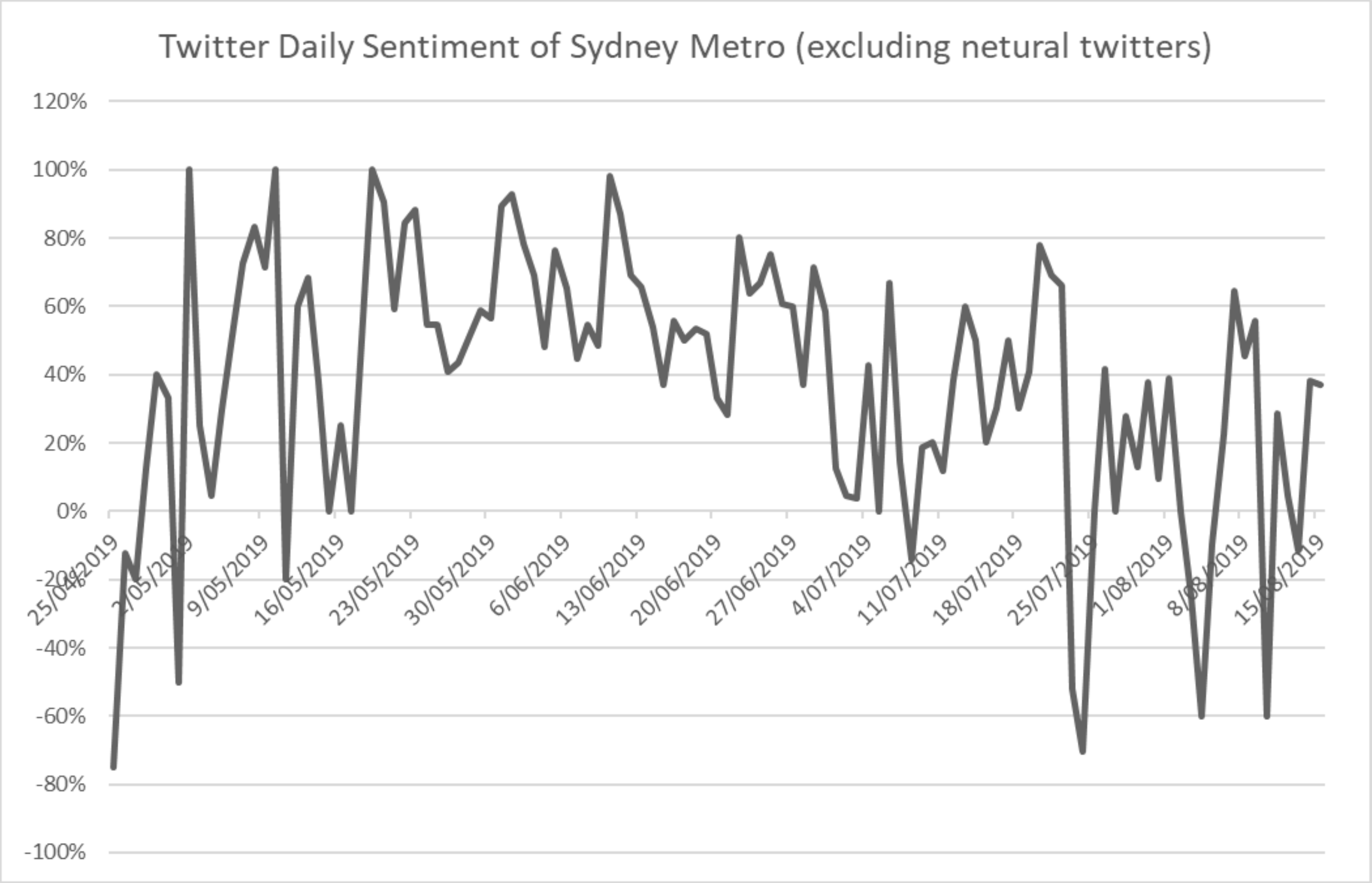
议会调查的不足

- 只有“明星”项目才进入议会调查（例如WestConnex、Building Quality、Northern Beaches Hospital）
- 事后诸葛亮，当然，对将来还是有帮助的

非常规项目监管#2 – 推特情感分析

- 通过项目关键词搜集推文
- 对推文进行情感分析
（正面、中性、负面）
- 过去113天总计25082条
- 在时间序列表达里找出剧变时点
- 对该时点的推文进行文本分析
- 总结影响公众情感的因素

- 另一种非常规的项目/舆情监管方式



基于社交媒体的项目监督

- 优势：全员参与、真实（理论上而言）、实时、成本低...
- 劣势：不成熟、极度依赖于网络舆论环境、偏见的存在、群众的了解局限...
- 社交媒体在项目管理中的应用研究极具潜力
  - Improved project learning (Rosa et al., 2016; Winter and Chaves, 2017)
  - Better intra-project communication (Kanagarajoo et al., 2019; Zhang et al., 2018)
  - A platform for branding (Ninan et al., 2019)
  - Managing external stakeholders in megaprojects (Ninan et al., 2020)
  - 文章：An Exploratory Study of the Use of Social Media to Assess Benefits Realization in Transport Infrastructure Projects
  - 课题：Social Media Use in Project Management – Multiple Case Studies of Transport Projects

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谢谢，欢迎提问

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