



## CIEŚLAK & KORDASIEWICZ Business and Legal Advisory Office

One of the first companies in Poland which has successfully implemented complex advisory services for a state unit in the course of preparation and conduction of the selection procedure of the private partner. The result of those was signing of a PPP agreement with a private investor.



We interview  
**Rafał Cieślak**,  
partner  
at the law firm

### What is your experience in the cooperation with the units of local government?

Our law firm provides consulting services to the units of local governments for 7 years. We focus on gaining external capital for the infrastructural investments, as well as on innovative and developmental projects.

Since the company was established, our domain are advisory services regarding financing of investments from European funds. Currently, we are among the top consulting firms in Poland. We also offer expert services in the fields such as: public assistance, commercialization of public sector and project management. For several years, we also successfully operate in the sphere of public-private partnership projects.

### What kind of advisory on PPP Project do you offer?

The specific nature of PPP projects requires professional advisory provided on three levels. At the stage of defining the project, these are: comprehensive analysis before implementation, which includes the legal and organizational, financial and risks analysis but also economical and other that are needed. Their effect is the recommendation of the PPP project in a concrete model. The next stage is the selection of a private investor, which involves: preparing relevant documentation and negotiations with private investors. The last stage is the periodic monitoring of the implementation of the public-private agreement. In addition, we provide the following services: organization of meetings with investors, market research or seeking additional funding for projects. The public-private partnerships is interdisciplinary formula, which requires a comprehensive knowledge in many fields. Therefore complexity of the offer is crucial for our clients.

### How would you sum up the current situation in the PPP market in Poland?

We have recently observed, that the market is growing more rapidly. During the last 2 years of the new legislation on the public-private partnership, several agreements has already been concluded, several projects are in various stages of implementation, hundreds more in the preparatory phase.

The environment of consulting companies closely monitors the market, which results in periodic reports and statistics regarding the conducted proceedings. Moreover, based on our experience in the field of sports investments, we also prepared the report "Public-Private Partnerships in the sport infrastructure in Poland", that is available on our website. Another report, dedicated to the PPP in the health sector will be released soon. What is still missing in Poland, is of course knowledge and experience. I think, that all of us need a few more years of education and practice to fully responsibly carry out the public-private projects.

Governmental administration has important role in this field. At the end of the last year, the Ministry of Economy commissioned us to carry out the unique training project, aimed to audit and prosecution institutions, which - I truly hope so initiated the educational process of the PPP on a larger scale. There was also appointed a special team for the PPP issues, which has to mark out the new directions for the promotion and implementation of the PPP in Poland. The Ministry of Regional Development also created the webpage [www.ppp.gov.pl](http://www.ppp.gov.pl), dedicated to the matters of the PPP and PPP Platform. It has also allocated some funds to support 'so-called' hybrid projects.

### As one of the most experienced consulting firms in Poland, you have the opportunity to cooperate with the public entities in the implementation of the PPP projects. How do you assess this work?

Fortunately, our cooperation with the local governments in all projects we advised was beyond reproach. Our clients usually give us a lot of space in the field of before-implementing analysis. Sometimes they critically accept their results. However, we are experienced advisory team and we cannot afford

to be a 'fabulists'. What is important, not every project is ideal for the PPP formula. Some of them can be also performed efficiently by other methods. It's our task to make the local governments aware which form of implementation of the new project will be optimal. I believe, that a professional advisor should have a large distance to his work. Such attitude will be appreciated in the long run by both - the clients and the co-workers. However, at the stage of the PPP procedure, our role is essential because of the new, not well known proceedings, our clients expect full commitment. It seems to me, that the good cooperation with local governments in the sphere of PPP comes from the fact, that PPP projects are attractive for these entities, that are generally more open to cooperation with investors, advisors and business partners. Therefore, I never strongly convince governments to PPP. I just present the potential, the benefits, but also possible problems and difficulties regarding this solution.

### I know you have developed the original „PPP System” the specific organizational solution for local governments planning PPP projects. Could you briefly explain the rules of its operation?

Indeed, our experience with local governments, led us to create a tool, that helps them in preparation and implementation of the PPP projects.

The system assumes the division of competences and provides efficient communication between different organizational units and institutions of the public entity. Such tool improves the effective and transparent implementation of the PPP projects.

It's a perfect supplement for existing systems of ISO quality management, which can be also implemented as a completely separate procedure. I will add, that PPP System is certified by an international auditing firm.

Thank you  
for the conversation.

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