

Actors' interaction, process management and complex decision-making in public-private partnership

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ABSTRACT

Government of Bangladesh has been encouraging Public-Private Partnership (PPP) since 1990s for engaging private investment in infrastructure development and service delivery. However, in implementing PPP policy in Bangladesh, it has been observed that performance in one PPP differs from another PPP. Considering it as policy implementation deficit, this study looks policy performance through the lens of actors' interaction, process management and complex decision-making perspective with the following research question: How far actors' interaction, consensus building and complex decision making in PPP policy implementation can explain policy performance? The question is answered following network management and complex decision-making theoretical approach. Qualitative research method and case study strategy with two cases is considered for this study. Semi-structured interviews were conducted with 24 key respondents. For analyzing case study data, within-case analysis and cross-case synthesis have been adopted. The findings uphold the view that at implementation phase, actors' willingness to compromise, issue solving, resolving dispute, positive decision and positive attitude towards PPP, are vital for actors' satisfaction. Therefore, study findings contribute to knowledge by confirming network management and complex decision making as useful in explaining PPP policy performance in Bangladesh.

Keywords: *Actors, processes, complex decision making, policy implementation and performance*

INTRODUCTION

The Government of Bangladesh has been encouraging private sector involvement for infrastructure development and service delivery through Public-Private Partnership (PPP) since 1990s. Following Private Sector Infrastructure Guidelines-2004, the Ministry of Shipping and the Bangladesh Sthala Bandar Kartipaksha (BSBK) decided to develop land ports on Build-Operate-Transfer (BOT) basis through private sector for better and efficient storage and handling of cargoes. Among six land port PPPs, one PPP is

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operating at acceptable level, four PPPs are struggling with construction of physical facilities and operation and the rest one did not start any activity yet (GoB 2013). Therefore, from PPP implementation experience, it is evident that under the same public authority, policy performance in one PPP differs from another PPP, which indicates a major policy implementation deficit. This study explores reasons behind this performance based on network management and complex decision-making perspective. The paper is organized in following ways. Section 1.2 reviews relevant literature, develop research question and identify points of intervention. Section 1.3 briefly explains the framework of analysis. Section 1.4 presents methodology. Section 1.5 elaborates findings. Finally, section 1.6 concludes with policy implications.

POLICY IMPLEMENTATION, PPP AND NETWORK MANAGEMENT

Policy implementation means the transformation of policy goal into action. It is mainly viewed through three different frameworks, i.e., top-down, bottom-up and synthesized framework. Appropriate framework for analyzing PPP policy can be selected through analyzing organization structure and management strategies employed in PPP. Public administration scholars expounded organization structure and management strategies of PPP in several forms such as collaborative, contractual and hybrid. 'Collaborative' form puts emphasis on process management strategies in PPP, such as facilitating interactions between actors, bringing different actors' perception together, and coordinating interactions and other activities for functioning and success of PPP. 'Contractual' form puts emphasis on principal-agent relationship, in which, government stays at the central steering position and employs project management strategies. On the other hand, based on project management strategic orientation, i.e., central steering of the government in one axis and process management strategic orientation i.e., interaction among the actors with trust and commitment in another axis, Jun Park and Jeong Park (2009) identified the organizational structure of PPP as of 'hybrid' form.

This study argues that long-term infrastructure PPP is of 'hybrid' structure, and hence, functioning and success of PPP depend on process management strategies employed by the actors. Among three policy implementation framework, synthesized framework puts importance upon the interaction of a multitude of actors who have distinctive interests and strategies (Scharpf, 1978 cf. Pölzl and Treib, 2006). Therefore, synthesized framework is considered as suitable for analyzing PPP policy implementation. Following this understanding, aims here are to explore interactive processes which bring different actors' perception together and explain policy performance with the following research question: *How far actors' interaction, consensus building and complex decision making in PPP policy implementation can explain policy performance?* Interactive perspective of network management theory

within synthesized framework is considered here for answering this question. Interactive perspective stresses the multitude of actors, and their interactions in bringing about a policy solution. The important theoretical concepts are actors, strategies, coalitions and games. The interactive perspective offers options for tackling problems which actors cannot solve alone and where conflicts of interest block collective performance.

FRAMEWORK OF ANALYSIS

Network management aims at coordinating strategies of actors with different goals and preferences with regard to a certain problem or policy measure within a network of inter-organizational relations (Kickert, Klijn, and Koppenjan, 1997). Within networks, series of interactions occur around policy and other issues. Klijn and Koppenjan (2000) term those as 'games' and explain policy processes as a collection of such games between actors. In these games, each of the actors has its own perception of the nature of the problem, the desired solutions and the perception of the other actors. Based on these perceptions, actors select strategies. The outcomes of the game are a consequence of the interactions of strategies of the different players. In these contexts, network management approach comes up with complex decision-making and problem-solving. The rounds model of decision making provides further insight, in which mutual adjustment among the actors in the form of cooperation, conflict or avoidance leads to policy results. Based on rounds model, multiple actors interact at different arenas with specific issues and finally policy process completes with multiple rounds. Each new round can change the direction of the match, new players can appear, and in some cases the rules of the game can even be changed and finally round end with a crucial decision (Koppenjan and Klijn, 2004).

In similar manner, Brinkerhoff (1996) also argues that policy implementation process calls for consensus building, participation of key stakeholders, conflict resolution, compromise, contingency planning and adaptation. Consensus building process means agreeing by the both partners on particular problems and solutions and jointly taking decisions, which make a win-win situation for both the partners. It is also connected with to what extent one partner accepts other partner's views and opinion positively. Empirically, Samii et al. (2002) find consensus building, which strengthens the feeling of ownership among the partners and heightens the level of commitment and trust, is one of the cornerstones behind the success of PPP. This consensus building approach offers required flexibility and creates an interactive environment that enables development and experimentation of new ideas through 'positive decision' in the decision-making process (Samii et al., 2002). In joint decision-making game, 'positive decision' when implemented, alters the status quo in some way, 'negative decision' preserves the status quo and 'non-decisions' bars deviation from the status quo (Howlett et al., 1995).

The analytic framework of this study considers consensus building as major process for analyzing PPP policy process and thus explanatory variable. Consensus building processes are operationalized through measuring the extent of: a) willingness to compromise with the changed demand of the actors reflected in the negotiation and subsequent amendment of the PPP agreement, b) solving issues and disputes with 'positive' decision, c) solving issue following proper escalation procedures, d) solving dispute following proper escalation procedures and e) having presence of PPP promoter in the organization who can facilitate decision making of the superior on behalf of the betterment of the PPP.

On the other hand, policy performance is considered as dependent variable in the analytical framework. However, assessing policy performance for a single actor is not in line with the network management approach, as because in a network, variety of actors is involved and they all have different objectives. It is expected that the process and outcome will be evaluated in terms of the objectives of actors involved in the network. Therefore, evaluation criteria need to be considered based on multi-actor, dynamic character of interaction in networks (Klinj and Koppenjan, 2000). Klinj and Koppenjan (2000) argue that a classic top-down approach for measuring success and failure of policy processes, in terms of a public actor's effectiveness in achieving goals, is not appropriate in the network approach. Rather, examination of ex-post satisfying criterion is more appropriate (Klinj and Koppenjan, 2000 cf. Teisman 1992/1995). Therefore, stakeholders' satisfaction along with win-win situation criterion has been considered as policy performance in the analytical framework. Relevant hypothesis in this regard is:

H1: A higher effort on consensus building processes by the actors in the PPP will lead to higher policy performance reflected in actors' satisfaction.

METHODOLOGY

Research question of this study deals with examination of policy process based on implementers perspective. Velotti, Botti, and Vesci (2012) highlight that in qualitative research, meanings cannot be separated from the context in which they originate. Thus, keeping in mind that there is a need to understand the context in which actors address the phenomenon, study is conducted with qualitative research approach. Considering research question and PPP as study interest *case study strategy* is adopted here as a best fit option.

However, simplest form of multiple-case design with two cases is selected for this study. In case selection, without going any sampling logic, after initial discussion with the port authority top officials, reviewing published paper and available documents, Teknaf Land Port PPP (Case A) and Sonamasjid land port PPP (Case B) have been selected as two cases for this study. Semi-structured interviews were conducted with 24 key respondents. Purposive and

snowball sampling procedure are adopted for key respondent selection. Selected respondents are directly involved with the PPP, as well as, hold position in the organization with decision making role. During interview, case study protocol has been followed. The Table-1 gives composition of the respondents.

Table-1: Composition of Key Respondents

Key respondents		Case A	Case B
1	BSBK [Chairman, Director (Traffic), Superintendent Engineer, Executive Engineer, Assistant Director (Traffic)]	5	5
2	Case A & B (Managing Director/ Director, General Manager, Manager, Deputy Manager)	4	4
3	Service recipients (Importer, Exporter, C& F Agents)	3	3
Total		24	

Case study strategies deploy within-case analysis and cross-case synthesis. In within-case analysis of multiple case study design, each case is considered as a single case. Each case's findings are used as information contributing to the entire study, but each case remains a stand-alone entity. Whereas, cross-case synthesis develops, validates, or refutes the findings of the within-case analysis. For analyzing case study data, these two analysis techniques have been adopted in this study.

FINDINGS AND ANALYSIS

Case A: Teknaf Land Port PPP

Bangladesh Sthala Bandar Kartipaksha (BSBK), an implementing agency under the Ministry of Shipping, appointed United Land Port Teknaf Ltd. as private operator for development and operation of the Teknaf Land Port for 25 years through signing concession agreement in August, 2006. Under this arrangement, BSBK leased land to the port operator, port operator secured the right to charge the port users for the services provided for cargo storage and handling and at the end of the concession period, the port operator would transfer the port to BSBK including all fixed and movable assets. Agreement implementation phase is divided into four sequentially arranged decision making rounds: agreement finalization round, pre-construction round, construction round and operation & maintenance round. Each round ends with specific events or decision. Agreement implementation is the function of the both partners' actions through realizing those events/decisions.

Agreement finalization round for this PPP was completed within the specified period of bidding and the agreement was signed after a negotiation on some point of interest. While agreement was sent to the operator for their

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concurrence, they wanted to deduct the cost of existing pontoon and excluded it from the agreement. Port Authority agreed and finalized agreement accordingly.

In private operator's voice:

“When BSBK publish Request for Proposal, we submitted our bid and the agreement that we signed, was signed based on our full understanding”.

Partial commercial operation was started along with signing land lease agreement with private operator in October, 2006. However, due to some complexity, land was physically handed over at the site in December, 2007. Commercial operation was supposed to start after 2 years of land hand over date with all required infrastructure construction. In the agreement, there is a provision of constructing three warehouses along with other infrastructures. Port operator constructed two warehouses but one warehouse remains unused since its construction. Therefore, they applied to start commercial operation with the facilities constructed so far excluding third warehouse. BSBK formed a committee to inspect the matter and subsequently approved that commercial operation can be started with the infrastructure developed and amended relevant section of the agreement. But BSBK decided to send the changes to the Ministry for approval. Accordingly, Ministry gave decision that commercial operation would be considered as started since July, 2012.

Private operator explains their effort in following ways:

“In new infrastructure construction, we made BSBK understand what is required and what is not. BSBK approved our proposal though they took long time”.

This is also reflected in the views of BSBK representative.

“The private partner was supposed to build the infrastructure before commercial operation. Port operator constructed all their facilities and the works done by them have been good”

Therefore, agreement finalization round and pre-construction round completed timely but construction round could not meet the time line due to delay in decision making. Table-2 shows different rounds and decisions taken during each round.

Table-2: Issues, decisions and time spent in different rounds at Case A

ROUND	ISSUES IN TLP PPP	ARENAS IN POLICY GAMES*	DECISION TYPE
Agreement Finalization Round (27.06.2006-31.08.2006)	1. Jointly decided and negotiated agreement	Level 1,2 and 3	‘Positive’

Pre-Construction Round (31.08.2006-02.12.2007)	2.Land lease agreement	Level 1	'Positive'
	3.Acquiring necessary approval and permits	Level 1	'Positive'
	4.Approval of design and structural drawing	Level 1	'Positive'
	5.Signing Direct Agreement for facilitating financing in the project	Level 1,2 and 3	'Non-decision'
	6.Revision of Master Plan	Level 1 and 2	'Positive'
Construction Round (02.12.2007-01.07.2012)	7.Extension of Commercial Operation Date	Level 1 and 2	'Positive'
	8.Start of COD with reduced infrastructure than the CA provision	Level 1,2 and 3	'Positive'
Operation and Maintenance Round (01.07.2012-till date)	9.Tariff Collection related Issue	Level 1	'Positive'
	10. Rent and transfer cost of the Flat Ferry Jamuna	Level 3	'Positive'
	11. Tourists travel using Internal Passenger Jetty	Level 1,2 and 3	'Negative' then 'positive'
	12. Revenue risks from government jetty construction through LGED	<i>Different network</i>	<i>In discussion</i>
	13. Special provision of business with Myanmar without L/C, goods and passenger transport from another place	<i>Different network</i>	<i>In discussion</i>
	14. Uncertainty in future revenue earning due to BIWTA initiative for starting river port at Teknaf	<i>Different network</i>	<i>In discussion</i>
	15. Uncertainty in future revenue earning due to Myanmar- Bangladesh road connectivity at Ghumdhum border outpost (BOP)	<i>Different network</i>	<i>In discussion</i>

* Arenas indicate decision making level, such as level 1-operational level, Level 2 - business level, level 3 - strategic level and level 4 - policy level.

Source: File contents and interviews

Implementation Process: Consensus Building

Private operator started negotiation on extension of commercial operation date, revised master plan, amendment of agreement, and on imposition of liquidated damage. Expectations of private operator were mostly met for having higher willingness to compromise of both the partners. Secondly, in the agreement, there is no specific provision regarding issue solving mechanism. It is mentioned that if the private operator sends any matter for port authority's approval and if the port authority does not disapprove the matter within 30 (thirty) days, it will be considered that approval is given. In some cases, this provision has not been followed by BSBK. Private operator was also found a bit flexible too. Table-2 shows major negotiation points during

implementation phase and subsequent decisions taken in each round and level. Table-2 shows that among 11 decisions, nine decisions were 'positive', one is non-decision, and the last one was primarily negative later on became positive. It shows sign of breakthrough in the policy process. Here, most of the decisions taken are 'positive' and taken with much consideration except decision to stop internal passenger transport. However, in case of issue solving, escalation procedures were followed.

Thirdly, a dispute connected to internal passenger transport, in which, revenue risks continue from the competing facilities developed nearby the land port. Some private jetties are being used for internal passenger transport from Teknaf to St. Martin Island and Teknaf to Kutubdia Island keeping port operator's jetty unused. BSBK could not do much assistance in evicting those jetties with the assistance from local administration. Moreover, another jetty has been constructed by Local Government Engineering Department (LGED) near the land port. BSBK informed LGED about Teknaf land port and condition of the Naff river while they requested not to construct this facility. But LGED could not stop that initiative. From the port authority's perspective, they are putting significant effort in management of revenue risks, but it is not worthy initiatives from the private operator's view. Following remarks made by respondents of private operator indicate port authority's capacity and competency in dealing this risk:

"In case of our jetty for passenger transport, BSBK could not solve this problem with applying their power. LGED constructed a jetty. But BSBK is incapable of handling this issue through communicating with other government organization and local administration".

"It is perceived by the operator that other government organization will use this port. Practically it is not happening. BSBK cooperated to solve the issue, but they are not vocal in saying that it has to be done for the sake of the port. They are not declaring fights based on their roles and responsibility".

Private operator raised their concern several times and demanded adjustment of their financial loss from the internal passenger jetty operation. But private operator did not ask for amicable settlement or arbitration for solving this dispute explicitly. As the dispute is beyond the control of BSBK, port operator taking consent from the BSBK filed a writ petition against the illegal jetty owners and against other relevant actors. Thus, dispute resolution mechanism in Case A did not follow the proper escalation procedures. Moreover, issues connected with different networks (serial 12-15) are found difficult to solve and status of those is ongoing.

At BSBK, bi-lateral meeting is held between public authority and private operator for solving the emergent issue and for discussing different matters. The cooperation among partners has been reflected in the implementation of those meeting decisions. From sample file survey, it is found that since 2006, a total of 13 meetings have been conducted. In those meetings, 46 decisions

were taken. Among these decisions, it is found that 38 decisions were implemented, 5 decisions were partially implemented, and 3 decisions were not implemented.

Besides, in solving issues and disputes, engineers of the Engineering Division played a role of PPP friendly officials. Superintendent Engineer is identified as a very vocal person regarding interest of the PPP. The opinion of Superintendent Engineer is as follows:

“... in every context we are fighting on behalf of Teknaf land port PPP. We are fighting against LGED jetty and other jetties. I have informed Deputy Commissioner of Cox's Bazar regarding large number of jetties in the Naff river, resultant creation of siltation problem, and the requirement of dredging job. In case of siltation and no dredging, the port operator will face severe consequences. I am continuously pursuing this matter on behalf of this PPP in all relevant meetings”.

Manager (Operations) and Deputy Manager of project company mentioned that top officials sit in monthly meeting with all employees at the port. In that meeting they discuss about the development options of the port and decisions are taken accordingly. They call it as *Darbar*. General Manager also indicated few consultations with Managing Director of the project company and subsequent strategic decision making, in which Managing Director himself took special focus on the long-term sustainability of partnerships with BSBK.

In sum, there are changes in the agreement and several issues & disputes among the partners. Here, amendments are carried out and issues are solved with positive decision in win-win manner. Most of the cases, issues are solved quickly following set escalation level. But in case of disputes, though there is one major dispute, it did not follow set escalation path. However, evidences confirm the existence of PPP friendly officials inside the organizations. Based on above, the extent of effort employed in consensus building in Case A can be termed as moderately high level.

Implementation Performance: Stakeholders' Satisfaction

Respondents from public authority mentioned that there is reduction of disputes, claims and operation related complexities, service delivery has been improved and risks have been transferred to the private operators. Such as:

“Government's objective is to facilitate the service as if the people of the country get benefits. The port operator is doing this job honestly and consistently, thus we do not have any dissatisfaction. Indeed, we have good mutual relationship to each other”.

“As there is no big disagreement between port operator and port authority, port operator's quality of works is good, payments to BSBK is very regular, so I have full confidence on port operator”.

Moreover, BSBK officials mentioned that they have attained sufficient strength of collaboration between partners and now they can go for more partnership.

“With some precautionary measure we can easily do partnership with the private partners for developing the port”.

Similar view is also reflected in port operator’s opinion:

“Teknaf PPP is a model of new entrepreneurial development. If government wants to do another PPP, we will go there and hopefully we will be the best competitor”.

Most of the respondents from port operator responded positively that they have attained certain level of commercial success and gained operational efficiency. Respondents confirmed their new knowledge and expertise development through land port operation on partnership basis but could not explicitly mentioned about their satisfaction. The following remark made by high officials of port operator shows an overall indication of satisfaction:

“Teknaf Land Port is a successful PPP project. It is because of ethical practice of the private investor, not for other reasons. We follow strict principles. However, we still cannot claim that we have been fully mechanized with all sorts of equipment”.

Based on the reflection of port users, service delivery is found reliable, responsive, courteous, efficient and tangible. Port users responded in following ways:

“Four to five years ago, I faced problems in loading cement due to labor shortage. On that time, I informed and it took time for solving. However, now operator is very much responsive and all sorts of problems are solved within one to two hours. So, I am fully satisfied with the current arrangement”.

“Physical infrastructure is sufficient, maintained properly and clean. Weighing scale is functioning properly. Port operator do not have crane or fork lift. Maybe we could have done our job quicker if that equipment were there. Overall service is improved and I am satisfied”.

In sum, public authority and users of the facilities are found satisfied. But port operator is losing revenue from internal passenger transport due to inter-organization collaboration capacity limitation of BSBK. Private partner could not specify the project as commercially unsuccessful rather responses are found towards accomplishment of their corporate sector goals. Here, based on above empirical evidences on satisfaction of the actors, implementation performance can be termed as ‘high’.

Case B: Sonamasjid Land Port PPP

Bangladesh Sthala Bandar Kartipaksha (BSBK) appointed Panama Sonamasjid Port Link Limited as private operator for development and operation of Sonamasjid land port for 25 years through signing concession agreement in October, 2005. Partial commercial operation was started with limited infrastructure in December, 2006. However, due to not paying revenue share to BSBK and not constructing infrastructure facilities, BSBK issued termination notice to the port operator in June, 2008. Later on, a new operator for this port is appointed by the lead financial agency, agreement is amended and commercial operation is started in May, 2010 with the conditions that new operator will construct the required facilities within 4 years and pay back the unpaid money. New operator had also failed and accordingly, BSBK issued second termination notice in November, 2014. Later on, with the intermediation of the policy level, termination notice is withdrawn and the PPP is struggling with infrastructure construction and port operation.

In Case B, implementation phase is also divided into four sequentially arranged decision making rounds but their period and issues are different. After completion of all required procurement steps, Letter of Award (LoA) was issued to the selected bidder and selected bidder took 7 months 24 days to sign. Time was spent mainly due to reluctance to pay the upfront payment to BSBK. After several negotiations, the port operator agreed to pay in installment instead of paying whole before signing. Representative from port operator mentioned that,

“Concession agreement was prepared by BSBK. Port operator sent their comments on that draft agreement but it was not approved. As, without signing the agreement, we will not be able to get work order, so we were bound to sign”.

BSBK official also mentioned that

“Private operator has signed the agreement without much understanding”.

Therefore, agreement finalization round was not completed in time with successful negotiation and under a win-win situation. Moreover, the time was not utilized properly for policy goal alignment.

Partial commercial operation was scheduled to be started after 6 months of land handover date. Commercial operation was scheduled to start after one and half year of land handover date. However, due to nationwide political turmoil and unrest during that period partial commercial operation date was extended and it started with minimum facility. As partial commercial operation date extended, commercial operation date was also extended. But due to termination, port operation under new operator and agreement amendment, commercial operation ultimately started in May, 2010. These imply that Case B could not end agreement finalization round, pre-construction round and

construction round with crucial decision. Table-3 shows rounds and decisions taken in those rounds.

Table-3: Issues, decisions and time spent in different rounds at Case B

ROUND	ISSUES/ PROBLEMS IN SLP PPP	ARENAS IN POLICY GAMES*	DECISION TYPE
Concession Agreement Finalization Round (15.02.2005-09.10.2005)	1. Jointly decided and negotiated agreement	Level 1,2 and 3 (with political influence)	'Negative'
Pre-construction Round (09.10.2005-04.01.2006)	2. Land lease agreement	Level 1	'Positive'
	3. Rent agreement for using existing infrastructures	Level 1 and 2	'Negative'
	4. Signing Direct Agreement for facilitating financing	Level 1	'Positive'
	5. Acquiring necessary approval	Level 1	'Positive'
	6. Approval of design and drawing	Level 1	'Positive'
Construction Round (04.01.2006-20.05.2010)	7. Extension of partial commercial operation date	Level 1 and 2	'Positive'
	8. Extension of commercial operation date	Level 1	'Negative'
	9. Equity transfer of shareholders	Level 1	'Negative'
Operation and Maintenance Round (20.05.2010-till date)	10. Amendment of concession agreement for making infrastructure requirement realistic	Level 1	'Non-decision'
	11. Payment of undisclosed variable royalty	Level 1	'Negative'
	12. New land acquisition/renting for unloading boulder stone and fly ash	Level 1	'Non-decision'
	13. Approval of project company share transfer	Level 1	'Negative'
	14. Getting waiver from paying interest on outstanding	Level 1, 2 and 3 Jumbled up	'Non-decision'
	15. Getting waiver from paying rent	Level 1 and 3	'Non-decision'
	16. Extension of time for infrastructure construction	Level 1 and 3 and Level 2	'Forced positive'
	17. Revenue loss due to handling boulder stone and fly ash at importers premises	Different network	In discussion
	18. Minimum Wage for the Land Port	Different	In

	Labor and revenue risks	network	discussion
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* Arenas indicate decision making level, such as level 1 - operational level, Level 2 - business level, level 3 = strategic level and level 4 - policy level.

Source: File contents and interviews

It is observed that in every round, functions and activities of earlier round overlap with the next round. Therefore, the PPP implementation proceeds without achieving targeted milestone or crucial decision. Such as, activities of pre-construction period had been overlapped with the construction round and activities of construction round had been overlapped with the operation round. BSBK as public partner also took longer time in obtaining declaration of the port as landing station and public ware housing station from the National Board of Revenue.

Table-3 shows that among 16 decisions, only five decisions are 'positive', one is positive for private operator but against public authority's choice, whereas the rest 10 decisions are either negative or non-decisions. It signifies an impasse in the policy process. It is also evident that most of the decisions are at stagnating situations within the business level. Moreover, the issues did not proceed systematically from one level to another. Sometime escalation level jumbled up, as well as, sometime down warded from the policy level, which indicates a clear break with the established concept of issues escalating upwards. In this case, private actors want decision favoring them through the Ministry. In implementing PPP, it interrupts balance among the partners. BSBK is also found unable to solve the issues, which are connected with another organization (i.e., serial 17-18).

Implementation Process: Consensus Building

Since starting of the development work at the land port, port operator raised several issues to BSBK for solving, such as extension of commercial operation date, share transfer, interest waiver, rent waiver, undisclosed variable royalties, evident irregularities, new land acquisition, and amendment of agreement regarding infrastructure requirement at the port. However, major revision efforts, issues, disputes and type of decisions taken about those revisions, issues and disputes cannot be termed as win-win.

Port operator requested for agreement amendment based on real need of infrastructure. In response to this application, BSBK formed a committee to examine the issue. The first meeting of the committee decided to obtain justified explanation with necessary evidence in favor of amendment from the port operator. Port operator submitted justification with some supporting documents. However, committee was not convinced and informed to give valid statistics for one year based on increase or decrease in the list of physical infrastructures and to send evidence of justification. Port operator sent information for the last six months. Again, committee wanted information for at least one year. Later on, port operator sent full one year's information. However, at the third meeting, committee wanted further justification.

Accordingly, port operator sent justification and layout plan. Indeed, the agreement amendment issue is rounding again and again without taking any effective decision (Table-4).

Table-4: Committee meetings, meeting's decisions and implementation

Meeting	Date	Decisions	Implementation
1 st meeting	01.08.2013	Need justified explanation with documentary evidence from operator.	Operator sent daily information for the last six months on 21.07.2014
2 nd meeting	14.08.2014	Information is required for one year with evidence instead of six months	Operator sent full one year's information on 14.09.2014 with evidence
3 rd meeting	15.02.2015	Need justified reasons and evidence in favor of justifications and submission of layout plan by next 15 days	Operator sent justification and layout plan to BSBK on 04.03.2015

Source: File contents, BSBK

In Case B, dispute resolution did not follow set escalation path. Such as, port operator sent letter for amicable discussion on reimbursement or adjustment of financial loss due to reasons not in controlled by the port operator. In response, BSBK mentioned that prior to solve the problems through amicable discussion, for which private operator has fallen in the event of default, they need to overcome from such situation first. Port operator was also interested for amicable settlement on the imposition of undisclosed variable royalty payment obligation. But due to failure of the attempt, operator wanted to go for arbitration and asked BSBK to appoint an Arbitrator. However, BSBK was stick to their own decision and did not appoint Arbitrator. In another issue, BSBK threatened with termination notice if operator does not settle the payment to the Letter of Credit (LC) issuing Bank. In this case, private operator without seeking dispute resolution procedure filed a writ petition against the letter and obtained suspension notice from the High Court. Therefore, regarding solving disputes, no party follows the different escalation levels. Set escalation path was not followed in solving issues too.

Since 2006 to 2014, a total of 21 meetings had been conducted at BSBK between the partners for discussing on diverse issues and resolving conflicts. In those meetings a total of 83 decisions were taken. However, among these decisions, 33 decisions were implemented, whereas, 11 decisions were partially implemented and the rest 39 decisions were not implemented.

Moreover, regular absence of Managing Director was observed in consecutive bi-lateral meetings. For example, a meeting date was decided for amicable settlement, but port operator requested to shift the date. Based on this application, BSBK changed the date. But without any information, Managing Director were absent. Minutes of the meeting mentioned this event as:

'It has been observed that for few last meetings Managing Director is becoming absent. Thus, the following decisions were taken: Due to absence of MD, the attempt of doing amicable discussion following Section 16.1 of the agreement has been a failure and therefore, decision has been taken to follow next necessary steps.'

In another meeting, due to absence of MD, a unilateral decision was taken by the BSBK and a liquidated damage was imposed on the port operator. This trend continues with the second MD, as he also refrains from attending meetings. According to MD:

"Chairman straightly mentioned that 'I don't need to support you, if you can operate the project then go ahead otherwise return the project to us, government is incurring loss'. If this type of unfriendly behavior continues again and again, then, there is no point of going to BSBK and meet the officials".

Moreover, there is no such instance found, which may indicate that implementing officials in the BSBK talked for the betterment for PPP. According to representative of port operator,

"BSBK is only concerned only about their revenue share. The officials those who come on deputation, most of them do not understand PPP. Below Director level officials are the own officials of BSBK and they are against PPP. So, they always show negative attitude to PPP. We are unable to get support all the time. Sometime one Chairman is in favor, some other time, Chairman is in disfavor".

In sum, agreement amendment issue is rounding at business level without solving. Issues are not solved in win-win manner, issues are solved without following proper escalation level. Disputes are comparatively more but there is negligence in following set escalation path by both the partners. Moreover, there is clear absence of PPP friendly official inside the organization. Considering above, the extent of efforts employed in consensus building processes can be termed as low level.

Implementation Performance: Stakeholders' Satisfaction

Public officials were found conservative in their responses regarding satisfaction. Such as,

"There is no deficiency of issues in this land port. We are unable to implement agreement provisions, rights, obligations. Operator could not implement any commitment. To my opinion, 95% of commitments are not implemented. Earlier investor left the project, but new investor is also the same. In my view, risks could not be transferred to the private operator".

“we can implement project through partnership with the private sector, this type of belief has not been created amongst us based on the experience of PPP in Sonamasjid land port,”.

Responses from the port operator on satisfaction are also similar. Such as,

“If chairman support PPP then everything is ok otherwise PPP faces trouble. Current Chairman of BSBK is supportive. But the earlier one was not at all supportive”.

‘Still no commercial success we see but we have secured some expertise in operation of land port. Initially, we went to partnership to have some prestige issue that entering into PPP will bring reputation in society. Unfortunately, the desired prestige position is still not achieved’.

The users mentioned that the port operator is responsive in dealing with their inquiry and they are courteous. But most of the time they are unable to solve problems quickly. Moreover, users are not happy with the functioning of the weighbridge scale, floor of the parking ground, internal road and warehouse conditions. Remarks made by the service recipients are:

“When goods of big importer are unloaded, Bangladeshi truck cannot take more than 15 MT and those trucks exit through one gate. On that time, the other trucks cannot get exit easily. Port operator maintains the serial but it takes long time”.

“There are problems in weighing scale, trucks take long time to pass. Extra payment of labor is prevalent due to not having fixed charge. There is also theft of goods in the port”.

“If there is any problem occur, we inform port operator. General Manager usually tries to solve. But we are not fully satisfied in controlling theft, and in reducing truck jam”.

In sum, the level of satisfaction of stakeholders demonstrates that public authority, private operator and service recipients nobody is in a level of satisfaction. Moreover, consistent tensions, frustrations and dissatisfactions are prevalent among the stakeholders which no longer support a claim of win-win scenario among the stakeholders. Therefore, policy performance of this PPP can be termed as ‘low’ based on lower satisfaction of stakeholders.

Cross-case synthesis

In Case A, decisions are dynamic and proceed smoothly from one level to another level. In contrast, in Case B, it is found that decisions do not proceed smoothly and stagnate at certain levels. All rounds are completed with the demarcated decision/event at Case A, whereas, Case B experience overlaps of activities. Secondly, based on the selected measures for gauging the extent of efforts employed in consensus building process, empirical evidences show that efforts were employed at moderately high level at the Case A. Whereas,

efforts were employed at low level at the Case B. Therefore, Case A is in better position in policy implementation performance, which has been reflected in satisfaction and confidence among the actors. Based on alignment of measures towards similar direction, it can conclusively be said that hypothesis of this study is confirming, i.e., consensus building processes explain PPP performance.

Table 5: Cross-case synthesis

Measures	Case A	Case B	Comment
1. Willingness to compromise with the changed demand of the actors reflected in the negotiation and subsequent amendment of the PPP agreement	Moderately High	Low	Consensus building processes explain PPP performance
2. Solving issues with 'positive' decision/win-win situation	Moderately High	Low	
3. Solving issues following proper escalation procedures	High	Low	
4. Solving dispute following proper escalation procedures	Low	Low	
5. Making argument with superior on behalf of PPP	High	Low	
Consensus Building Process Employed	Moderately High	Low	
Implementation Performance in terms of satisfaction	HIGH	LOW	

Source: Author's self-construction following evidences

CONCLUSION AND POLICY IMPLICATIONS

This study investigates different policy performance in different PPPs based on interaction among the actors and upholds the view that consensus building between private and public partner is vital for PPP success. Therefore, this study contributes to knowledge and existing literature by confirming theoretical idea of network management approach and complex decision making as useful in explaining the PPP policy performance.

- This study findings shall assist the policy implementers in understanding the significance of their roles and responsibilities during each PPP implementation phase. In the agreement finalization period, if public actor can identify that there is goal mismatch between public and private actor, then public actor should not take further steps with that private actors.
- Findings also indicate that business level actors play a vital role in decision making and resultant policy implementation.
- Besides, it is better to have significant distance between the policy level and other levels during implementation period, as if, policy level

cannot influence the decision of the strategic or business levels in that phase.

However, this study is mostly based on interactive perspective of network management. Therefore, future studies can be conducted with institutional perspective, which may incorporate network structure and resource division.

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