

MALACAÑAN PALACE
MANILA

BY THE PRESIDENT OF THE PHILIPPINES

EXECUTIVE ORDER NO. 8

REORGANIZING AND RENAMING THE BUILD-OPERATE AND TRANSFER (BOT) CENTER TO THE PUBLIC-PRIVATE PARTNERSHIP (PPP) CENTER OF THE PHILIPPINES AND TRANSFERRING ITS ATTACHMENT FROM THE DEPARTMENT OF TRADE AND INDUSTRY TO THE NATIONAL ECONOMIC AND DEVELOPMENT AUTHORITY AND FOR OTHER PURPOSES

WHEREAS, Section 20, Article II of the 1987 Constitution provides that the State recognizes the indispensable role of the private sector as the main engine for national development;

WHEREAS, Section 1 of Republic Act. 7718 or the Act Authorizing the Financing, Construction, Operation and Maintenance of Infrastructure Projects by the Private Sector, and for Other Purposes, otherwise known as the Build to Operate Transfer (BOT) Law, as amended, recognizes the indispensable role of the private sector as the main engine for national growth and development and provides the most appropriate incentives to mobilize private resources for the purpose of financing the construction, operation and maintenance of infrastructure and development projects normally financed and undertaken by the Government;

WHEREAS, the Medium-Term Development Plan (MTPDP) specifies that the government will increasingly mobilize the private sector to accelerate the financing, constructing, rehabilitation, and operation of major infrastructure facilities, obtain the required infrastructure through competitive markets with minimum fiscal burden and government contingent liabilities while protecting the public interest, ensure that users will have adequate, safe, efficient, reliable, and affordable infrastructure services, and provide private proponents who will be generally selected through competition under fair and transparent terms, a level playing field with reasonable returns and sharing of risks;

WHEREAS, the Government of the Philippines is committed to good governance, transparency, competitiveness, impartiality, and accountability in all government transactions which include the implementation of infrastructure programs and projects;

WHEREAS, there is a need to fast-track the implementation of Public-Private Partnership (PPP) programs and projects, as a cornerstone strategy of the national development plan to accelerate the infrastructure development of the country and sustain economic growth;

WHEREAS, the revised Implementing Rules and Regulations (IRR) of the BOT Law mandates the BOT Center to coordinate and monitor the projects implemented under the BOT Law, to guide the agencies/LGUs in the preparation and development of BOT projects, and to report to the President and to Congress on the progress of all projects implemented under the BOT Law;

WHEREAS, Section 1 of the Executive Order No. 144, Series of 2002, converts the Coordinating Council for Private Sector Participation (CCPSP) to Build-Operate-Transfer Center (BOT Center), and the CCPSP-Technical Secretariat to the Project Monitoring Office, and transfers its attachment from the Office of the President (OP) to the Department of Trade and Industry (DTI);

WHEREAS, to efficiently and effectively implement the MTPDP, there is a need to facilitate the coordination and monitoring of the PPP programs and projects by converging these functions to NEDA which is mandated as the central planning agency for social and economic development and as oversight agency in the programming, implementation, monitoring and evaluation of the government's programs and projects;

WHEREAS, the Economic Managers, during their 12 July 2010 meeting, agreed to revitalize the BOT Center by renaming it as PPP Center and attaching it to NEDA with primary functions of coordination and monitoring all PPP/BOT/PSP Programs and Projects, and by transferring its resources to NEDA;

WHEREAS, under Section 1, Chapter 1, Title 1, Book III of Executive Order No. 292 or the Administrative Code of 1987, the President shall have control of all executive departments, bureaus and offices;

WHEREAS, Section 31, Chapter 10, Title III, Book III of the Administrative Code of 1987 provides continuing authority to the President to recognize the administrative structure of the Office of the President;

NOW, THEREFORE, I, BENIGNO S. AQUINO III, President of the Philippines, by virtue of the powers vested in me by law, do hereby order:

SECTION 1. THE PPP CENTER— The Build-Operate and Transfer (BOT) Center is hereby renamed as the Public-Private-Partnership (PPP) Center and transferred as an attached agency from the Department of Trade and Industry (DTI) to the National Economic and Development Authority (NEDA)

SECTION 2. Powers and Functions of the PPP center— The PPP Center shall cover all the PPP programs and projects including all the variants or Arrangements under the BOT Law and Joint-Venture agreements, among others, and shall have the following powers and functions:

- a) Conduct project facilitation and assistance to the national implementing agencies, including government corporations, and Local Government Units (LGUs) in addressing impediments or bottlenecks in the implementation of PPP programs and projects;
- b) Provide advisory services, technical assistance, trainings and capacity development to agencies/LGUs in PPP project preparation and development;
- c) Recommend plans, policies and implementation guidelines related to PPP in consultation with appropriate oversight committees, implementing agencies, LGUs and the private sectors;
- d) Manage and administer a revolving fund to be known as the Project Development and Monitoring Facility for the preparation of business case, pre-feasibility and feasibility studies and tender documents of PPP programs and projects;
- e) Monitor and facilitate the implementation of the priority PPP Programs and Projects of the agencies/LGUs which shall be formulated by respective agencies/LGUs in coordination with the NEDA Secretariat;
- f) Establish and manage a central database system of PPP Programs and Projects;
- g) Recommend improvements to timelines in processing PPP programs and project proposals, and monitor compliance of all agencies/LGUs;
- h) Prepare reports on the implementation of the PPP programs and projects of the government for submission to the President at the end of each year; and,
- i) Perform such other functions which may be critical in expediting and implementing effectively the PPP Programs and Projects of the Government.

SECTION 3. Promotion and Marketing Functions – The functions of the BOT Center with respect to promotion and marketing the BOT/PPP Projects shall be undertaken by the Department of Trade and Industry.

SECTION 4. Head of the PPP Center – The PPP Center shall be headed by an Executive Director with the rank equivalent to Assistant Director General or Assistant Secretary, who shall be appointed by the President of the Philippines upon the recommendation of the Secretary of Socioeconomic Planning.

SECTION 5. Organization and Staffing Pattern – The Secretary of Socioeconomic Planning shall revise, prescribe and approve the Organization and Staffing Pattern of the PPP Center after review by, and/or consultation with, the Department of Budget and Management.

SECTION 6. Project Development and Monitoring Facility – To create greater certainty for undertaking a business case, pre-feasibility and feasibility studies in a timely manner, an amount of Three Hundred Million Pesos (Php300,000,000.00) is hereby constituted as a working fund for the conduct of said studies and activities for selected PPP programs and projects.

SECTION 7. Processing of PPP Program/Project Proposals – The processing of all qualified solicited PPP proposals shall be completed within a period of six (6) months subject to existing laws, guidelines, rules and regulations.

SECTION 8. Appropriations and Source of Funding – The DBM shall release the funds needed for the financial and operational requirements of the PPP Center including the amount indicated in Section 6 of this Executive Order subject to the submission of a special budget for the purpose. Further, all the funds appropriated to the BOT Center in performing duties similar to the PPP Center and the appropriated fund under the BOT Center's Project Development Facility (PDF) shall be transferred to Project Development and Monitoring Facility of the PPP Center, subject to government accounting and auditing procedures.

PPP Center may receive contributions, grants, and/or other funds from, among others, government agencies and corporations, LGUs, local and foreign donors, development partners, and private sector/institutions subject to existing laws, rules and regulations.

SECTION 9. Transitory Provision – In accomplishing the acts of reorganization herein prescribed, the following transitory provisions shall be complied with:

- a) The Executive Director of the BOT Center shall temporarily be the Executive Director of the PPP Center until a new Executive Director is appointed by the President upon the recommendation of the secretary of Socioeconomic Planning.
- b) Existing personnel of the BOT Center shall be transferred to the PPP Center and shall remain in their current positions until such time the revised and/or new organizational and staffing pattern are implemented as provided under Section 5 of this Executive Order.

- c) The project Development Facility of the BOT Center shall now be known as the Project Development and Monitoring facility of the PPP Center of the Philippines.
- d) All funds, appropriations, records and PPP-related documents (i.e., project contracts, closeout project reports, and report forms), equipment, facilities, and rights belonging to the BOT Center which are related to the function and duties indicated under Section 2 are hereby transferred to PPP Center through the NEDA within a period of thirty (30) calendar days after the effectivity of this Executive Order. Future appropriations for the PPP Center shall be included in the annual budget of the NEDA.

SECTION 10. Repealing Clause – All executive and administrative issuances, memorandum orders, or parts thereof, which are inconsistent with the provisions of this Executive Order, are hereby repealed or modified accordingly.

SECTION 11. Separability Clause – If any provision of this Executive Order is declared invalid or unconstitutional, the other provisions not affected thereby shall remain valid and subsisting.

SECTION 12. Effectivity – This Executive Order shall take effect immediately upon publication.

DONE in the city of Manila, this 9th day of September, in the year of Our Lord, Two Thousand and Ten.

(Sgd.) **BENIGNO S. AQUINO III**

By the President:

(Sgd.) **PAQUITO N. OCHOA, JR.**
Executive Secretary