

PUBLIC-PRIVATE PARTNERSHIP GOVERNING BOARD

MEMORANDUM

FROM: PPP Governing Board (PPPGB) Secretariat

FOR: All Heads of Departments, Bureaus, Offices, Commissions, Authorities and Implementing Agencies of the National Government, Including Government-Owned and/or Controlled Corporations, Government Financial Institutions, State Universities and Colleges, and Local Government Units

SUBJECT: APPEAL FEES WITH RESPECT TO BIDDING-RELATED DETERMINATIONS AND DECISIONS ON PPP PROJECTS CURRENTLY IN THE PROCUREMENT STAGE

DATE: OCTOBER 20, 2023

In accordance with Section 5.5 of the Revised 2022 Implementing Rules and Regulations (IRR) of the Build-Operate-Transfer (BOT) Law, proponents who fail to pre-qualify may appeal their disqualification, subject to the filing of a non-refundable appeal fee in an amount approved by the Approving Body pursuant to the guidelines to be issued by the PPP Governing Board (PPPGB).

In the exigency of service and in recognition that there are PPP projects in the procurement stage, the PPPGB, pursuant to its authority as the overall policy-making body for all PPP-related matters¹, has resolved that the appeal fee shall be no less than one-half of one percent (0.5%) of the Project Cost as approved by the appropriate approving body.

This resolution shall cover all appeals filed during any stage of the bidding process pursuant to the BOT Law and its Revised 2022 IRR, which include appeals from pre-qualification/disqualification determinations, appeals from rejection of bids, appeals from bid evaluation decisions, and appeals from decisions to award. This resolution shall serve as an interim measure until a more detailed policy on appeal fees is promulgated.

By authority of the PPPGB under Resolution No. 2023-10-02.

MA. CYNTHIA C. HERNANDEZ
Head, PPP Governing Board Secretariat

¹Section 3 of Executive Order No. 136 (s. 2013), as amended by Executive Order No. 30 (s. 2023).