

## List of documentary requirements for Local Unsolicited PPP Proposals

No.	Document (should be in searchable format)	Description/Remarks
1	Letter of the Private Proponent to the PPP Center	<p>The letter should indicate the following:</p> <ul style="list-style-type: none"> <li>a. project name</li> <li>b. description</li> <li>c. expected output and outcome</li> <li>d. implementation period</li> <li>e. list of all documents being submitted in support of the project proposal</li> </ul>
2	Company profile of the Private Proponent	A company profile showing the company's mission, business lines, past and ongoing projects, and, financial highlights shall be submitted.
3	Complete Feasibility Study (F/S)	<p>A complete feasibility study (F/S) should contain information that are up-to-date and are not older than three (3) years as of the date of submission to the PPP Center.</p> <p>The F/S should also contain the following information:</p> <ul style="list-style-type: none"> <li>a. problem definition or statement of objectives</li> <li>b. project description - <i>This section presents the project's configuration and scope of works particularly a brief description of the components, the location and the areas of service/influence. This should clearly indicate the outputs (e.g., products, services, target users) of the project.</i></li> <li>c. project context in the LGU/LUC's overall strategy/program - <i>This pertains to the overview of the concerned LGU/LUC's national strategy and program, including overall development outcomes, timelines, and investment requirements, and the specific link of the proposed project outputs, timelines and investment requirements to achieve the LGU's national strategy and program.</i></li> <li>d. sectoral program context - <i>This section provides a brief overview of sector targets, existing programs and sectoral gaps based on existing master plans/sectoral programs, how the proposed project addresses the needs, priorities and objectives of the sector, and linkage of the proposal with other initiatives in the sector as well as related projects in other sectors.</i></li> </ul>

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		<p>e. regional and spatial context - <i>This section indicates the geographical coverage of the proposed project and its linkage with other projects within the region and across the country. For area specific projects, justification for the choice of area/s should be clearly stated. This may include, as annexes, location map and other relevant technical diagrams.</i></p> <p>f. expected outcomes and key success indicators, including means of verification and key assumptions</p> <p>g. analysis of technical solutions or alternatives, including analysis of risks and impact - <i>An analysis of project design and technology alternatives (advantages/disadvantages) which have been identified to achieve the objective of the project. It must include the criteria and justification for choosing the project, project location and/or alignment (e.g. alternative alignments for rail and road projects, location for airport), results of geotechnical investigation, and chosen technology, as may be necessary. It must also show the viability of implementing the selected alternative considering technical characteristics and geologic conditions, physical resource requirements, construction/operation plans, and risks and costs to mitigate the impact of identified technical risks.</i></p> <p><i>The analysis must also include a discussion on the details of the new technology/concept involved in the project, if applicable.</i></p> <p>h. stakeholder analysis—<i>Pursuant to Section 6 of the PPP Code, the development of a PPP Project shall only be undertaken after the conduct of stakeholder consultation.</i> <i>The official documentation of such consultations should be submitted to the PPP Center.</i></p> <p><i>The PPPGB Resolution No. 2016-06-02 provides the guidelines on institutionalizing the consultation and engagement of the public. Said guidelines include the institutional responsibilities of the LGU/LUC, the development of a consultation plan, and the communication platforms to be employed. The stakeholder analysis should include a discussion on the results of the conducted public consultations, including how concerns are mitigated.</i></p> <p>i. project costs - <i>refers to the total cost to be expended to plan, develop, and construct the project to completion stage, including cost of feasibility studies, engineering and design, construction, equipment, land/right-of-way (ROW), taxes imposed on said cost, and development cost. For Operations and Maintenance (O &amp; M) PPP Projects without initial capital expenditures, the</i></p>

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		<i>present value of costs incurred in delivering the contracted service, including any reinvestment requirements shall be considered as the Project Cost</i>
		j. legal due diligence, which includes policy and regulatory framework of the market/s affected by the project, and institutional analysis
		k. demand analysis - <i>An analysis of the market as well as the existing and projected demand for the project. This includes assumptions in the demand forecast, the historical data used as basis in the forecast, if any, and an assessment on the appropriateness of project interventions, considering market characteristics (e.g., user fees vs willingness-to-pay).</i>  <i>As applicable, the analysis shall include information/findings on the alternatives available to users of the project and barriers to entry into the market/s affected by the project.</i>  <i>The analysis may include a demand model such as those generated through modeling software (e.g. Strada, CUBE, PTV Vissim). The model must be consistent with the financial and economic models and an electronic copy must be submitted.</i>
		l. information on the proposed tariff structure
		m. financial analysis (including information on project revenues consistent with the financial model) - <i>An analysis of the financial sustainability of the project and its ability to meet operational costs and debt service obligations. It should include discussion of information on tariff setting and parametric formula. Cash flows should be expressed in nominal terms. All monetary values shall be expressed/converted into local currency, i.e., PHP. It should include: i) Table of assumptions; ii) Resulting viability indicators and corresponding assessment, among others. It must also include sensitivity analysis, and an assessment of the recommended reasonable Rate of Return.</i>
		n. economic analysis (including information on economic benefits and cost consistent with the economic model) - <i>An analysis of project desirability in terms of its net contribution to the economic and social welfare of the country as a whole. It should include description of economic costs and benefits streams considered, table of assumptions (including ICC-prescribed shadow factors for unskilled labor and foreign cost component), and resulting viability indicators with corresponding assessment. It should also</i>

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		<p><i>include a sensitivity analysis with corresponding assessment.</i></p> <p><i>o. project safeguards - An evaluation of whether project safeguards on the following areas are integrated in the project design, and high-level safeguards performance indicators are included in the monitoring and evaluation plan (e.g., KPIs):</i></p> <ol style="list-style-type: none"> <li><i>1. Environmental quality</i> <ul style="list-style-type: none"> <li><i>- Compliance with environmental standards</i></li> <li><i>- Environmental impact/stressors and specific measures/facilities, procedures and systems to address these throughout the project life is identified</i></li> </ul> </li> <li><i>2. Natural and cultural resources sustainability</i> <ul style="list-style-type: none"> <li><i>- Conservation/regulation of use of natural resources</i></li> <li><i>- Biodiversity and ecosystems preservation</i></li> <li><i>- Cultural resources and heritage preservation</i></li> </ul> </li> <li><i>3. Climate change and hazards</i> <ul style="list-style-type: none"> <li><i>- Resiliency/adaptation measures are identified</i></li> <li><i>- Contribution to GHG reduction (e.g., adoption of the Philippine Green Building Code)</i></li> </ul> </li> <li><i>4. Equity in development benefits</i> <ul style="list-style-type: none"> <li><i>- Conduct of due diligence and public consultations with legitimate stakeholders including Indigenous People (IP) / Indigenous Cultural Communities (ICCs), if any, to ensure that relevant concerns are addressed and project benefits are equitably shared</i></li> <li><i>- Resettlement / compensation for the displaced / project-affected people (PAP)</i></li> <li><i>- Gender equity to ensure that applicable gender-related features and systems are integrated in the project design</i></li> </ul> </li> </ol>

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		<ul style="list-style-type: none"> <li>- Senior citizens &amp; PWD access / inclusivity</li> </ul> <p>5. Health and safety</p> <ul style="list-style-type: none"> <li>- Compliance with workplace standards</li> <li>- Implementation of cyber-security standards/good practices</li> </ul> <p>p. risk allocation and risk mitigating plan</p> <p>q. value for money analysis (VfM) - <i>An analysis applied to PPP projects at the project development stage to determine the appropriateness of undertaking them as PPPs and for assessing whether they provide better value for money in comparison to the traditional public procurement option. This shall determine the procurement approach that provides the maximum benefit for the government which could include benefits from private sector innovation, financing, efficiencies in construction and operations and project risk transfer.</i></p> <p><i>Pursuant to Section 3(jj) of the PPP Code, VFM refers to the effective, efficient, and economic use of resources, which requires the evaluation of relevant costs and benefits, along with an assessment of risks, and of non-price attributes and/or life cycle costs, as appropriate. Price alone may not necessarily represent VFM.</i></p> <p>r. PPP contractual arrangement options and assessment of the proposed contractual arrangement</p> <p>s. information on job creation (from development to operation and maintenance)/employment impact of the project, and number and types of jobs with corresponding sex-aggregated data and amount of wages/salaries</p>
4	Electronic copy of the economic model	<p>The economic model should:</p> <ul style="list-style-type: none"> <li>a. be in traceable formula format (assumptions/inputs shall be shown in a summary sheet that are linked to the relevant work sheets of the model)</li> <li>b. contain information that are up-to-date and are not older than three (3) years as of the date of submission to the approving body</li> </ul>

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		<p>The economic model should also contain the following:</p> <ul style="list-style-type: none"> <li>a. economic benefits and costs of a project</li> <li>b. assumptions used in calculating economic benefits, and conversion of financial costs to economic costs</li> <li>c. calculation of economic viability (i.e., economic internal rate of return; economic net present value; benefits-cost ratio)</li> </ul> <p>Moreover, the submission shall consider the current situation, as may be applicable (e.g., impacts of a pandemic on demand and costs)</p>
5	Electronic copy of the financial model	<p>The financial model should:</p> <ul style="list-style-type: none"> <li>a. be in traceable formula format (assumptions/inputs shall be shown in a summary sheet that are linked to the relevant work sheets of the model)</li> <li>b. contain information that are up-to-date and are not older than three (3) years as of the date of submission to the approving body</li> </ul> <p>The financial model should also contain the following:</p> <ul style="list-style-type: none"> <li>a. projected balance sheet of the project for its full life cycle</li> <li>b. assumptions used in calculating the financial revenues and financial costs</li> <li>c. income statement of the project for its full life cycle</li> <li>d. cash flows statement of a project for its full life cycle</li> <li>e. calculations on financial viability (i.e., free cash flows to firm and equity holders; project and equity internal rates of return; project and equity net present value; weighted average cost of capital; cost of equity components based on Capital Asset Pricing Model (CAPM))</li> <li>f. calculations on bankability (i.e., debt service coverage ratio)</li> <li>g. amounts to be paid and schedule of payments of firm liabilities</li> <li>h. VFM/Public Sector Comparator model</li> </ul> <p>Moreover, the submission shall consider the current situation, as may be applicable (e.g., impacts of a pandemic on demand and costs)</p>

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6	Proposed project Parameters Terms and Conditions (PTC)	<p>The LGU/LUC should submit a proposed set of PTCs for the project.</p> <p>The LGU/LUC shall submit its Proposed <b>Parameters Terms and Conditions</b> (PTCs) using the following forms:</p> <p><b>PTC Form 1 (General Parameters, Terms, and Conditions)</b> which includes the general information about the proposed project.</p> <p><b>PTC Form 2 (Actual and potential conflict between the proposed project and other government projects)</b> which includes the LGU/LUC’s assessment of the actual and potential conflicts between the proposed project and other government projects.</p> <p><b>PTC Form 3 (Firm Liabilities<sup>1</sup>)</b> which includes the following details regarding the proposed government liabilities for the proposed project:</p> <p>a. Proposed Government Undertakings (GUs). Per Section 3(l) of the PPP Code, GUs refer to any form of contribution and/or support, which the government may extend to a Private Partner for the implementation of PPP Projects, as provided under this Code.</p> <p>For proposed GUs that come in the form of Subsidy, Section 3(gg) of the PPP Code defines Subsidy as an agreement where the Implementing Agency will: (1) defray, pay for, or shoulder a portion of the Project Cost or the expenses and costs in operating or maintaining the project; (2) bear a portion of capital expenditures associated with the establishment of an infrastructure or development project and services; (3) contribute any property or assets to the project; and/or (4) waive charges or fees relative to business permits or licenses that are to be obtained for the Construction of the project: Provided, That items (1) to (4) shall not be considered as Subsidy if the government receives payment or remuneration from the Private Partner for such; Provided, further, That Subsidy falling under items (1) and (2) shall not exceed fifty percent (50%) of the Project Cost; Provided, finally, That in the case of Solicited Proposals, the expenses for existing ROW or ROW to be acquired, shall not be included in the said</p>

<sup>1</sup> These are foreseeable and definite liabilities, as described in the provisions of a contract. These include, but are not limited to, milestone payments, amortization payments, availability payments, viability gap funding, variation payments, and payment for settlement of undisputed claims.

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		<p>cap. Subsidy shall also include Viability Gap Funding (VGF) which may be extended by the government to make an economically viable revenue-based PPP Project financially viable: Provided, That government payments for ROW and resettlement shall not be considered as VGF.</p> <p>b. Government repayments</p> <p><b>PTC Form 4 (Proposed Risk Allocation and Contingent Liabilities<sup>2</sup> of the government)</b> which includes the risk allocation matrix, the possible resulting contingent liabilities for risks taken on by the government, and the proposed risk mitigating measures.</p> <p>PTC Form 4 risk mitigation plan, with the following requirements to be included in the plan:</p> <ul style="list-style-type: none"> <li>a. a list of all risks assumed by the government under the contract</li> <li>b. risks assumed by the LGU/LUC</li> <li>c. risk mitigating measures</li> <li>d. estimated costs to be incurred</li> <li>e. target dates to have each measure in place</li> <li>f. appropriate action plan by the LGU/LUC to manage each type of risk</li> </ul> <p>The contents of the submitted proposed PTCs should be consistent with the contents of the submitted financial and economic models.</p> <p style="text-align: center;"><b>(See PTC Forms 1-4)</b></p>
7	Valuation report	<p>A report on the fair valuation by a third-party appraiser in:</p> <ul style="list-style-type: none"> <li>a. Valuation of the compensation – In cases of Unsolicited Proposals containing GUs in the form of payment of ROW related costs</li> </ul>

<sup>2</sup> Per Section 3(d) of the PPP Code, these refer to an obligation that may arise from events specified in a PPP contract, the occurrence, timing, and amount of which are uncertain. These events include, but are not limited to, regulatory action, force majeure, breach of government warranties, and Material Adverse Government Action, among others.



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		and/or contribution of assets, properties and rights, where the government receives appropriate compensation (Section 10(c) of the PPP Code) b. Valuation of equity contribution of the government and the private partner – In cases of Joint Venture agreements (Section 11(b)(2) of the PPP Code) c. Valuation of reclaimed land – In projects where the investment recovery scheme involves the grant of a portion or percentage of a reclaimed land (Section 18 of the PPP Code)
8	Gender responsiveness checklist	Pursuant to the ICC Memorandum titled “ICC Policy on Integrating the Harmonized Gender and Development Guidelines (HGDG) in the ICC Process” dated September 30, 2016, the Agencies are required to accomplish and submit <b>Gender Responsiveness Checklist</b> (the Combined Generic Checklist for the Project Identification and Design Stages). The guidelines for accomplishing the Gender-Responsiveness Checklist can be accessed at: <a href="https://neda.gov.ph/wp-content/uploads/2020/09/Guidelines-in-Accomplishing-the-ICC-PE-on-Gender-Responsiveness-Checklist.pdf">https://neda.gov.ph/wp-content/uploads/2020/09/Guidelines-in-Accomplishing-the-ICC-PE-on-Gender-Responsiveness-Checklist.pdf</a>
9	Location map (with e-copy)	A diagram that outlines the project site should include major landmarks and infrastructure/ facilities within the project area.
10	Right of Way Acquisition (ROWA) <sup>3</sup> /	A document showing the extent of the project’s ROW requirements and estimated costs. At the minimum, the submitted plan(s) should include the following information:

<sup>3</sup> The right given by one landowner to another to pass over the land, construct a roadway or use as a pathway, without actually transferring ownership. A right of way may arise, (a) by prescription and immemorial usage; (b) by grant; (c) by reservation; (d) by custom; (e) by acts of the legislature; (f) from necessity, when a man's ground is enclosed and completely blocked up, so that he cannot, without passing over his neighbor's land, reach the public road.

The ICC recognizes the effective role of the local government units (LGUs) in providing assistance in the processes involved including the negotiation for resettlement sites and provision of essential public services to the project affected families.

For unsolicited proposals, the Private Proponent should design and submit the right-of-way (ROW) acquisition plan and resettlement action plan. For solicited proposals, the LGU/LUC/LGU should provide a good description and the extent of the project's ROW cost.

These plans will aid the evaluation of the social acceptability and feasibility of the project.

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	Resettlement Action Plan (RAP) or a Certification from the Head of LGU/LUC that all project land and other ROW have been acquired (for projects requiring project land or ROW)	<p>a. <b>Project Affected Persons (PAPs):</b> a) estimated number (PAPs, households); b) profile/group: IPs, owners, ISFs, etc.; c) compensation package, with estimated amount (per PAP or per household), including livelihood program/Social Development Program, if any;</p> <p>b. <b>Affected structures:</b> a) estimated number; b) type: commercial, residential, government asset, etc. ; c) compensation package, with estimated amount (per affected structure);</p> <p>c. <b>Utilities (electricity, water, ICT/Telecoms, etc.):</b> a) estimated number; b) type of utility; c) relocation cost, with amount (per affected utility),</p> <p>d. Institutional arrangement (parties involved and their responsibilities);</p> <p>e. Activities and implementation period; and</p> <p>f. Applicable laws, rules and regulations.</p> <p>ROWA and RAP costs must be specified and itemized in the financial model (if the project does not involve an acquisition of land for the project, indicate 0).</p> <p>The ROW and resettlement costs are typically significant expense items that the proponent of an unsolicited proposal must bear. This must be clearly reflected in the PTC and financial model.</p>
11	Original proponent status (OPS) by the LGU/LUC	Copy of the document granting the OPS by the LGU/LUC to the Private Proponent
12	Draft PPP contract	The draft contract to be submitted should contain the mandatory terms and conditions listed in the USP AF4.
13	Unsolicited Proposal Assessment Forms (USP AFs)	The LGU/LUC shall fill out the following forms to establish the Private Proponent's legal eligibility, firm experience or track record and financial capability.

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	<p>a. USP AF 1: Assessment of the Private Proponent’s legal eligibility, including proof of legal eligibility</p>	<p>The following proofs of legal eligibility must be submitted by the proponent:</p> <ul style="list-style-type: none"> <li>• If the proponent is <b><u>composed of an individual or a group of individuals (including partnerships), but not a corporation</u></b>, proof of identity of each individual</li> <li>• If the proponent is <b><u>a corporation</u></b> <ul style="list-style-type: none"> <li>- Copy of SEC Registration</li> <li>- Copy of completely filled general information sheet (GIS) with proof of receipt by SEC</li> <li>- Sworn certification by the corporate secretary to the authenticity of submitted documents</li> </ul> </li> <li>• If the proponent is <b><u>a consortium</u></b> <ul style="list-style-type: none"> <li>- An agreement among members to form a consortium to undertake the project</li> <li>- An undertaking, binding the consortium members to be jointly and severally liable for the obligations of the Private Proponent under the contract</li> <li>- Shareholder agreement based on proposed ownership structure</li> </ul> </li> <li>• If the proponent is <b><u>a cooperative</u></b> <ul style="list-style-type: none"> <li>- Copy of CDA Registration</li> </ul> </li> </ul> <p>If the proponent and the operator are two separate independent entities, the nominated operator must submit the following:</p> <ul style="list-style-type: none"> <li>• If the operator is <b><u>composed of an individual or a group of individuals (including partnerships), but not a corporation</u></b>, proof of identity of each individual</li> </ul>

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		<ul style="list-style-type: none"> <li>• If the operator is <b><u>a corporation</u></b> <ul style="list-style-type: none"> <li>- Copy of SEC registration</li> <li>- Copy of completely filled SEC GIS with proof of receipt by SEC</li> <li>- Sworn certification by the corporate secretary to the authenticity of submitted documents</li> </ul> </li> <li>• If the operator is <b><u>a cooperative</u></b> <ul style="list-style-type: none"> <li>- Copy of CDA Registration</li> </ul> </li> </ul> <p>For each <b><u>contractor participating in construction</u></b> PCAB license if a Filipino company, or its equivalent issued by the country of origin, if a foreign company</p> <p>For projects involving the operations of public utilities, the Filipino citizenship for individuals, and the 60% Filipino ownership or interest, for corporations and consortiums respectively, are required.</p>
	<p>b. USP AF 2: Assessment of the Private Proponent’s experience or track record, including proof of experience or track record</p>	<p>The proponent by itself or through the member-firms in case of a consortium, or through its Contractor and/or nominated entities must submit the following:</p> <ul style="list-style-type: none"> <li>• A list of projects similar or related to the proposed project, including information on the asset owner of the project, the location of the project, and the year the project was undertaken. A certification from the asset owner that the entity had successfully undertaken the project or the activity under the project in the list must be submitted.</li> <li>• A list of key personnel and for each personnel, the role in the project, a description of relevant experience and the years of experience in the role provided. A curriculum vitae showing the year, duration, location and nature of experiences relevant to the project should be attached for each personnel.</li> <li>• If the nominated entities are bound by a technical services agreement (TSA), the following must be submitted: <ul style="list-style-type: none"> <li>○ proof that the nominated entities are bound by a TSA</li> <li>○ a list of projects similar or related to the project/s to be bid undertaken by the nominated entities that will provide the technical services</li> </ul> </li> </ul>

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		<ul style="list-style-type: none"> <li>• If undecided on a specific Contractor and/or nominated entities, the proponent must submit the following:               <ul style="list-style-type: none"> <li>○ a short list of Contractors and/or nominated entities from among which it will select from</li> <li>○ statements from the short-listed Contractors and/or nominated entities indicating willingness to participate in the project and capacity to undertake the requirements of the proposed project</li> </ul> </li> </ul> <p>If the proponent is <b>a consortium</b>, the following must also be submitted:</p> <ul style="list-style-type: none"> <li>• A business plan, containing the following information:               <ul style="list-style-type: none"> <li>○ Members of the consortium</li> <li>○ Equity interest/contribution of each member to the consortium, their prospective Contractor(s) and/or nominated entities, if the experience of their Contractor(s) and/or nominated entities are necessary for the determination of the capacity of the consortium to undertake the project</li> <li>○ Description of the respective roles of the members and Contractors and/or nominated entities in the project, including the prospective facility operator(s), if applicable.</li> </ul> </li> </ul>
c.	USP AF 3: Assessment of the Private Proponent’s financial capability, including proof of financial capability	<p>The following proofs of financial capability must be submitted by the proponent:</p> <ul style="list-style-type: none"> <li>• Latest audited financial statement of each consortium member from previous reporting period of the period of evaluation</li> </ul> <p><u>For equity</u></p> <ul style="list-style-type: none"> <li>• If equity shall be financed through set-aside deposit, proof of set-aside deposit equivalent to the equity requirement of the project from a domestic universal/commercial bank or an international bank that is authorized by the BSP to transact in the Philippines. The document must indicate that the set-aside deposit is committed solely for the project</li> </ul> <p><u>For debt</u></p>

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		<ul style="list-style-type: none"> <li>Letter testimonial from each bank that will provide the debt requirement for the project attesting that :1) the prospective Private Proponent and/or members of the consortium are banking with them; 2) the Private Proponent and/or members of the consortium are in good financial standing and/or are qualified to obtain credit accommodations from such banks, or a statement of similar tenor, to finance the project equivalent to the value of the debt requirement in the proposal. The testimonial must come from a domestic universal/commercial bank or an international bank that is authorized by the BSP to transact in the Philippines.</li> </ul>
d.	USP AF 4: Assessment of the draft contract	This form shall establish the consistency of the draft contract.