

## **ANNEX A**

### **INTERIM GUIDELINES ON PROCESSING LOCAL PPP PROJECTS BY THE EFFECTIVITY OF THE PPP CODE AND BEFORE THE EFFECTIVITY OF ITS IRR**

#### **I. PROCESSING OF LOCAL SOLICITED PPP PROJECTS**

##### **A. In general**

##### **1. Endorsement of Local Development Council**

Per Section 7(a)(2) of the PPP Code, all Local PPP Projects shall be confirmed by the respective local development councils (LDCs) prior to approval by the local Sanggunian/LUC Board.

Applications for LDC endorsements of Local PPP Projects shall be processed within thirty (30) calendar days from submission of the following requirements by the LGU/LUC to the LDC:

- a. Letter to the LDC signed by the Head of LGU/LUC submitting the project for LDC endorsement
- b. Feasibility Study, following the requirements set forth in Annex A-1
- c. RDC endorsement, as may be applicable pursuant to Section 7(a)(2) of the PPP Code

The LDC shall decide on and forward its endorsement of the Local PPP Project to the LGU/LUC within thirty (30) calendar days from submission of complete requirements. Failure to do so shall be deemed an approval of the requested endorsement.

##### **2. Approval by the local Sanggunian concerned, in the case of LGUs, or by the Board, in the case of LUCs**

Per Section 7(d) of the PPP Code, the local Sanggunian/LUC Board shall render its decision in writing, copy furnished the PPP Center, within one hundred twenty (120) calendar days from receipt of the following requirements from the LGU/LUC:

- a. Letter to the local Sanggunian/LUC Board signed by the Head of LGU/LUC submitting the project for approval
- b. Feasibility Study, following the requirements set forth in Annex A-1
- c. Economic model, following the requirements set forth in Annex A-1
- d. Financial model, following the requirements set forth in Annex A-1
- e. LDC endorsement
- f. Parameters, terms, and conditions (see Annex A-2)

The failure of the local Sanggunian/LUC Board to render its decision on the PPP Project within the specified period shall be deemed an approval thereof, and the LGU/LUC concerned may proceed with the procurement of the PPP Project, without prejudice to any liability that the erring or negligent officials or employees may incur under the PPP Code and other existing laws.

##### **B. Local Solicited Projects requiring RDC endorsement**

##### **1. LGU/LUC Solicited Projects requiring Government Undertakings using national government funds**

Per Section 7(a)(2) of the PPP Code, proposed Government Undertakings using national government funds for Local PPP Projects shall be submitted to the NEDA Board – ICC for approval, upon review and endorsement by the RDC/s concerned.

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Applications for RDC endorsement of Local PPP Projects with proposed Government Undertakings using national government funds shall be processed within thirty (30) calendar days from submission of the following requirements by the LGU/LUC to the RDC/s concerned:

- a. Letter to the RDC signed by the Head of LGU/LUC submitting the project for RDC endorsement
- b. Feasibility Study, following the requirements set forth in Annex A-1
- c. Economic model, following the requirements set forth in Annex A-1
- d. Financial model, following the requirements set forth in Annex A-1

Failure of the RDC to render its decision within thirty (30) calendar days from submission of complete requirements shall be deemed an approval of the requested endorsement.

Following receipt of RDC endorsement, the LGU/LUC shall submit the RDC endorsement together with the requirements under Items I(B)(1)(a) to (d) to the NEDA Board – ICC, for approval. Per Section 7(a)(2) of the PPP Code, the NEDA Board – ICC shall render its decision on such requested Government Undertakings within sixty (60) calendar days from receipt of complete requirements. The NEDA Board – ICC shall provide the rules to be followed in processing the requested Government Undertakings using national government funds.

Upon approval by the NEDA Board – ICC of the proposed Government Undertakings using national government funds, the LGU/LUC shall submit to the LDC the requirements under Item I(A)(1).

Per Section 7(a)(2) of the PPP Code, the disapproval of the requested Government Undertakings shall not be construed as a disapproval of the Local PPP Project.

#### **2. LGU/LUC Solicited Projects affecting national or sectoral development plans and national projects**

Per Section 7(a)(2) of the PPP Code, Local PPP Projects affecting national or sectoral development plans and national projects shall likewise secure the endorsement of the National Government through the respective RDCs, prior to securing the endorsement of the LDC concerned and approval by the appropriate Approving Body.

Applications for RDC endorsement of Local PPP Projects affecting national and sectoral development plans and national projects, shall be processed within thirty (30) calendar days from submission of the following requirements by LGU/LUC to RDC:

- a. Letter to the RDC signed by the Head of LGU/LUC submitting the project for RDC endorsement
- b. Feasibility Study, following the requirements set forth in Annex A-1

Failure of the RDC to render its decision within thirty (30) calendar days from submission of complete requirements shall be deemed an approval of the requested endorsement.

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#### **3. LGU/LUC Solicited Projects requiring both Government Undertakings using national government funds and affecting national or sectoral development plans and national projects**

Local PPP Projects requiring Government Undertakings using national government funds and affecting national or sectoral development plans and national projects shall be processed by the RDC as stated in Item I(B)(1) above.

## **II. PROCESSING OF LOCAL UNSOLICITED PPP PROJECTS**

### **A. In general**

#### **1. Determination of completeness and appropriate Approving Body by the PPP Center**

Per Section 10(a) of the PPP Code, Unsolicited Proposals shall be submitted to the PPP Center for determination of completeness and determination of the appropriate Approving Body, within ten (10) calendar days from receipt thereof.

Annex A-3 hereof provides the *List of documentary requirements for Local Unsolicited Proposals* to be submitted by the Private Proponent to the PPP Center.

If the PPP Center determines that the Unsolicited Proposal is complete, it shall endorse the following documents to the appropriate LGU/LUC:

- a. Letter endorsement to the LGU/LUC containing its determination of completeness and the appropriate Approving Body
- b. The complete set of documents submitted by the Private Proponent to the PPP Center

If the PPP Center determines that the Unsolicited Proposal is incomplete, it shall return the same to the Private Proponent indicating the lacking document/s, pursuant to Section 10(a) of the PPP Code.

#### **2. Endorsement of Local Development Council**

The Local PPP Project shall be processed in accordance with Item I(A)(1) above.

#### **3. Approval by the local Sanggunian concerned, in the case of LGUs, or by the Board, in the case of LUCs**

Per Section 7(d) of the PPP Code, the local Sanggunian/LUC Board shall render its decision in writing, copy furnished the PPP Center, within one hundred twenty (120) calendar days from receipt of the following requirements from the LGU/LUC:

- a. Letter to the local Sanggunian/LUC Board signed by the Head of LGU/LUC submitting the project for approval
- b. All documents endorsed by the PPP Center to the LGU/LUC pursuant to Item II(A)(1)(b) hereof

The failure of the local Sanggunian/LUC Board to render its decision on the PPP Project within the specified period shall be deemed an approval thereof, and the LGU/LUC concerned may proceed with the procurement of the PPP

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Project, without prejudice to any liability that the erring or negligent officials or employees may incur under the PPP Code and other existing laws.

#### **B. Local Unsolicited Proposals requiring RDC endorsement**

##### **1. LGU/LUC Unsolicited Proposals requiring Government Undertakings using national government funds**

Applications for RDC endorsement shall be processed following the requirements in Item I(B)(1) above.

##### **2. LGU/LUC Unsolicited Proposals affecting national or sectoral development plans and national projects**

Applications for RDC endorsement shall be processed following the requirements in Item I(B)(2) above.

##### **3. LGU/LUC Unsolicited Proposals requiring both Government Undertakings using national government funds and affecting national or sectoral development plans and national projects**

Applications for RDC endorsement shall be processed following the requirements in Item I(B)(3) above.

### **III. MISCELLANEOUS**

- A. LGUs, LUCs, LDCs, RDCs, local Sanggunians, and LUC Boards may request the assistance of the PPP Center in capacitating them in the performance of their duties under the PPP Code and these interim guidelines, pursuant to Section 24(a)(8) of the PPP Code.
- B. For monitoring purposes, the PPP Center shall be copy furnished in all official correspondences in the processing of a Local PPP Project, pursuant to Section 24(a)(5) of the PPP Code.