

**(PUBLIC-PRIVATE PARTNERSHIP GOVERNING BOARD
PPP Governing Board Resolution No. 2024-04-02**

FOR: All Local Government Units and Local Universities and Colleges

**SUBJECT: INTERIM GUIDELINES FOR THE APPROVAL OF LOCAL PPP PROJECTS
PURSUANT TO SECTION 7(E) OF THE PPP CODE AND SECTION 42 OF
ITS IRR**

WHEREAS, on December 8, 2023, Republic Act (RA) No. 11966, “*An Act Providing for the Public-Private Partnership (PPP) Code of the Philippines*”, otherwise known as the “*PPP Code of the Philippines*” (hereinafter referred to as the PPP Code), was published in a newspaper of general circulation, and became effective on December 23, 2023. Section 25 of the PPP Code (*PPP Governing Board*) institutionalizes the PPP Governing Board created under EO No. 136, series of 2013, as amended by EO No. 30, series of 2023;

WHEREAS, Section 25 of the PPP Code (*PPP Governing Board*) further provides that all issuances, orders, resolutions, decisions, or other acts of the PPP Governing Board shall be binding, unless otherwise stated by the PPP Governing Board;

WHEREAS, on December 23, 2023, the PPP Governing Board issued Resolution No. 2023-12-02, entitled “*Interim Guidelines on PPP Projects whose processing has commenced by the effectivity of Republic Act No. 11966 and before the effectivity of its Implementing Rules and Regulations*” to govern the processing of PPP projects by the effectivity of the PPP Code up until effectivity of its IRR. PPP Governing Board Resolution No. 2023-12-02 included interim guidelines on processing Local PPP Projects by the effectivity of the PPP Code and before the effectivity of its IRR, particularly as outlined in its Annexes. The validity provision of PPP Governing Board Resolution No. 2023-12-02 also provided that it shall remain valid until superseded by subsequent interim guidelines to be issued by the PPP Governing Board, or upon effectivity of the IRR of the PPP Code;

WHEREAS, the Implementing Rules and Regulations (IRR) of the PPP Code was approved on March 21, 2024 by the PPP Code IRR Committee, was published in a newspaper of general circulation on March 22, 2024, and became effective on April 06, 2024.

WHEREAS, Section 7(e) of the PPP Code (*Approval of PPP Projects*) provides that guidelines, forms, and templates that shall be used by the Implementing Agency and the appropriate Approving Body in reviewing and approving the PPP Project shall be formulated by the PPP Governing Board, in the case of local PPP projects. Section 42 of the IRR of the PPP Code (*Guidelines, Forms, Templates for Local PPP Project Review and Approval*) further provides that the detailed guidelines, forms, and templates that the appropriate Approving Body shall use in reviewing and approving Local PPP Projects pursuant to Section 7(e) of the PPP Code (*Approval of PPP Projects*) shall be formulated after due consultation with relevant stakeholders;

WHEREAS, upon effectivity of the PPP Code IRR on April 6, 2024, ending the validity of PPP Governing Board Resolution No. 2023-12-02, and pending the issuance of the PPP Governing Board guidelines, forms, and templates required under Section 7(e) of the PPP Code (*Approval of PPP Projects*) and Section 42 of its IRR (*Guidelines, Forms, Templates for Local PPP Project Review and Approval*), there are no procedural rules to govern the review and approval of Local PPP Projects;

WHEREFORE, premises considered, the PPP Governing Board hereby resolves to issue **these guidelines and its Annexes A, A-1, A-2, and A-3** as the interim rules to govern the review and approval of Local PPP Projects, pending the completion of stakeholder consultation for and the PPP Governing Board's issuance of the detailed guidelines, forms, and templates for the review and approval of Local PPP Projects pursuant to Section 7(e) of the PPP Code (*Approval of PPP Projects*) and Section 42 of its IRR (*Guidelines, Forms, Templates for Local PPP Project Review and Approval*).

Sanctions. Actions in contravention to this resolution shall not be binding and shall produce no legal effect. Such actions, including inactions that hinder the processing of PPP projects, shall subject the erring officials and employees to disciplinary actions in accordance with the appropriate administrative, civil, and penal sanctions under Section 32 of the PPP Code (*Administrative, Civil, and Penal Sanctions*) and Title XXIII of its IRR (*Administrative, Civil, and Penal Sanctions*).

Separability. If any provision of this interim guidelines is declared unconstitutional or invalid, other parts of provisions hereof not affected thereby shall continue to be in full force and effect.

Validity. This resolution shall remain valid until superseded by subsequent guidelines on the review and approval of Local PPP Projects to be issued by the PPP Governing Board.

Effectivity. This resolution shall take effect immediately upon approval by the PPP Governing Board and upon its publication in the Official Gazette or a newspaper of general circulation.

By authority of the PPPGB under Resolution No. 2024-04-02.



ATTY. LESTER A. AÑONUEVO
Head of PPP Governing Board Secretariat

ANNEX A

INTERIM GUIDELINES FOR THE APPROVAL OF LOCAL PPP PROJECTS PURSUANT TO SECTION 7(E) OF THE PPP CODE AND SECTION 42 OF ITS IRR

I. PROCESSING OF LOCAL SOLICITED PPP PROJECTS

A. General procedures

1) Confirmation of the Local Development Council

- a. Per Section 7(a)(2) of the PPP Code and Section 34 of its IRR, all Local PPP Projects shall be confirmed by the respective Executive Committee of the Local Development Councils (LDCs), as referred to in Section 111 of the Local Government Code of 1991¹, prior to approval by the appropriate Approving Body.
- b. **Documentary Requirements for LDC Confirmation.** Applications for LDC Executive Committee's confirmation of Local PPP Projects from the Head of the LGU/LUC shall be processed within thirty (30) calendar days from receipt by the LDC Secretariat of the **complete** requirements as follows:
 - i. Letter to the LDC Executive Committee signed by the Head of LGU/LUC submitting the project for LDC confirmation and certifying the capacity of the LGU/LUC to deliver its assumed obligations under the project
 - ii. Documentary requirements as indicated in Annex A-1, except items 1(f), 8, 9, and 10
 - iii. Endorsement letter or any equivalent document from the Regional Development Council (RDC) sectoral committee concerned, as may be applicable, pursuant to Section 7(a)(2) of the PPP Code and Section 34 of its IRR
- c. **Determination of completeness of documentary requirements for LDC confirmation.** The LDC Secretariat shall have seven (7) calendar days to determine the completeness of the submission. If the LDC Secretariat fails to determine the completeness within the prescribed period, it shall be deemed complete and the thirty- (30) calendar day period to confirm the Local PPP Project shall commence.
- d. **Incomplete submission, return, and resubmission of documentary requirements for LDC confirmation.** If the LDC Secretariat determines that the submission is incomplete, it shall return the same to the LGU/LUC indicating the lacking document/s and/or information. The LGU/LUC may resubmit the Local PPP Project with appropriate modifications to address the identified deficiencies. Such resubmission shall be considered as a submission of a new project.
- e. **Review process of LDC Executive Committee.** The Executive Committee of the LDC, after receipt of the complete requirements, shall:
 - i. Review if the project is aligned and consistent with local development plans

¹ Republic Act No. 7160

- ii. Review the proposed project and identify concerns to aid the decision of the appropriate Approving Body during approval, and
 - iii. Submit such confirmation and the results of review to the appropriate Approving Body, copy furnished the LGU/LUC and the PPP Center.
- f. **Failure to issue LDC confirmation.** If the Executive Committee of the LDC fails to issue such confirmation within the prescribed period, the proposal shall be deemed confirmed, without prejudice to any liability that the erring or negligent officials or employees may incur under the PPP Code and other existing laws. The Head of the LGU/LUC shall then inform the appropriate Approving Body, in writing copy furnished the PPP Center, of the lapse of the period for confirmation and submit the **Documentary Requirements for approval by the appropriate Approving Body** (Item (I)(A)(2)(b)).
- g. All queries in relation to the above process may be raised to the PPP Center through sending an email to evaluation@ppp.gov.ph.

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

- a. Local PPP Projects confirmed by Executive Committee of the LDC shall be forwarded by the LDC Secretariat to the appropriate Approving Body, copy furnished the Head of LGU/LUC and the PPP Center, within three (3) calendar days from said confirmation.
- b. **Documentary Requirements for approval by the appropriate Approving Body.** Per Section 7(d) of the PPP Code and Section 37 of its IRR, the appropriate Approving Body shall render its decision in writing, copy furnished the PPP Center, within one hundred twenty (120) calendar days from receipt of the **complete** requirements as follows:
- i. Letter to the appropriate Approving Body signed by the Head of LGU/LUC submitting the project for approval and certifying the capacity of the LGU/LUC to deliver its assumed obligations under the project
 - ii. Documentary requirements as indicated in Annex A-1, except items 1(f), 8, 9, and 10
 - iii. LDC Executive Committee confirmation through a resolution or any equivalent document
 - iv. Endorsement letter or any equivalent document from the RDC sectoral committee concerned, as may be applicable, pursuant to Section 7(a)(2) of the PPP Code and Section 34 of its IRR
- c. **Determination of completeness of documentary requirements for approval by the appropriate Approving Body.** The secretariat of the appropriate Approving Body shall have seven (7) calendar days to determine the completeness of the submission from receipt thereof, and to inform the LGU/LUC whether the submission is complete/incomplete. If the secretariat of the appropriate Approving Body fails to determine the completeness within the prescribed period, it shall be deemed complete and the one hundred twenty-

(120) calendar day period of the appropriate Approving Body to render decision on the Local PPP Project shall commence.

- d. Incomplete submission, return, and resubmission of documentary requirements for approval by the appropriate Approving Body.** If the secretariat of the appropriate Approving Body determines that the submission is incomplete, it shall return the same to the LGU/LUC indicating the lacking document/s and/or information. The LGU/LUC may resubmit the Local PPP Project with appropriate modifications to address the identified deficiencies. Such resubmission shall be considered as a submission of a new project.
- e. Review process of the appropriate Approving Body.** The appropriate Approving Body, after receipt of the complete requirements, shall:
 - i.** Review and decide whether the proposed Local PPP Project is approved/disapproved. The appropriate Approving Body shall inform in writing the LGU/LUC of the decision.
 - ii.** If the Local PPP Project is approved, issue Notice of Approval to the LGU/LUC within ten (10) calendar days from its decision to approve the Local PPP Project, copy furnished the PPP Center.
 - iii.** If the Local PPP Project is disapproved, return the documents and inform the decision in writing the grounds and reason for disapproval, copy furnished the PPP Center.

The LGU/LUC may resubmit the project for approval, provided such resubmission shall be considered as a submission of a new project.

- f. Failure of the Approving Body to render a final decision.** If the appropriate Approving Body fails to render its decision within the prescribed period, the Local PPP Project shall be deemed approved, without prejudice to any liability that the erring or negligent officials or employees may incur under the PPP Code and other existing laws. The LGU/LUC may proceed with the procurement of the Local PPP Project within seven (7) calendar days from receipt of a notification from the PPP Center. Such notification shall be sent to the appropriate Approving Body and the Implementing Agency in writing, stating that the approval period has lapsed and that the project has been deemed approved. The proposed PTCs, as submitted, shall be used to guide the procurement of the project that has been deemed approved.
- g.** All queries in relation to the above process may be raised to the PPP Center through sending an email to evaluation@ppp.gov.ph.

B. LGU/LUC Solicited Projects affecting national or sectoral development plans and national projects

- 1)** Per Section 7(a)(2) of the PPP Code and Section 35 of its IRR, Local PPP Projects affecting national or sectoral development plans and national projects shall likewise secure the endorsement of the National Government

through the sectoral committee of the RDC concerned, as referred to in Section 7 of Executive Order No. 325, s. 1996, or any amendments thereof, prior to securing the endorsement of the Executive Committee of the LDC concerned and approval by the appropriate Approving Body.

- 2) **Documentary requirements for RDC endorsement.** Applications for RDC sectoral committee 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 **complete** requirements by LGU/LUC to the Secretariat of the RDC concerned:
 - a. Letter addressed to the RDC Chair signed by the Head of LGU/LUC submitting the project for RDC sectoral committee endorsement and certifying the capacity of the LGU/LUC to deliver its assumed obligations under the project
 - b. Documentary requirements as indicated in Annex A-1, except items 1(f), 8, 9, and 10
- 3) **Determination of completeness of documentary requirements for RDC endorsement.** The RDC Secretariat shall have seven (7) calendar days to determine the completeness of the submission from receipt thereof, and to inform the LGU/LUC whether the submission is complete/incomplete. If the secretariat of the appropriate Approving Body fails to determine the completeness within the prescribed period, it shall be deemed complete and the sixty- (60) calendar day period of the RDC sectoral committee to render decision on the Local PPP Project shall commence.
- 4) **Incomplete submission, return, and resubmission of documentary requirements for RDC endorsement.** If the RDC Secretariat determines that the submission is incomplete, it shall return the same to the LGU/LUC indicating the lacking document/s and/or information. The LGU/LUC may resubmit the Local PPP Project with appropriate modifications to address the identified deficiencies. Such resubmission shall be considered as a submission of a new project.
- 5) **Review process for RDC endorsement.** The RDC sectoral committee concerned, after receipt of the complete requirements, shall:
 - a. Review the alignment of the project with the Consolidated List of Investment Programs (CLIPs) and the List of PPP Projects referred to in Title III, Chapter 2 of the PPP Code IRR.
 - b. Send a written notice to the LGU/LUC endorsing or rejecting the Local PPP Project, stating its justification for the decision.

In case the RDC sectoral committee does not endorse the Local PPP Project, the LGU/LUC may within seven (7) calendar days, resubmit the Local PPP Project with appropriate modifications to address the grounds for the non-endorsement by the RDC. Such resubmission shall be considered as a submission of a new project.

- 6) **Failure of the RDC to render a final decision.** Failure of the RDC sectoral committee to render its decision, through a resolution or any equivalent document, within the prescribed period shall be deemed an approval of the requested endorsement, without prejudice to any liability that the erring or negligent officials or employees may incur under the PPP Code and other

existing laws.

- 7) All queries in relation to the above process may be raised to the PPP Center through sending an email to evaluation@ppp.gov.ph.

C. LGU/LUC Solicited Projects requiring Government Undertakings and/or Availability Payments using national government funds

- 1) Per Section 7(a)(2) of the PPP Code and Section 36 of its IRR, proposed Government Undertakings and/or Availability Payments using national government funds for Local PPP Projects shall be submitted to the ICC for approval, upon review and endorsement by the sectoral committee of the RDC concerned, as referred to in Section 7 of Executive Order No. 325, s. 1996, or any amendments thereof.
- 2) **Documentary requirements for RDC endorsement.** Applications for RDC sectoral committee's endorsement of Local PPP Projects with proposed Government Undertakings and/or Availability Payments using national government funds shall be processed within thirty (30) calendar days from submission of the following **complete** requirements by the LGU/LUC to the Secretariat of the RDC concerned:
 - a. Letter to the RDC signed by the Head of LGU/LUC submitting the project for RDC endorsement and certifying the capacity of the LGU/LUC to deliver its assumed obligations under the project
 - b. Documentary requirements as indicated in Annex A-1, except items 1(f), 8, 9, and 10
- 3) **Determination of completeness of documentary requirements for RDC endorsement.** The RDC Secretariat shall have seven (7) calendar days to determine the completeness of the submission from receipt thereof, and to inform the LGU/LUC whether the submission is complete/incomplete. If the RDC Secretariat fails to determine the completeness within the prescribed period, it shall be deemed complete and the thirty- (30) calendar day period of the RDC sectoral committee to render decision on the Local PPP Project shall commence.
- 4) **Incomplete submission, return, and resubmission of documentary requirements for RDC endorsement.** If the RDC Secretariat determines that the submission is incomplete, it shall return the same to the LGU/LUC indicating the lacking document/s and/or information. The LGU/LUC may resubmit the Local PPP Project with appropriate modifications to address the identified deficiencies. Such resubmission shall be considered as a submission of a new project.
- 5) **Review process for RDC endorsement.** The sectoral committee of the RDC concerned, after receipt of the complete requirements, shall:
 - a. Render its decision, through a resolution or any equivalent document, on the Local PPP Project
 - b. Send a written notice to the LGU/LUC endorsing or not endorsing the requested Government Undertaking/s and/or Availability Payments for the PPP Project and stating its justification.

- 6) **Failure of the RDC to render a final decision.** If the RDC sectoral committee fails to render a final decision on the requested endorsement within this period, it shall be deemed approved, without prejudice to any liability that the erring or negligent officials or employees may incur under the PPP Code and other existing laws.
- 7) **ICC approval of the requested Government Undertakings and/or Availability Payments using national government funds.** Following receipt of the notice from the RDC sectoral committee endorsement, or once the prescribed period for the endorsement has lapsed, whichever comes first, the LGU/LUC shall submit to the ICC the “**Documentary requirements for RDC endorsement**” (Item I(C)(2)) for the request of Government Undertaking/s and/or Availability Payments using national government funds for approval.

The ICC, after receipt of the complete requirements, shall:

- a. Review and approve the request within the prescribed period. In the event ICC disapproves the request, it shall not be construed as a disapproval of the Local PPP Project.

If the ICC fails to act on the request within this period, the request shall be deemed approved, without prejudice to the sanctions that may be imposed under Section 32 of the PPP Code.

- b. Send a written notice to the LGU/LUC, copy furnished the PPP Center, informing its decision.

The rules governing the approval of the Government Undertakings and/or Availability Payments using national government funds shall be processed following the guidelines and procedures issued by the ICC.

- 8) Upon receipt of the notice from ICC, or after the prescribed period for approval has lapsed, whichever comes first, the LGU/LUC shall submit the Local PPP Project to the Executive Committee of the LDC for confirmation.
- 9) All queries in relation to the above process may be raised to the PPP Center through sending an email to evaluation@ppp.gov.ph.

D. LGU/LUC Solicited Projects affecting national or sectoral development plans and national projects, and requiring Government Undertakings and/or Availability Payments using national government funds.

Local PPP Projects affecting national or sectoral development plans and national projects, and requiring Government Undertakings and/or Availability Payments using national government funds shall be processed by the RDC sectoral committee and the ICC in accordance with the procedures indicated in “**LGU/LUC Solicited Projects requiring Government Undertakings and/or Availability Payments using national government funds**” (Item I(C)).

II. PROCESSING OF LOCAL UNSOLICITED PPP PROJECTS

A. General procedures

- 1) **Determination of completeness and appropriate Approving Body by the PPP Center**

Local 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, in accordance with the guidelines outlined in the [“Procedures for the submission of unsolicited proposals to the PPP Center for determination of completeness and appropriate Approving Body pursuant to Section 10\(a\) of Republic Act No. 11966 and Section 52 and 53 of its IRR”](#) published in the Manila Times on April 6, 2024.

2) Confirmation of the Local Development Council

- a. The Local PPP Project shall be processed in accordance with the procedures for **“Confirmation of the Local Development Council”** (Item I(A)(1)) above, except for **“Documentary Requirements for LDC Confirmation”** stated in sub-item (b).
- b. In place of sub-item (b), the complete documentary requirements for LDC Executive Committee’s confirmation of Local Unsolicited Proposals are the following:
 - i. Letter to the LDC Executive Committee signed by the Head of LGU/LUC submitting the project for LDC confirmation and certifying the capacity of the LGU/LUC to deliver its assumed obligations under the project
 - ii. Documentary requirements as indicated in Annex A-1
 - iii. Endorsement letter or any equivalent document from the RDC concerned, as may be applicable, pursuant to Section 7(a)(2) of the PPP Code and Section 34 of its IRR.

3) Approval by the local Sanggunian concerned, in the case of LGUs, or by the Board, in the case of LUCs

- a. The Local PPP Project shall be approved by the appropriate Approving Body in accordance with the procedures for **“Approval by the local Sanggunian concerned, in the case of LGUs, or by the Board, in the case of LUCs”** (Item I(A)(2)) above, except for **“Documentary Requirements for LDC Confirmation”** stated in sub-item (b).
- b. In place of sub-item (b), the complete documentary requirements for the approval of Local Unsolicited Proposals by the appropriate Approving Body are the following:
 - i. Letter to the LDC Executive Committee signed by the Head of LGU/LUC submitting the project for LDC confirmation and certifying the capacity of the LGU/LUC to deliver its assumed obligations under the project
 - ii. Documentary requirements as indicated in Annex A-1
 - iii. LDC confirmation through a resolution or any equivalent document
 - iv. Endorsement letter or any equivalent document from the Regional Development Council (RDC), as may be applicable, pursuant to Section 7(a)(2) of the PPP Code and Section 34 of its IRR.

B. LGU/LUC Unsolicited Proposals affecting national or sectoral development plans and national projects

- a. Applications for RDC endorsement shall be processed following the procedures in “**LGU/LUC Solicited Projects affecting national or sectoral development plans and national projects**” Item I(B) above, except the “**Documentary requirements for RDC endorsement**” stated in Item I(B)(2).
- b. In place of Item I(B)(2), the complete documentary requirements for RDC sectoral committee’s endorsement of Local Unsolicited Proposals affecting national or sectoral development plans and national projects are the following:
 - i. Letter to the RDC signed by the Head of LGU/LUC submitting the project for RDC endorsement and certifying the capacity of the LGU/LUC to deliver its assumed obligations under the project
 - ii. Documentary requirements as indicated in Annex A-1

C. LGU/LUC Unsolicited Proposals requiring Government Undertakings and/or Availability Payments using national government funds

- a. Applications for RDC sectoral committee’s endorsement shall be processed following the procedures in “**LGU/LUC Solicited Projects requiring Government Undertakings and/or Availability Payments using national government funds**” (Item I(C)) above, except the “**Documentary requirements for RDC endorsement**” stated in Item I(C)(2).
- b. In place of Item I(C)(2), the complete documentary requirements for RDC sectoral committee’s endorsement of Local Unsolicited Proposals requiring Government Undertakings and/or Availability Payments using national government funds are the following:
 - i. Letter to the RDC signed by the Head of LGU/LUC submitting the project for RDC endorsement and certifying the capacity of the LGU/LUC to deliver its assumed obligations under the project
 - ii. Documentary requirements as indicated in Annex A-1

D. LGU/LUC Unsolicited Proposals affecting national or sectoral development plans and national projects, and requiring Government Undertakings and/or Availability Payments using national government funds.

Local Unsolicited Proposals affecting national or sectoral development plans and national projects, and requiring Government Undertakings and/or Availability Payments using national government funds shall be processed by the RDC and the ICC in accordance with the procedures indicated in “**LGU/LUC Unsolicited Proposals requiring Government Undertakings and/or Availability Payments using national government funds**” (Item II(C)).

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.