

**PUBLIC-PRIVATE PARTNERSHIP GOVERNING BOARD**  
**PPP Governing Board Resolution No. 2024-07-03**  
**July 4, 2024**

**FOR:** All Heads of National and Local Implementing Agencies, including Government-Owned and/or Controlled Corporations (GOCCs), State Universities and Colleges (SUCs), and Local Universities and Colleges (LUCs)

**SUBJECT:** GUIDELINES PURSUANT TO SECTION 10(A) OF THE PPP CODE AND SECTION 52 OF ITS IMPLEMENTING RULES AND REGULATIONS ON UNSOLICITED PROPOSALS PROCESSED AND DETERMINED TO BE INCOMPLETE ON THREE (3) SEPARATE OCCASIONS BY THE PPP CENTER

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## 1. Background

Republic Act (R.A.) 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 on December 8, 2023 and became effective on December 23, 2023. The Implementing Rules and Regulations (IRR) of the PPP Code was published in a newspaper of general circulation on March 22, 2024 and became effective on April 6, 2024.

Section 10(a) of the PPP Code provides that Unsolicited Proposals (USPs) shall be submitted to the PPP Center for determination of completeness and the appropriate Approving Body. Following receipt of the USP, the PPP Center shall: (a) conduct a completeness check on the submitted USP, and (b) determine the appropriate Approving Body for the same, within 10 calendar days of receipt of the USP from a Private Proponent. If the USP is determined to be complete, the PPP Center shall endorse the USP to the Implementing Agency (IA). If determined incomplete, the PPP Center shall return the USP to the Private Proponent.

Since the PPP Code became effective on December 23, 2023 and as of this writing, the PPP Center processes an average of 7 USPs per month. To date, it has processed a total of 52 USPs, 26 of which have been found incomplete. Out of the 52 USPs processed, 35 were unique projects based on submitted project documents. Out of the 26 USPs found to be incomplete, 18 were resubmitted by their respective Private Proponents.

The PPP Center has exerted considerable effort in ensuring it consistently meets the time-bound deadlines set in the PPP Code on assessing completeness of USPs and determining the appropriate approving body within 10 calendar days. Moreover, the PPP Center has taken measures to inform the wider public on its new roles under the PPP Code by including a frequently asked questions (FAQ) page on its website on USPs<sup>1</sup>, launching a dedicated online submission portal for the submission of USPs to the PPP Center<sup>2</sup>, and conducting consultation meetings with Private Proponents where the PPP Center clarifies with the Proponent the lacking information or document/s on previous submissions.

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<sup>1</sup> FAQ on USPs: <https://ppp.gov.ph/processing-unsolicited-ppps-under-the-new-ppp-code/>

<sup>2</sup> USP Submissions Portal: <https://usp-completeness-check.ppp.gov.ph/>

Despite these efforts, however, the PPP Center has observed a tendency of Private Proponents to resubmit their proposal as returned by the PPP Center, merely to keep the proposal “active.” The PPP Center’s limited human resource spends precious time repeatedly processing these resubmitted but incomplete submissions, resulting to wasted time and resources on the part of the government.

Given the foregoing and to ensure efficient and judicious use of government resources in processing USPs within ten (10) calendar days, there is a need for policy guidance that signals that the government is only interested in USP submissions which have undergone serious project study and provide sufficient details for processing the submissions for completeness and determination of appropriate Approving Body.

## **2. Legal Basis**

Section 10(a) of the PPP Code provides that USPs shall be submitted to the PPP Center for determination of completeness and the appropriate Approving Body within ten (10) calendar days from receipt. The same section also provides that USPs determined to be complete shall be endorsed by the PPP Center to the appropriate IA, while USPs determined to be incomplete shall be returned to the Private Proponent.

Section 52 of the IRR of the PPP Code (*Submission of an Unsolicited Proposal to the PPP Center for Determination of Completeness and Appropriate Approving Body*) provides that no USP submitted by a certain Private Proponent subsequently determined by the PPP Center to be incomplete three (3) times on separate occasions may be entertained for determination of completeness and appropriate Approving Body. Section 52 further provides that the PPP Governing Board may issue guidelines to operationalize the same.

Pursuant to the authority vested in the PPP Governing Board under Section 25 of the PPP Code (*PPP Governing Board*) and Section 157 of the IRR of the PPP Code (*Powers and Functions of the PPP Governing Board*), these Guidelines on USPs determined to be incomplete on three (3) separate occasions by the PPP Center are being issued.

## **3. Scope and Applicability**

The Guidelines shall cover national and local USPs submitted to the PPP Center for determination of completeness, pursuant to Section 10(a) of the PPP Code, and Section 52 of the PPP Code IRR. Specifically, the Guidelines shall apply to resubmissions of a USP by the same Private Proponent, where such USP was determined to be incomplete in previous submissions to the PPP Center for completeness check.

## **4. Objectives**

The Guidelines aim to operationalize the policy provided in Section 52 of the IRR of the PPP Code to ensure efficient and judicious use of government resources in checking USPs for completeness.

## **5. Rules on Resubmissions of a USP to the PPP Center**

- 5.1. No USP subsequently determined by the PPP Center to be incomplete three (3) times on separate occasions (herein referred to as the “three-strike rule”) may be entertained for determination of completeness.
- 5.2. USPs subsequently determined to be incomplete by the PPP Center three (3) times on separate occasions may be entertained by the PPP Center only after the lapse of one hundred eighty (180) calendar days from the third notice of incompleteness.
- 5.3. After the 180 calendar days under item 5.2 of the Guidelines has lapsed, the Private Proponent may resubmit the USP to the PPP Center for completeness check. The subsequent submission/s of the USP after the 180 calendar days shall be considered as new submission, subject anew to the three-strike rule under item 5.1 of the Guidelines.

## **6. Transitory provision**

Upon the effectivity of the Guidelines, those USPs submitted to the PPP Center for determination of completeness and appropriate Approving Body shall be processed in accordance with the Guidelines.

## **7. Effectivity Date**

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

*I hereby certify that these Guidelines were approved by the PPP Governing Board at its meeting held on July 4, 2024.*

  
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