

LGU-PPP: Competitive Challenge Process for JVs and Leases

Atty. Alberto C. Agra



26+ PPP Modalities



























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|-----------------------------------|---|---|
| 1. Build-Transfer | 14. Joint Venture | ← |
| 2. Build-Lease-Transfer | 15. Lease or Affermage | ← |
| 3. Build-Operate-Transfer | 16. Lease-to-Own | |
| 4. Build-Own-Operate | 17. Real Property Swap | |
| 5. Build-Transfer-Operate | 18. Management Contract | |
| 6. Contract-Add-Operate | 19. Management Contract (No Public Funds) | |
| 7. Develop-Operate-Transfer | 20. Service Contract | |
| 8. Rehabilitate-Operate-Transfer | 21. Service Contract (No Public Funds) | |
| 9. Rehabilitate-Own-Operate | 22. Divestment or Disposition | |
| 10. Rehabilitate-Lease-Transfer | 23. Corporatization | |
| 11. Rehabilitate-Transfer | 24. Subsidiary with Private Equity | |
| 12. Rehabilitate-Transfer-Operate | 25. Onerous Donation | |
| 13. Concession Arrangement | 26. Gratuitous Donation | |
| | 27. Others | |



PPP RESOURCE EXCHANGE

“Active”

“Passive”

Modality	Government		Private Sector	
Build-Operate-Transfer				 
Joint Venture		 		
Concession				 
Management Contract		 		
Public Land Lease				 
Policy-setting		Building		
Financing		Operating		

Governing Laws/ Rules



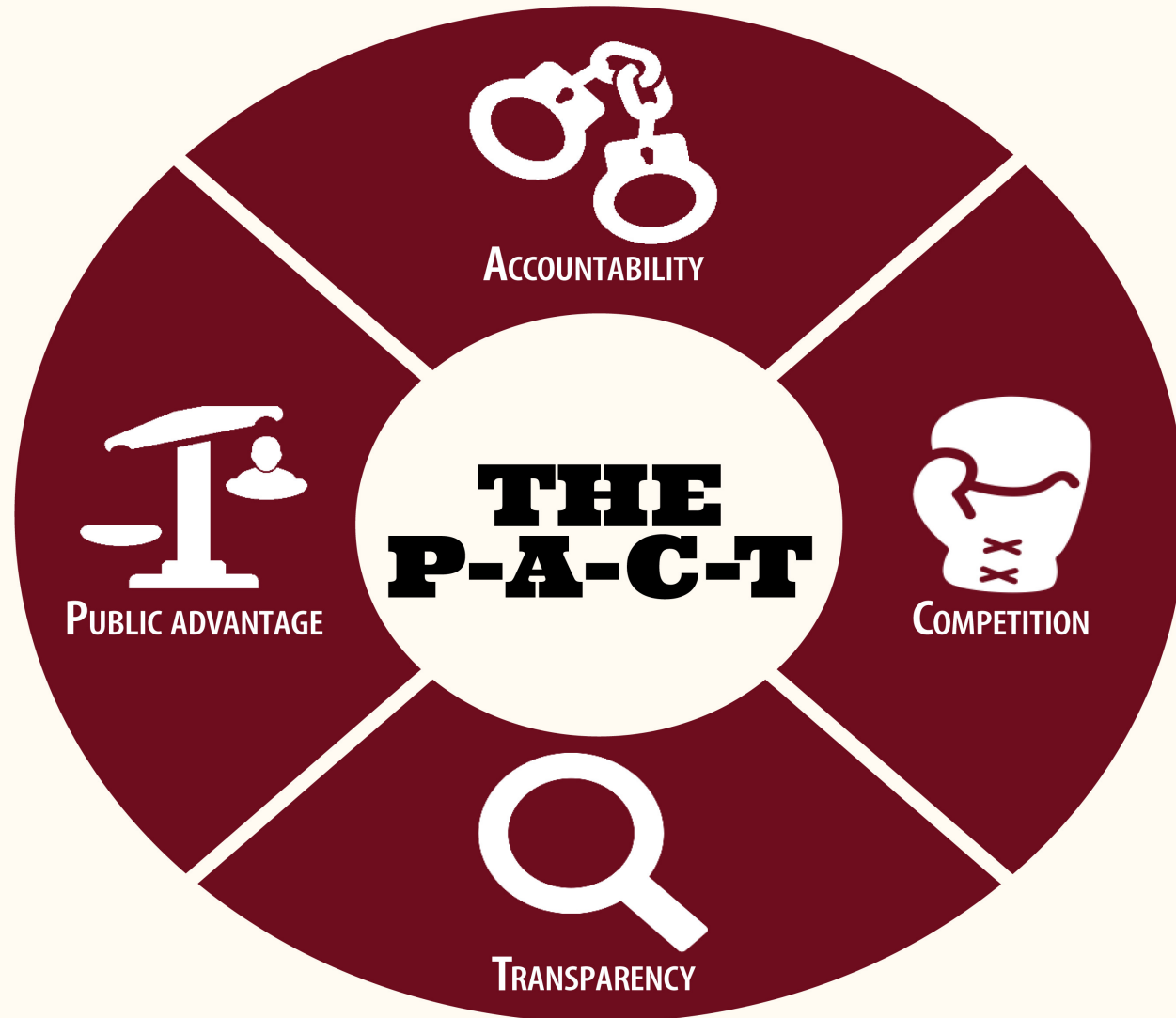
PPP Modality	Governing Law
BOT Law Variants (9+)	BOT Law
Concession	Special Laws/ Special Guidelines/ Local Ordinance
Joint Ventures	2023 NEDA JV Guidelines/ Special Guidelines/ Local Ordinance
Management and Service Contract*	GPRA/ Local Ordinance
RT, RLT, RTO	[BOT Law]/ Local Ordinance
Lease/ Lease-to-Own/ Realty Swap/ Affermage/ Donations	Civil Code/ Special Guidelines/ Local Ordinance
Divestment/ Disposition	COA Circular No. 89-296/ COA Decision 2009-064
Corporatization	Corporation Code



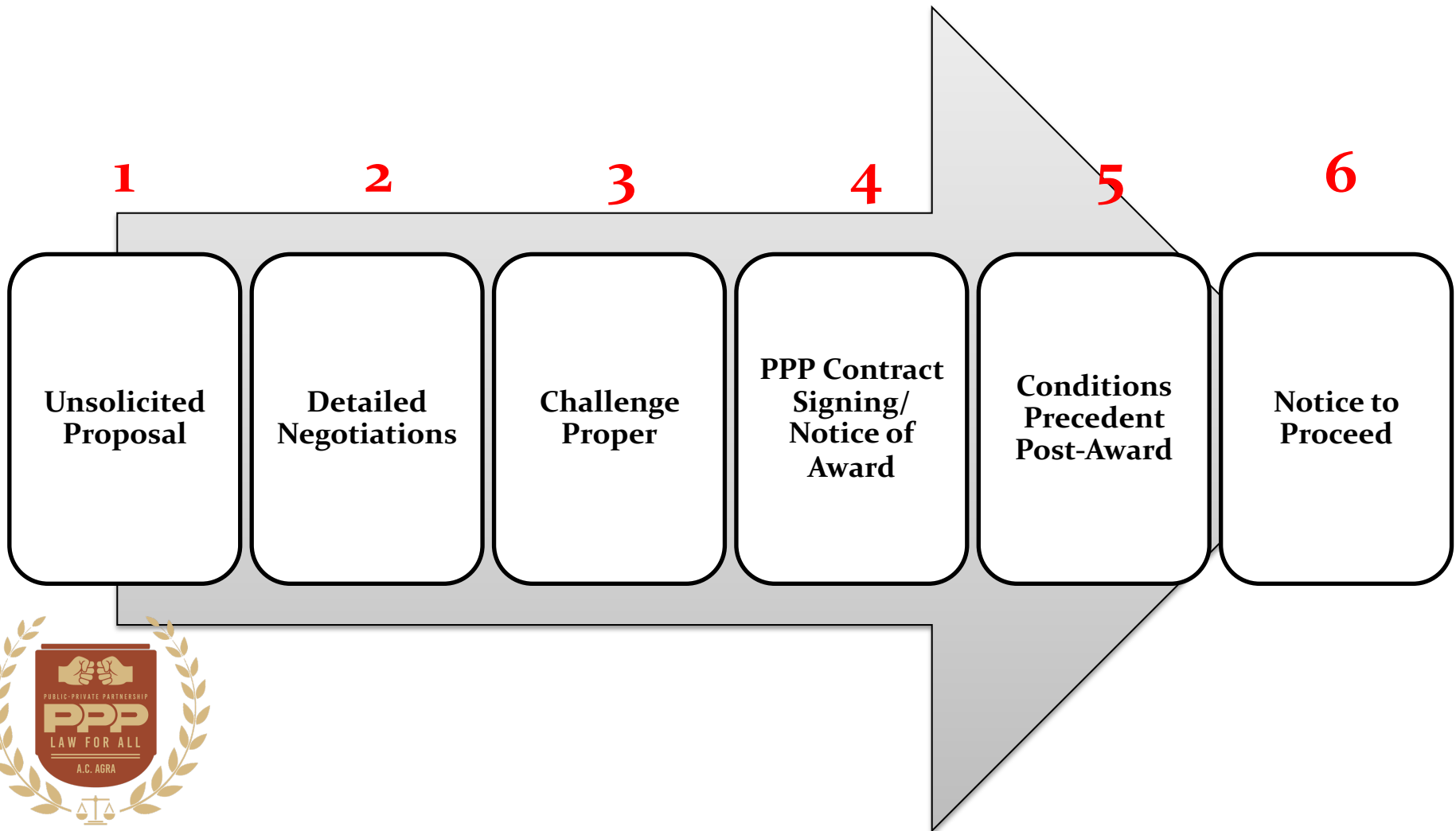
NEDA Checkpoints

4-pass	3-pass	2-pass	1-pass	0-pass
(1) BOT-UP	(1) BOT-Sol, Nat'l P300m up	(1) BOT-Sol, Nat'l P300m (2) BOT- Local P200m up (3) JV-GOCC P150m and up	Any project Rejection	(1) BOT-Local P200m low (2) JV-local (3) JV-GOCC P150m low (4) JV-other GOCCs (5) lease, concession
NEDA-ICC- TB NEDA-ICC (IRR) NEDA-ICC (Nego) NEDA-Board	NEDA-ICC- TB NEDA-ICC NEDA-Board	NEDA-ICC- TB NEDA-ICC	NEDA-ICC- TB	NA

PPP SELECTION REQUIREMENTS



Competitive Challenge: 6 Stages



Acronyms



Acronyms	Meanings
UP	Unsolicited Proposal
LCE	Local Chief Executive
SC	PPP-Selection Committee
TWG	Technical Working Group
PSP	Private Sector Proponent
EO	Executive Order
OP	Original Proponent
TOR	Terms of Reference
EOI	Expression of Interest
PPP	Public-Private Partnership
PPP-A	PPP-Agreement
LGU	Local Government Unit

Stage 1: Unsolicited Proposal (UP) (approx. 8 days)

With Cover Letter, Project Study, Draft PPP-A and Eligibility Documents

(1) Submission of UP by PSP

(4.1) PSP becomes OP

Rule on Exclusion

LCE may create TWG SC/ TWG signs Code of Ethics

(2) Through an **EO**, LCE convenes SC and endorses UP; LCE informs Sanggunian

(4) Issuance of **Certificate of Acceptance** by LCE

Sanggunian informed

(3) Evaluation by SC

(3.1) **Memorandum by SC**

UP Complete
PSP Eligible
Project Needed/
Beneficial
Recommend
Acceptance (or
Rejection)



Stage 2: Detailed Negotiations

(approx. 10 days)

Technical and
Financial

(5) Detailed
Negotiations
between LGU and
PSP

(9.1) Public
Consultation by
Sanggunian and
SC

or failed
Negotiations

(6) **Joint
Certification of
Successful
Negotiations**

(9) Sangguniang
informed

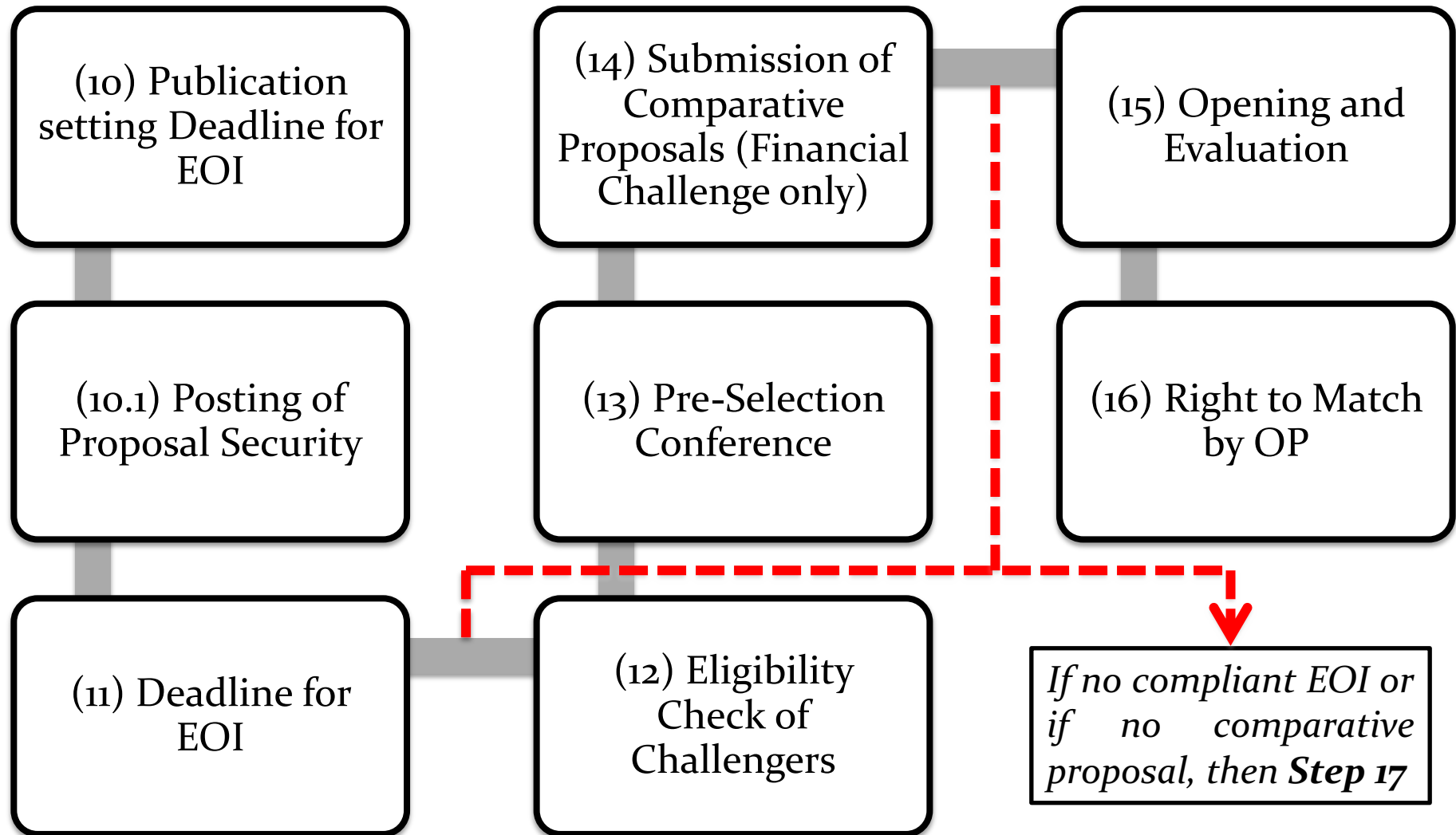
(7) Preparation of
TOR

(8) LCE approves
TOR



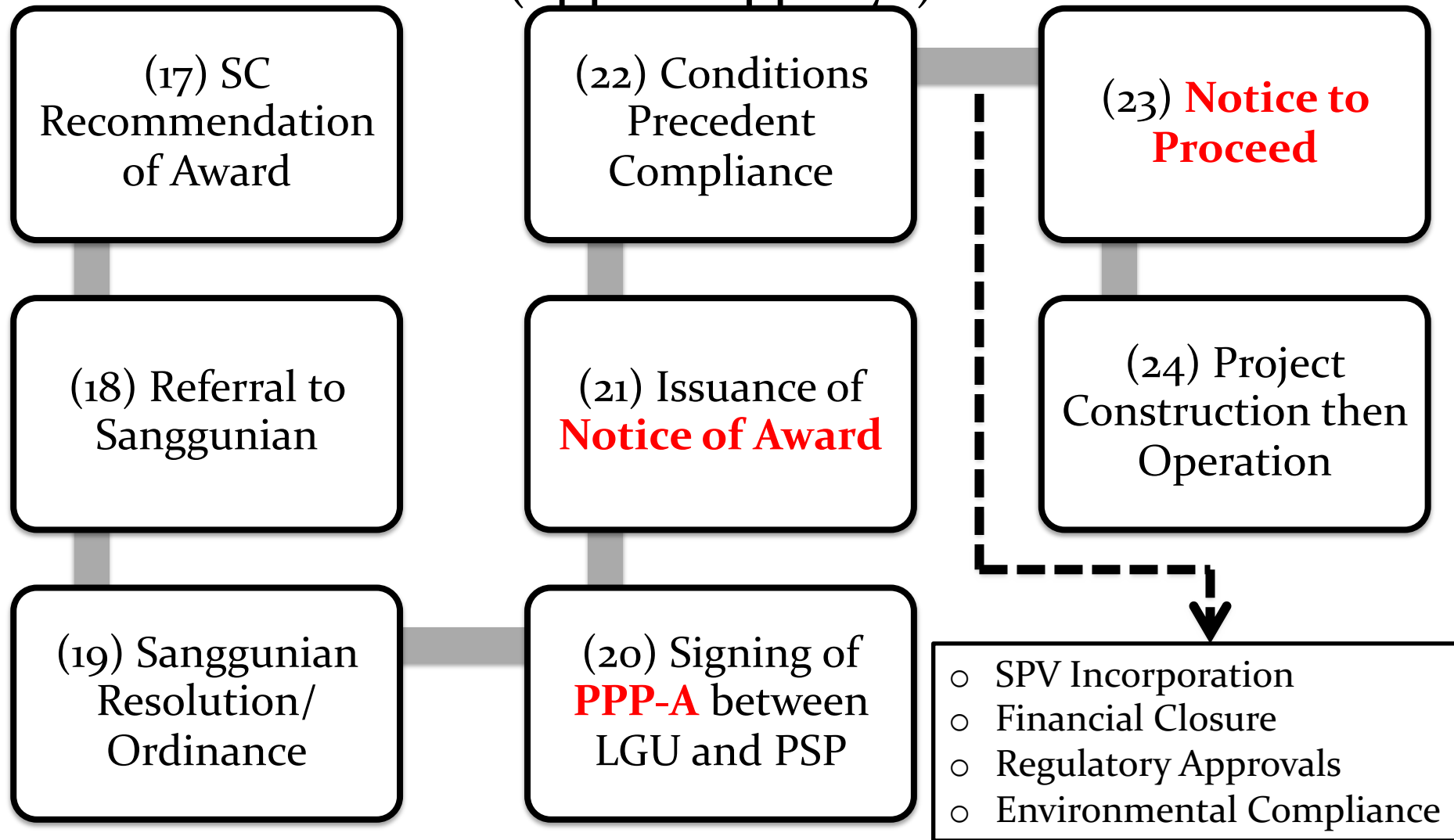
Stage 3: Challenge Proper

(approx. 10 days/ 58 days)



Stages 4 and 5: Award/ Commence

(approx. 44 days)



Total Period under 2 Scenarios

From Submission of Unsolicited Proposal
to Signing of PPP-A

No Challenger:

**41 days/ 1.33
months**

With

Challengers: **90
days/ 3 months**





www.albertocagra.com



09175353823



alberto agra



alberto.c.agra@gmail.com



BATAS

et AL

Thank you.