

LAW ON PUBLIC-PRIVATE PARTNERSHIPS (PPP Law)

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Course Description

The course “Law on Public-Private Partnerships” or PPP Law is an elective subject that discusses PPP and its relevance in Philippine development at the national and local government levels. The course shall cover the definition(s) of PPP, PPP modalities, risk identification and allocation, funding, regulation and contractual provisions. Privatization, procurement, project-financing, fund sources, regulation and tariff-setting shall also be covered.

This course will include relevant laws, jurisprudence, regulations, sample contracts and case studies on PPP. Relevant provisions of the 1987 Constitution, Law on Obligations and Contracts, Law on Private and Public Corporations, Law on Partnerships, and 1991 Local Government Code will be assigned for reading.

Course Components

The course will be divided into the seven (7) modules:

- 1. Overview of PPPs**
 - 1.1 Definition(s)
 - 1.2 Benefits, Value Drivers and Impacts
 - 1.3 Parties to a PPP
 - 1.4 Distinguish from Privatization and Procurement
 - 1.5 Feasibility Studies
- 2. PPP Modalities**
 - 2.1 Build-Operate-Transfer and its variants
 - 2.2 Concessions
 - 2.3 Joint Ventures
 - 2.4 Lease/ Affermage
 - 2.5 Management Contracts
 - 2.6 Service Contracts
 - 2.7 Corporatization
 - 2.8 Others
- 3. PPP Procedures**
 - 3.1 Competitive Selection or Bidding
 - 3.2 Swiss/ Competitive Challenge
 - 3.3 Limited or Detailed Negotiations
- 4. Risks Associated with PPPs**
 - 4.1 Risk Identification, Mitigation and Allocation
 - 4.2 Risks Matrices in specific sectors

5. PPP Funding

- 5.1 Sources of PPP Funds
- 5.2 Project-Financing
- 5.3 Lending Mechanisms
- 5.4 Payment Schemes

6. PPP Contracts

- 6.1 Contractual Provisions
- 6.2 Contract Review and Drafting
- 6.3 Renegotiation and Cancellation

7. Regulation and Tariff-Setting

- 7.1 Constituent Functions in Regulations
- 7.2 Regulation by Contract and Regulation by Commission
- 7.3 Tariff-setting Mechanisms

Methodology

Recitation, seatwork and/ or group work shall be conducted every class session. Resource persons may be invited. Mid-term examinations (or group paper) and final examinations will be given.

Grade Breakdown

- a) Recitation and Seatwork (40%)
- b) Mid-Term Examinations or Group Paper (30%)
- c) Final Examinations (30%)

Reference Materials

- a) Materials, newspaper columns and infographics in the website of the Professor (www.albertocagra.com)
- b) PPP Skills and Competency Development, Institute for Public-Private Partnerships (IP3), Modules 1 to 6
- c) PPP Handbook, Asian Development Bank (ADB)
- d) How to Engage the Private Sector in PPPs in Emerging Markets (Emerging), The World Bank and Public-Private Infrastructure Advisory Facility, 2011
- e) PPP Reference Guide (Guide), Version 1.0, PPIAF, 2012
- f) Cities Development Initiative for Asia PPP Guide for Municipalities, June 2010 (CDIA)