

# Proposed PPP Code and JV Ordinance

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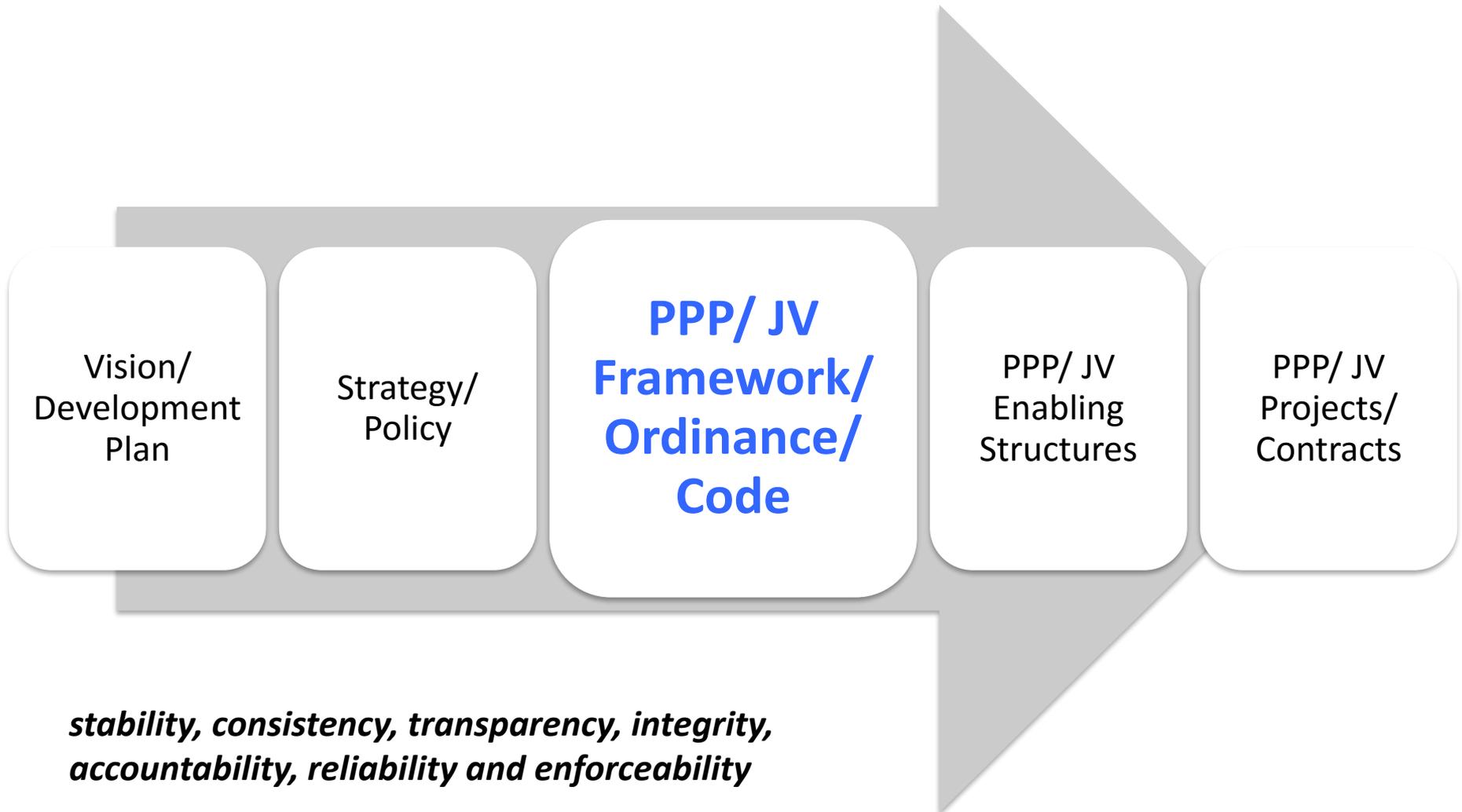
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# Need for a Framework



# Framework Options

1. DILG MC 120-2016 Template (Agra)
2. BOT Law
3. 2008 or 2013 NEDA Joint Venture Guidelines
4. Government Procurement Reform Act
5. Your own
6. Adopt, through a resolution, the PPP ordinance of higher/ supervising LGU

# Outline: Proposed PPP Code

## 1) Basic Principles and Definitions

1. Short Title
2. Declaration of Policy (Vision/ Mission)
3. Operative Principles
4. Rationale for PPP (Value Drivers)
5. Definition of Terms
6. Rules of Interpretation
7. Authorities

## 2) PPP Projects and PPP Modalities

8. PPP Projects
9. List of Priority Projects
10. PPP Modalities
11. General Requirements
12. Government-to-Government Joint PPP Undertakings

# Outline: Proposed PPP Code

## 3) PPP Procedures and PPP Contract

13. PPP Procedures
14. PPP Selection Committee
15. Competitive Selection
16. Limited Negotiations
17. Competitive Challenge
18. Schedules and Timelines
19. PPP Contract

## 4) Regulation and Contract Management

20. PPP Regulatory Authority's Mandate
21. Composition of PPP-RA
22. Contract Management Manual
23. Contents of Contract Management Manual
24. Post-Award Conference
25. Personnel and Training Requirements
26. Partnership Management

# **Outline: Proposed PPP Code**

## **5) Regulation and Contract Management**

- 27. Performance or Service Delivery
- 28. Contract Administration
- 29. Closeout Procedures
- 30. Post-Contract Review
- 31. Document Control

## **6) Accountability, Information, Education and Monitoring**

- 32. Code of Conduct
- 33. Disciplinary Action
- 34. Liability
- 35. Social Accountability
- 36. Transparency and Right to Information
- 37. Capability-Building Program
- 38. Monitoring and Governance Audit Program
- 39. Technical and Financial Assistance

# Outline: Proposed PPP Code

## 7) Final Provisions

- 40. Appropriations
- 41. Alternative Dispute Resolution
- 42. Implementing Rules
- 43. Application of Other PPP Laws and Regulations
- 44. Separability Clause
- 45. Repealing Clause
- 46. Effectivity Clause

## Others

- 1. Confirmation of Prior Steps
- 2. Recognition of Supervised LGUs Authority
- 3. Adoption of Supervising PPP Code/ Ordinance

# Outline: Proposed JV Ordinance

1. Preambulatory Clauses (Summary of Authorities and Principles)
2. Title
3. Declaration of Policy (Public Good; LGU Vision and Mission)
4. Operative Principles (Constitutional and Statutory Foundations)
5. Rationale (Value Drivers)
6. Rules of Interpretation

# **Outline: Proposed JV Ordinance**

7. Definition of Terms
8. JV Arrangement (Definition of JV; Term; Disposition and G-to-G)
9. Contributions and Shareholdings
10. JV Agreement (Terms and Provisions; Role of LCE and VLCE; Binding to Successor)
11. JV Projects (Inclusive List; Development Plan; Procurement and Audit)
12. JV Vehicle (2 Options)

# Outline: Proposed JV Ordinance

13. JV Procedural Requirements (JV-SC; Public Consultation)
14. Competitive Procedures (Competitive Selection, Limited Negotiations and Competitive Challenge)
15. JV Regulatory Authority (Composition; Mandate)
16. Accountability Mechanisms (Code of Conduct; Social Accountability)

# **Outline: Proposed JV Ordinance**

17. Alternative Dispute Resolution

18. Implementing Rules

19. Application of Other PPP Laws and  
Regulations

20. Separability Clause

21. Repealing Clause

22. Effectivity

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**THANK YOU.**