



Republic of the Philippines
DEPARTMENT OF PUBLIC WORKS AND HIGHWAYS
OFFICE OF THE SECRETARY
Bonifacio Drive, Port Area, Manila



097-13 DPWH

01.22.2025

JAN 20 2025

DEPARTMENT ORDER)

NO. 12)
Series of 2025)

d 1/22/2025

SUBJECT: DPWH Guidelines on the Review and Approval of Public-Private Partnership (PPP) Proposals Requiring Approval from the DPWH Secretary

In reference to Section 24.3 of the Implementing Rules and Regulations (IRR) of Republic Act (RA) No. 11966, or the PPP Code IRR, all Implementing Agencies shall issue guidelines for approval that outline the process of its review and approval of National PPP Projects with project cost below Fifteen Billion Pesos (PHP 15,000,000,000.00).

In addition, the summarized general procedures relative to the review and approval process of PPP proposals covered by the above-captioned Guidelines is hereby issued and prescribed to be observed:

Stage		Processing Milestone
1.	PPP Service's Submission of PPP Proposal to the Secretary	Submission of the PPP proposal through a memorandum signed by the Director of PPP Service
2.	Evaluating Unit's ¹ Assessment on the Completeness of the Submission	Evaluating Unit's completeness check on the form and substance of the submitted proposal.
3.	Evaluating Unit's Evaluation of the PPP Proposal and Submission of the PPP Project Evaluation Report (PER)	Consolidation in one PER of the review results as respectively assessed by the Evaluating Unit and its submission to the Technical-Level Review Committee
4.	Technical-Level Review Committee (TRC) ²	Deliberate and provide a recommendation on the proposed project through an <i>en banc</i> meeting or <i>Ad Referendum</i>
5.	Undersecretary for PPP Service	The Undersecretary for PPP Service, after evaluation of the recommendation of the Evaluating Unit and the Technical-Level Review Committee, shall provide a formal recommendatory decision to the DPWH Secretary.
6.	Secretary	The DPWH Secretary, after evaluation of the recommendations of the Undersecretary for PPP Service, shall render its decision in writing. Issuance of Notice of Approval

¹ Comprised of: (1) PPD and ESSD of the Planning Service, (2) PDD, PISD, and POMMD of the PPP Service, and if necessary, the (3) Concerned Regional Office/s, and (4) Technical Service Bureaus

² Comprised of: (1) BoC; (2) BoD; (3) BoM; (4) BQS; and (5) Finance Service

Pursuant to Section 24 of the PPP Code IRR, the approval period to render a decision shall be ninety (90) calendar days from the Secretary's receipt of complete requirements, and may be extended up to one hundred twenty (120) calendar days, as permitted by the PPP Code IRR.

Moreover, in furtherance of this Department Order, a separate Special Order shall be issued for the designation of members of the following entities for every project that will be proposed, to wit:

- a. Technical-Level Review Committee; and
- b. DPWH Evaluating Unit

This Order shall take effect immediately and supersedes Department Order No. 159, Series of 2024.


MANUEL M. BONOAN
Secretary

Department of Public Works and Highways
Office of the Secretary

WIN5H02140

DPWH Guidelines on the Review and Approval of Public-Private Partnership (PPP) Proposals Requiring Approval from the Secretary

Section I.	Legal Basis
	<ol style="list-style-type: none"> 1. Section 7(a) 1(ii) of the PPP Code provides for the approval of PPP projects, specifically those which shall be processed and approved by the Head of Implementing Agency as the approving body. 2. Section 24.3 of the PPP Code IRR provides that if the approving body is the Implementing Agency, the Implementing Agency shall issue its guidelines for approval that outline the process of its review and approval of PPP Projects with Project Cost of below Fifteen billion pesos (PHP 15,000,000,000.00). These guidelines shall be consistent with the PPP Code and its IRR, the procedural guidelines to be issued by the ICC (Investment Coordination Committee [ICC]), and shall adhere to the following principles: <ol style="list-style-type: none"> a. A focal person or a focal unit of the Implementing Agency shall review the project and submit its recommendations to the Head of Implementing Agency with the complete requirements for purposes of review and approval; b. The Head of the Implementing Agency shall render its decision in writing within ninety (90) calendar days upon receipt of the complete requirements for purposes of review and approval. Such period may be extended up to one hundred twenty (120) calendar days, subject to the procedural guidelines to be issued by the ICC; and c. The processing and approval of each PPP Project shall be well documented using the forms and templates prescribed by the ICC.

Section II.	List of Abbreviations
	<p> CD – Calendar Day EU – Evaluating Unit IRR – Implementing Rules and Regulation IA – Implementing Agency ICC – Investment Coordination Committee O&M – Operation and Maintenance PBAC – Pre-qualification, Bids, and Awards Committee PER – Project Evaluation Report PP – Private Proponent PPP – Public-Private Partnership PTCs – Parameters, Terms, and Conditions RO – Regional Office RROR – Reasonable Rate of Return TRC – Technical-Level Review Committee USP – Unsolicited Proposal </p>

Section III. Coverage of DPWH Review and Approval

Sections 24.3, 31, 33, 81, 104, and 143 of the PPP Code IRR

1. The ***DPWH Guidelines on the Review and Approval of PPP Proposals Requiring Approval from the Secretary***, hereby referred to in this document as the "**Guidelines**", shall be used exclusively by the Department in the review and approval of the following PPP Proposals requiring review and approval from the Secretary in accordance with the PPP Code and its IRR:
 - a. **Proposed PPP Projects costing below PHP 15 Billion and do not meet any of the 5 criteria (Section 7(a) 1(ii) of the PPP Code, and Section 24.3 of the IRR) requiring action by the Secretary** upon favorable recommendation of the Undersecretary for PPP Service and the Technical Review Committee; and
 - b. **Changes in the Approved Project where the approving body is the Secretary:**
 - i. ***Proposed change in the approved Parameters, Terms, and Conditions (PTCs) of the draft PPP contract prior to submission of bids for Solicited PPP Projects*** [Sections 31(a) and 81 of the PPP Code IRR];
 - ii. ***Proposed variation, expansion, or extension of all contracts covering PPP projects executed prior to or after the effectivity of the PPP Code¹***, shall be governed by these Guidelines; provided, that the stipulations in the Guidelines on variation, expansion, or extension for contracts of PPP projects executed prior to the effectivity of the PPP Code shall be applied suppletory to the existing contract provisions to the extent that such application does not infringe upon the substantive rights of the Private Partner.

In determining the appropriate Approving Body, the project cost to be used shall be the sum of (i) the Project Cost indicated in the financial proposal of the winning bid of the Private Partner during bid submission and (ii) the cumulative value of the proposed variations and all previously approved variations, if any.

If the sum of the proposed variation² costs below PHP 15 billion and do not meet any of the 5 criteria [Section 7(a) 1(ii) of the PPP Code, and Section 24.3 of the IRR], the approving body for the proposed variation shall be the Secretary; and

¹ Pursuant to Section 143 of the PPP Code IRR.

² Pursuant to Section 143 of the PPP Code IRR, the computation of proposed variation cost shall be the sum of (i) the Project Cost indicated in the financial proposal of the winning bid of the PP during bid submission and (ii) the cumulative value of the proposed variations and all previously approved variations, if any.

- iii. ***Withdrawal or substitution of a consortium member*** particularly, changes in withdrawals, or substitution of Private Partners or member-firms of a consortium that results in a change of control of the Private Partner or consortium that will affect its majority ownership and/or beneficial ownership, after the approval of the project (Section 104 of the IRR).

2. This Guidelines shall also cover the following:

- a. Reasonable Rate of Return (RROR) to be set in case of single complying bid for solicited project [Section 31(c) of the IRR];
- b. In case of Unsolicited Proposals, guidelines on cases where the appropriate Approving Body requires PTCs outside of the negotiated PTCs [Section 31(b) of the IRR];
- c. Guidelines on cases where the appropriate Approving Body failed to render its decision on a PPP Project within one hundred twenty (120) calendar days from the receipt of complete requirements [Section 31(e) of the IRR]; and
- d. Changes in procurement modality after the PPP project has been approved by the appropriate Approving Body (Section 33 of the IRR).

Section IV.	Roles and Responsibilities During DPWH Review and Approval Process
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Sections 4, 24.3, 28 of the PPP Code IRR

Pursuant to Section 24.3 and Section 26 of the PPP Code IRR, the Undersecretary for PPP Service shall serve as the focal person of the DPWH. Furthermore, the following DPWH units and offices shall be designated with the following roles and responsibilities during the review and approval process.

- a. **PPP Service** – conduct its own diligence to ensure its submission of PPP proposals, including the proposed hybrid³ PPP projects to the Secretary.
- b. **Evaluating Unit (EU)** – shall be responsible for checking the completeness of the submitted PPP proposals. The EU shall also be responsible for evaluating projects outlined in Section II, based on the complete documents submitted in hard or electronic copies through electronic mail, against the criteria for approval of PPPs pursuant to Section 28 of the PPP Code IRR. The EU shall be composed of the following DPWH units: (see **Table 2**)

³ PPP Projects with blended finance, as defined in Section 4(e) of the PPP Code IRR.

Table 2. EU Member Offices

No.	Unit/Office	Role
1.	Planning Service – Project Preparation Division (PS-PPD)	Evaluating Unit
2.	PPP Service – Project Development Division (PPPS-PDD)	
3.	PPP Service – Project Implementation Supervision Division (PPPS-PISD)	
4.	PPP Service – Project Operation and Maintenance Management Division (PPPS-POMMD)	
5.	Planning Service – Environmental and Social Safeguards Division (PS-ESSD)	
6.	Concerned Regional Office/s (RO)	EU, as necessary
7.	Technical Services Bureaus	
8.	Concerned Unified Project Management Office (UPMO)	

In addition to the composition of the EU, the following are the evaluation arrangement among the EU:

Table 3. Evaluation Arrangement among the EU

No.	Type of PPP Proposals	Lead EU	Member EU	EU, as necessary
1.	New PPP project proposal, both solicited and unsolicited	PS-PPD	PDD, PISD, POMMD, and PS-ESSD	Concerned RO, Technical Services Bureaus, and other Government Agencies ⁸
2.	Restructuring requests of executed PPP contract at implementation stage		PISD, PDD, POMMD, and PS-ESSD	
3.	Operation and Maintenance (O&M)-related proposals and/or restructuring requests of executed PPP contracts at operation stage		POMMD, PDD, PISD, and PS-ESSD	
4.	Hybrid PPP Projects		POMMD, PDD, PISD, and PS-ESSD	

- c. Review Committee Core Secretariat** – shall be responsible for preparing and/or keeping the official records of the Technical-Level Review Committee (TRC), such as the PER, presentation materials, letters to private proponent for unsolicited proposals (USPs), minutes of the meeting, documents and correspondences for the Office of the Undersecretary for PPP Service and the Office of the Secretary, among others. Furthermore, they shall coordinate and arrange the *en banc* meetings of the TRC as defined in Item 5 of this section.

⁸ As external observers and may provide a non-binding opinion upon the request of the DPWH EUs.

- d. Technical-Level Review Committee (TRC)** – shall deliberate on the project, based on the PER submitted by the EU, and other relevant information that may be presented to the TRC.

The TRC shall be composed of the Directors of PPP Service and Planning Service serving as Chair and Co-Chair, respectively, and the Directors of the following DPWH Central Office bureaus and service as members:

- a. Bureau of Construction (BoC);
- b. Bureau of Design (BoD);
- c. Bureau of Maintenance (BoM);
- d. Bureau of Quality and Safety (BQS); and
- e. Finance Service.

Members of the TRC may designate alternate representative/s through a memorandum, stating that any of the alternate representative's comments and/or decisions shall be their respective TRC Member's position.

- e. Undersecretary for PPP Service** – shall provide a recommendatory decision to the DPWH Secretary after evaluation of the recommendation of the Evaluating Unit and the Technical-Level Review Committee.

- f. Secretary** – shall render its decision in writing and issue a Notice of Approval, after evaluation of the recommendations of the Undersecretary for PPP Service.

Section V. DPWH Review and Approval Procedures

Sections 33 (paragraph 2), 81, 90, and 104 of the PPP Code IRR

1. The PPP Proposals covered by Section III of the Guidelines shall be processed in accordance with the procedures in **Annex 1: General DPWH Procedures on the Review and Approval of Public-Private Partnership Proposals**, which details the steps in the processing of PPP projects.

2. For changes in the approved project where the Secretary is the approving body, the following procedures shall be followed:

a. Proposed change in the approved PTCs of the draft PPP contract prior to Submission of bids for Solicited PPP Projects

- i. In cases where there are proposed changes in the PTCs approved by the Secretary, the PPP Service shall submit all documents pertaining to the proposed changes in the PTCs to the Secretary for approval. The PPP Service shall include in its submission the results of its assessment on whether the proposed changes in the PTCs will entail the following, among others:

1. Additional Government Undertakings/Availability Payments;
2. Changes in the economic and/or financial viability of the project; and
3. Additional contingent liabilities.

- ii. The PPP Service shall submit the results of its assessment, including the proposed changes in the PTCs, to the Secretary, and shall ensure that the said submission is properly shared and transmitted to the Undersecretary for PPP Service, the TRC, and EU.
- iii. The EU shall validate the PPP Service's assessment, require additional documents from the PPP Service, as necessary, and submit its findings and recommendations to the Secretary, for approval.

b. Withdrawal or substitution of a consortium member

- i. In case there is a need to change, withdraw, or substitute the Private Partners or member-firm of a consortium operating/implementing the PPP project, the PPP Service shall immediately, upon being informed in writing by the Private Partners, seek the Secretary's approval.
- ii. The PPP Service shall submit all documents pertaining to the proposed withdrawal or substitution of a consortium member, including the results of its assessment to the Secretary as the approving body.
- iii. In addition to the aforesaid submission, the PPP Service shall send an official email informing the Undersecretary for PPP Service, copy furnished the TRC, EU, and PPP Center, that it is requesting for the approval of the proposed withdrawal or substitution of a consortium member, and it has submitted the required documents.
- iv. The EU shall validate the PPP Service's assessment, require additional documents from the PPP Service, as necessary, and submit its findings and recommendations to the Secretary, for approval.

c. Setting the RROR in the case of single complying and responsive bid for solicited project where the Secretary as the approving body.

- i. During the approval stage of the Solicited PPP Project, the Secretary shall set the maximum RROR which shall, in no case, be disclosed during the bidding process.
- ii. In case of a single complying and responsive bid, the PBAC shall negotiate with the single complying and responsive bidder the RROR for the project taking into consideration the maximum RROR set by the Secretary.
- iii. If the negotiated RROR does not breach the maximum RROR, the PBAC shall report the same to the Secretary. If the negotiated RROR breaches the set maximum, the PBAC shall secure the Secretary's approval of the negotiated RROR.
- iv. In case the Secretary does not agree with the negotiated RROR (which breached the set maximum as initially prescribed), the PBAC shall inform the single complying and responsive bidder of such decision for bidder's consideration on whether it shall still proceed with the project. If the bidder does not agree, the PBAC shall declare a failure of bidding.

- v. Attached is the methodology for the computation of the RROR, which adheres to the prescribed methodology in the 2024 NEDA-ICC Guidelines (see **Annex 2**).

d. In case of Unsolicited Proposals, guidelines on cases where the Secretary requires PTCs outside of the negotiated PTCs

- i. In case the Secretary approves the project but requires PTCs outside of the negotiated PTCs, the Secretary shall inform the PPP Service in writing of the new PTCs.
- ii. The PPP Service shall secure the private proponent's concurrence on the new PTCs within 7 calendar days (CDs) upon receipt of the notice from the Secretary regarding the new PTCs being required.
- iii. The PPP Service shall, within the 7-CD period, submit its response to the Secretary on whether the private proponent agrees/disagrees with the new PTCs. In case the private proponent agrees with the new PTCs, the PPP Service shall use the updated PTCs as one of the bases in the drafting of tender documents and the PPP Contract.

In case the private proponent disagrees with the new PTCs, the PPP Service shall inform the Secretary in writing, and the project shall be returned to the PPP Service and delisted from the DPWH List of PPP Projects.

e. Changes in Procurement Modality of an Approved PPP Project

- i. In case the PPP Project has already been approved by the Secretary, any changes in the procurement modality by the DPWH shall be submitted to the Secretary, through the PPP Service, together with a justification for the proposed change to the original approved project, as required by the PPP Code IRR, copy furnished the Undersecretary for PPP Service, TRC, and EU.
- ii. The project with the new procurement modality shall be treated as a new submission and shall be processed in accordance with the applicable laws, rules, and regulations. The DPWH List of PPP Projects¹⁰ shall be updated accordingly.

f. Document Routing Protocol

- i. To ensure transparency, accountability, and compliance with organizational standards, all documents requiring the decision of the Secretary must undergo a review process. Documents shall first be assessed by the EU for completeness check and evaluation, followed by deliberation / ad referendum by the TRC, and subsequently by the Undersecretary for PPP Service for policy review.
- ii. Status/updates reports may be provided by the Evaluating Unit to the Technical-Level Review Committee and the Undersecretary for PPP Service.

¹⁰ As per PPP Service procedure, the Pipeline of PPP Projects is updated in monthly.

Section VI.	Failure of the Secretary to render a final decision on the PPP Project
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Section 32 of the PPP Code IRR

1. The Secretary, as the approving body for the PPP project covered by this Guidelines, adopts as a policy that in cases when the timeline for the Secretary to act on the project will expire before it can dispense its action/decision, the PTCs endorsed by the Undersecretary for PPP Service and the TRC shall be adopted by the Secretary as the final approved PTCs for purposes of project procurement, unless an alternate instruction is issued by the Secretary.
2. In support of the aforementioned policy, the PPP Center shall inform the Secretary in writing of any PPP project for the latter's approval, including the total number of remaining days/deadlines for the Secretary to act on the project, and cite the abovementioned policy/directive.

Section VII.	Computation of Periods
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Section 3 of the PPP Code IRR

1. Pursuant to Section 3 of the PPP Code IRR, in computing the period for the Secretary, as the appropriate approving body, to render a decision on a PPP project, the first day, which shall be reckoned from the day of release of the Notice of Completeness, shall be excluded and the last day included.
2. If the last day of the period falls on a non-working day (i.e., Saturday and Sunday), legal holiday, special non-working holiday, or other non-working days duly declared by the President, Mayor, or other government official authorized to make such declaration for such government entity, it is understood that the last day shall be the next working day.

Section VIII.	Amendments to the DPWH Guidelines
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Sections 24.3 and 31 of the PPP Code IRR

Pursuant to Sections 24.3 and 31 of the PPP Code IRR, the Department may, as necessary, review and update the Guidelines, as well as the forms, and templates to be used for the review and approval of PPP projects requiring approval from the Secretary.

Section IX.	Effectivity
<i>Sections 24.3 and 31 of the PPP Code IRR</i>	
<p>The Guidelines shall be effective immediately upon approval. A copy of the approved DPWH Guidelines shall be submitted to the PPP Center within seven (7) calendar days from approval of the Secretary. Any changes to the guidelines shall be submitted also to the PPP Center within seven (7) calendar days from approval of the Secretary.</p>	



BAGONG PILIPINAS

REPUBLIC OF THE PHILIPPINES
DEPARTMENT OF PUBLIC WORKS AND HIGHWAYS

Annex I: General DPWH Procedures on the Review and Approval of PPP Proposals

Disclaimer: Any inconsistencies between the provisions of the Code and its IRR, and the contents of this Procedural Guidelines, the provisions of the Code and its IRR shall prevail.

For exclusive use of the Department of Public Works and Highways only

- A.** The following procedures shall apply for Public-Private Partnership (PPP) projects in accordance with **Section 24.3 (PPP Projects with Project Cost below PHP 15 Billion)** that do not meet any of the five circumstances enumerated in **Section 24.4** of the Implementing Rules and Regulation (IRR) of the PPP Code, in relation to Section V of this Guidelines.

Step 1: PPP Service's Submission of PPP Proposal to the Secretary

1. The PPP Service shall submit the PPP Proposal through a memorandum signed by the PPP Service Director, addressed to the Secretary, copy furnished the Undersecretary for PPP Service, the Technical-Level Review Committee (TRC) and Evaluating Unit (EU).
2. The memorandum shall have the following attachments:
 - a. The complete set of documentary requirements as indicated in the appropriate List of Documentary Requirements. The PPP Service should use the appropriate List of Documentary Requirements depending on the PPP variant/scenario, and shall fill out the "PPP Service remarks" column in the List of Documentary Requirements; and
 - b. A certification that the project submission is complete pursuant to the PPP Code and its IRR.
3. Upon receipt of the PPP proposal, the EU shall initiate completeness check and evaluation, copy furnish the Undersecretary for PPP Service and TRC.

Note: Supplemental submissions are not allowed, unless requested by the EU, the TRC, the Undersecretary for PPP Service, or by the Secretary during the evaluation period

Step 2: EU's Assessment on the Completeness of the Submission

1. The EU shall conduct a completeness check of the PPP Service's submissions within 7 CDs upon receipt of the proposal.

Note: Said timelines may be extended in extraordinary circumstances, which include among others:

- i. complexity of the project;
 - ii. unforeseen events;
 - iii. technical challenges; and
 - iv. legal/regulatory changes.
2. The EU shall check the submissions of the PPP Service to assess whether these documents are complete, in form and in substance, and sufficient for purposes of

EU's evaluation, and approval of the Secretary. The EU may convene a meeting with the PPP Service to walk the EU through the submission and confirm completeness and/or clarify issues observed by the EU during their respective validation of the completeness of the PPP Service's submission, if any.

3. During the 7-CD period, the PPP proposal shall be returned in any of the following cases:
 - a. If any of the submissions is determined by the EU to be incomplete/ noncompliant with the requirements set forth in the PPP Code, its IRR and this Guidelines; or
 - b. If the PPP Service's clarification is insufficient to address issues raised by the EU.
4. Proposals returned by the Secretary may be resubmitted by the PPP Service and shall be treated as entirely new projects.
5. If the submission from the PPP Service is found to be complete, the EUs shall issue a Notice of Completeness (NOC), copy furnished the Secretary, the Undersecretary for PPP Service, and the TRC, following confirmation of completeness of the submission through a consensus among the EU members. In the NOC, EU shall inform the PPP Service that changes in the proposal, apart from changes instructed by the Secretary and/or the Undersecretary for PPP Service, and/or the TRC, will be grounds for returning the project to the PPP Service.
6. If the submission from the PPP Service is found to be incomplete, the EU shall, within the completeness check period, issue a memorandum to the PPP Service returning the proposal, copy furnished the Secretary, the Undersecretary for PPP Service, and the TRC.
7. In computing for the period for the completeness check, the first day, which shall be reckoned from the day of acknowledgement by the EU, shall be excluded and the last day included.

If the last day of the period falls on a non-working day (i.e., Saturday and Sunday), legal holiday, special non-working holiday, or other non-working days duly declared by the President, or the Mayor of the City where the DPWH office is located, it is understood that the last day shall be the next working day.

Step 3:	EU's Evaluation of the PPP Proposal and Submission of the PPP Project Evaluation Report (PER)
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1. The EU shall evaluate the proposal based on the documents enumerated in Section 28 of the PPP Code IRR, and shall prepare the following:
 - a. Results of the evaluation of the proposal based on the Criteria for Approval of PPPs under Section 28 of the PPP Code IRR;

- b. Recommendations on the maximum reasonable rate of return (RROR) to be set in case of single complying bid for solicited projects;
- c. Recommended TRC action; and
- d. For unsolicited proposals, evaluate/assess the following, in addition to the aforementioned;
 - i. Presence of any prohibited Government Undertakings identified under Section 50 of the IRR; and
 - ii. The pre-qualification requirements as referred to in Section 72 of the IRR.

- 2. Any submission from the PPP Service that will cause a substantial change in the proposal or failure of the PPP Service to respond to the requests for clarification within the evaluation period shall be grounds for returning the proposal to the PPP Service.

Note: Substantial change shall refer to any additional submission from the PPP Service that causes substantial alteration in different aspects such as in the contract agreement, qualification of private proponent for unsolicited proposals, project scope, cost, assumptions in financial, economic, value for money analyses, among others.

- 3. The Lead EU member shall consolidate the findings and comments of the EU members into a single PER, upon receipt of the other EU members' respective review results. Thereafter, the Lead EU member shall submit the PER to the TRC, through the Review Committee Core Secretariat.

Step 4: Technical-Level Review Committee (TRC)

- 1. TRC shall deliberate on the project, based on the PER submitted by the EU, and other relevant information that may be presented to the TRC.
- 2. The Lead EU member, with support from the other EU members, shall present the project and the findings on the project following the criteria for evaluating PPP projects under Section 28 of the PPP Code IRR.
- 3. Mode of deliberation. The TRC deliberation of project/s shall be conducted through an *en banc* meeting, subject to the confirmation of quorum of the TRC members. No private consultants are allowed to attend the meeting.
- 4. Scope of TRC discussion:
 - a. Results of the EU's evaluation;
 - b. Parameters, Terms, and Conditions, and the duration of the procurement period for solicited and unsolicited proposals;
 - c. Deadline of PPP Service to comply with/respond to TRC instructions, if any; and

- d. Any matter that needs to be elevated to the Undersecretary for PPP Service for management policy decision.
5. TRC decision. Based on the presented findings on the project, the TRC may:
 - a. Endorse the project to the Undersecretary for PPP Service without conditions;
 - b. Endorse the project to the Undersecretary for PPP Service with conditions. In this case, the TRC shall indicate the deadline for the PPP Service submission of responses to the TRC instructions; or
 - c. Recommend the return of the project to the PPP Service. Grounds for returning the proposal include insufficiency of the proposal and/or inconsistency of information across submissions, and other deficiencies that will render the TRC unable to make a decision on the project.
6. The TRC decision shall be by majority vote, and the dissenting votes shall be disclosed to the Undersecretary for PPP Service.
7. In case the TRC endorses the project to the Undersecretary for PPP Service with conditions, the PPP Service shall submit its response within the deadline prescribed by the TRC:
 - a. In case the PPP Service submits its response to the TRC instructions within the deadline and the EU find the submission as complete/compliant with the TRC instructions, the TRC shall endorse the project to the Undersecretary for PPP Service.
 - b. On the other hand, if the PPP Service fails to submit within the deadline, or if the submissions are found to be incomplete/non-compliant with the TRC instructions, the TRC shall issue a memorandum to the PPP Service returning the proposal.
8. The TRC shall issue a memorandum for the Undersecretary for PPP Service, copy furnished the PPP Service and EU, in elevating/endorsing the project to the Undersecretary for PPP Service. The memorandum includes the results of the TRC deliberation and recommended action for the project.

Step 5: Office of the Undersecretary for PPP Service

1. The TRC Chair or the Co-Chair, whichever is applicable, and with support from the EU, shall endorse the project and the findings on the project following the criteria for evaluating PPP projects under Section 28 of the IRR, and the definitive recommended action for the project.
2. Mode of deliberation. The Undersecretary for PPP Service shall provide a recommendation on the project in writing.

3. Scope of submission to the Undersecretary for PPP Service:

- a. Results of the TRC deliberation;
- b. *Parameters, Terms, and Conditions, and the duration of the procurement period* for solicited and unsolicited proposals;
- c. Deadline of PPP Service to comply with/respond to the Undersecretary for PPP Service instructions, if any; and
- d. Any matter that needs to be elevated to the Secretary for policy decision.

4. Undersecretary for PPP Service decision. Based in the submitted findings on the project, the Undersecretary for PPP Service shall endorse to the Secretary:

- a. Recommend the project to the Secretary for approval without conditions;
- b. Recommend the project to the Secretary for approval with conditions. In this case, the Undersecretary for PPP Service shall indicate the deadline within the prescribed period for the PPP Service submission of responses; or
- c. Recommend the return of the project to the PPP Service based on TRC recommendations and EU's findings. Grounds for returning the proposal may include insufficiency of the proposal and/or inconsistency of information across submissions, and other deficiencies that will render the Undersecretary for PPP Service unable to make a decision on the project.

5. In case the Undersecretary for PPP Service endorses the project to the Secretary with conditions, the PPP Service shall submit its response within the deadline:

- a. If the PPP Service submits its response to the Undersecretary for PPP Service's instructions within the deadline, and the EU/TRC finds the submission complete/compliant with the instructions, the Undersecretary for PPP Service shall recommend a decision to the Secretary.
- b. On the other hand, if the PPP Service fails to submit within the deadline, or if the EU/TRC finds the submission incomplete/non-compliant with the instructions, the Undersecretary for PPP Service shall recommend to the Secretary to return the project to the PPP Service.

6. The Undersecretary for PPP Service shall issue a memorandum for the Secretary, copy furnished the TRC, EU, and the PPP Service in elevating/endorsing the project to the Secretary. The memorandum includes the recommendation of the Undersecretary for PPP Service on the project.

Step 6: Office of the Secretary

1. Secretary decision. Based on the presented findings on the project, through memorandum from the Undersecretary for PPP Service, the Secretary may:
 - a. Approve the project without conditions and instruct the PPP Service to proceed with the publication of the Invitation to Qualify/Prequalify and Bid in the case of Solicited Projects, and Invitation for Comparative Proposals in the case of Unsolicited Proposals, or the implementation of the variation, as applicable.
 - b. Approve the project with conditions. In this case, the Secretary shall indicate the deadline within the prescribed period for the PPP Service submission of responses to the Secretary instructions; or
 - c. Disapprove or return the project to PPP Service.
2. The Secretary, in case the PPP Project has been approved, shall issue a Notice of Approval within ten (10) calendar days from its decision to approve the PPP Project. On the other hand, in case the PPP Project has been disapproved and returned, the grounds and reasons for disapproval shall be provided in writing within the prescribed period.
3. In case the Secretary approves the project with conditions, the PPP Service shall submit its response within the deadline prescribed by the Secretary:
 - a. If the PPP Service submits its response to the Secretary's instructions within the deadline, and the EU/TRC finds the responses complete/compliant with the instructions, the EU/TRC shall inform the Undersecretary for PPP Service. The Undersecretary for PPP Service shall inform the Secretary of such, through a memorandum. Thereafter, the Secretary shall instruct the PPP Service to proceed with the publication of the Invitation to Qualify/Prequalify and Bid in the case of Solicited Projects, and Invitation for Comparative Proposals in the case of Unsolicited Proposals, or the implementation of the variation, as applicable.
 - b. On the other hand, if the PPP Service fails to submit its responses within the deadline, or if the EU/TRC finds the responses incomplete/non-compliant with the instructions, the Secretary shall return the project to the PPP Service.

Note: Pursuant to Section 33 of the PPP Code IRR, the decision of the Secretary in all cases shall be final and executory.