



Republic of the Philippines
Province of Cavite
City of Bacoor

SANGGUNIANG PANLUNGSOD

COMMITTEE/S		TITLE OF PROPOSED MEASURE	CONTROL NUMBER	
<i>Committee on Rules and Privileges, Laws and Ordinances.</i>		"AN ORDINANCE AMENDING SECTION 8, 16, AND 17 OF CITY ORDINANCE NO. 7-2017 OTHERWISE KNOWN AS "PPP CODE OF BACOOOR" "	PC0-2022-042	
VENUE	Sangguniang Panlungsod Session Hall 2nd Floor, Bacoor Government Center		DATE/TIME	December 09, 2022 2:00 p.m.

COMMITTEE REPORT NO. CRPLO-PCR-2022-042

During the 22nd Regular Session of the 5th Sangguniang Panlungsod of the City of Bacoor, Cavite, held last December 05, 2022 at 10:30 a.m. held at the session hall of the Sangguniang Panlungsod of the City of Bacoor, Presiding Officer Hon. Rowena Bautista Mendiola referred the above-mentioned proposed measure to the Committee on Rules and Privileges, Laws and Ordinances.

A committee hearing was held last December 09, 2022 2:50 p.m at the session hall of the Sangguniang Panlungsod of the City of Bacoor presided by Hon. Reynaldo C. Palabrica, Committee Chairman on Rules and Privileges, Laws and Ordinances with its committee members and resource persons.

FINDINGS:

The committee members reviewed certain provisions of the PPP Code of Bacoor. Amendments were made in order to conform with the IRR of R.A. # 6957 which took effect on October 12, 2022 and with provisions of R.A. # 11232 (the "Revised Corporation Code") of 2019.

RECOMMENDATION:

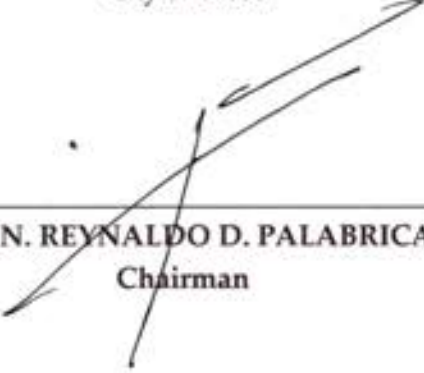
The Committee chaired by Honorable Reynaldo Palabrica unanimously approves the above proposed measure.

WE HEREBY CERTIFY that the contents of the foregoing report are true and correct.


Signed this 9th day of December 2022 at the City of Bacoor, Cavite.



Republic of the Philippines
Province of Cavite
City of Bacoor



HON. REYNALDO D. PALABRICA
Chairman



HON. LEVY TELA
Vice Chairman



HON. ADRIELITO GAWARAN
Member



HON. MICHAEL SOLIS
City Councilor



HON. REYNALDO FABIAN
City Councilor



Republic of the Philippines
Province of Cavite
City of Bacoor

SANGGUNIANG PANLUNGSOD

COMMITTEE/S		TITLE OF PROPOSED MEASURE	CONTROL NUMBER	
<i>Committee on Rules and Privileges, Laws and Ordinances.</i>		"AN ORDINANCE AMENDING SECTION 8, 16, AND 17 OF CITY ORDINANCE NO. 7-2017 OTHERWISE KNOWN AS "PPP CODE OF BACOR" "	PCO-2022-042	
VENUE	Sangguniang Panlungsod Session Hall 2nd Floor, Bacoor Government Center		DATE/TIME	December 09, 2022 2:00 p.m.

MINUTES OF COMMITTEE HEARING

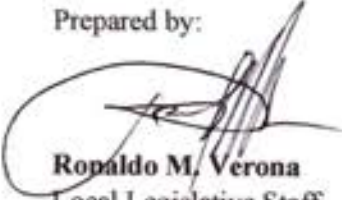
1. The committee hearing was called to order at exactly 2:00 p.m. on December 09, 2022 held at the session hall of the Sangguniang Panlungsod of the City of Bacoor.
2. The committee hearing was presided by Committee on Rules and Privileges, Laws and Ordinances Chairman, City Councilor Hon. Reynaldo C. Palabrica.
3. The Presiding Officer introduced the members of the committee present in the hearing namely Hon. Levy Tela, Hon. Adrielito Gawaran, Hon. Michael Solis and Hon. Rey Fabian.
4. The Presiding Officer asked the resource persons to introduce themselves before the Honorable Committee.
5. The Presiding Officer narrated that the proposed amendments on the PPP Code Ordinance originated from the City Administration Office and further asked Atty. Jessie Salvador to explain before the Honorable Committee regarding the proposed amendment.
6. Atty. Jessie Salvador, resource person from the Administration Office told the Honorable Committee that he was not sure if the proposed amendment came from their office. Nonetheless, further said that after reading the ordinance, most of the proposed amendments are just semantics, specifically the names of the members are different referring to the names of the department heads.
7. The Presiding Officer called the attention of Atty. Marius Sumira from the City Legal Office and asked his comments regarding the proposed amendments.
8. Atty. Marius Sumira said that after reading the ordinance, he said that it only needs updating on the members.
9. Atty. Jessie Salvador added that he agrees with what Atty. Marius said.
10. The Presiding Officer manifested that there were no more matters to discuss but still asked suggestion/comments from the Council members and resource persons.
11. None of the council members gave additional comments and suggestions.



Republic of the Philippines
Province of Cavite
City of Bacoor

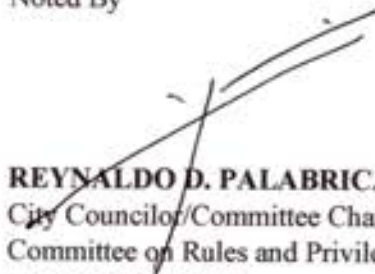
12. The Presiding Officer moved for the approval of the proposed measure duly seconded by all committee members.
13. There, being no matters to be discussed, Hon. Levy Tela moved for the adjournment of the committee hearing, duly seconded by the majority of the committee members.
14. The committee hearing ended at exactly 2:20 p.m.

Prepared by:



Ropaldo M. Verona
Local Legislative Staff

Noted By



REYNALDO D. PALABRICA
City Councilor/Committee Chairman
Committee on Rules and Privileges,
Laws and Ordinances

PCO 2022-042
December 09, 2022





G.8.1 PCO 2022-042 – AN ORDINANCE AMENDING SECTIONS 8, 16, AND 17 OF CITY ORDINANCE NO. 7-2017 OTHERWISE KNOWN AS THE “PPP CODE OF BACOOR”.

**PROPOSED CITY ORDINANCE NO. _____
Series of 2022**

AN ORDINANCE AMENDING SECTIONS 8, 16, AND 17 OF CITY ORDINANCE NO. 7-2017 OTHERWISE KNOWN AS THE “PPP CODE OF BACOOR”.

Sponsored by:

WHEREAS, City Ordinance No. 7-2017 (the “PPP Code of Bacoor”) was approved by Sangguniang Panlungsod 5 January 2019 with the intention of facilitating the holding of various infrastructure and development projects by the city government in partnership with the private sector.

WHEREAS, a review of certain provisions of the PPP Code of Bacoor (the “PPP Code” for brevity) ordered by the City Mayor revealed that they no longer conform with provisions of the Revised Implementing Rules and Regulations of Republic Act No. 6957 which took effect on 12 October 2022 and with provisions of Republic Act No. 11232 (the “Revised Corporation Code”) which took effect in 2019.

WHEREAS, the PPP Code needs to be amended so that it shall be compliant with Section 1 of Republic Act No. 6957 as amended by Republic Act No. 7718 which provides that “it is the declared policy of the State to recognize the indispensable role of the private sector as the main engine for national growth and development and provide the most appropriate incentives to mobilize private resources for the purpose of financing the construction, operation and maintenance of infrastructure and development projects normally financed and undertaken by the Government. Such incentives, aside from financial incentives as provided by law, shall include providing a climate of minimum government regulations and procedures and specific government undertakings in support of the private sector.”

NOW THEREFORE, be it **ORDAINED** by the 5th Sangguniang Panlungsod of the City of Bacoor, Cavite in regular session duly assembled that:

Section 1. Section 8 of the PPP Code is hereby amended as follows:

“Section 8. Composition of the PPP Regulatory Authority/Board.

(1) The PPP-RA/Board shall be composed of the following:



- (a) Chairperson - City Mayor or City Administrator if so designated by the City Mayor;
 - (b) Vice Chairperson - the Vice Mayor;
 - (c) Two (2) representatives of the Sangguniang Panlungsod, with one representative to be chosen from among the members from Bacoor District West and another one from Bacoor District East;
 - (d) The City Legal Officer or a representative from the City Legal Services Office duly appointed by the City Mayor
 - (e) The City Treasurer
 - (f) The City Planning and Development Officer
 - (g) Two (2) representatives chosen and appointed by the Mayor from City accredited civil society groups, people's and non-governmental organizations. These representatives shall not be the same representatives in the PPP-SC.
 - (h) The City Engineer
 - (i) The City Accountant;
 - (j) The Local Economic and Investments Promotion Officer;
and
 - (k) The City Budget Officer.
- (2) For projects covered by government-to-government joint PPP undertakings, the collaborating or partner government entity shall have one (1) representative in the PPP-RA, provided that such representative shall only sit in meetings of the PPP-RA, or portions thereof, and have a vote only on matters directly affecting the PPP project covered by such joint PPP undertaking.
- (3) A quorum of the PPP-RA shall be composed of a simple majority of all voting members to the exclusion of any representative of any national government entity or of the private sector invited by the PPP-RA. The Chairperson shall vote only in case of a tie. All of the voting members of the PPP-RA must vote on any matter brought before it. Members who choose to abstain from voting may do so but only on the ground of conflict of interest. Any member of the PPP-RA who abstains from voting must explain in writing the nature of his/her conflict of interest not later than three (3) working days from the date when he/she abstained from voting.
- (4) The PPP-RA shall meet at least once a month or as often as maybe necessary and on such day and time as it may fix.
- (5) The PPP-RA with the approval of the City Mayor may invite third party experts to attend its meetings to act as advisors and observers. Such third party experts may represent national



government agencies, regulatory agencies, the Commission on Audit, the NEDA, the PPP Center, the DILG, other private sector, non-governmental organizations and civic groups.

- (6) The PPP-RA may form a support staff composed of employees and personnel of the City. The PPP-RA may also engage consultants hired pursuant to law.”

Section 2. Section 16 of the PPP Code is hereby amended as follows:

“Section 16. City PPP Coordinating Center (PPP-CC) - In support of the implementation of the PPP program of the City, there shall be created a PPP Coordinating Center which shall house the services and facilities to ensure implementation of the Code by harmonizing all national and local government efforts in collaboration with private stakeholders through the implementation of policies, programs, and activities.

- (1) **Administrative Control and Staff Compliment** -The Local Economic and Investments Promotions Office shall exercise administrative control and shall provide the necessary personnel for the operation of the City PPP-CC.

The City Mayor, in his/her concurrent capacity as local chief executive and/or as the City’s PPP-RA Chairperson, or as manifested by the PPP-RA through a resolution, may assign personnel/s from other departments of the City, or hire consultants, resource persons and, other competent personnel as the need arises.

- (2) **Secretariat Services** - The PPP-CC shall provide technical secretariat services to the PPP-RA by implementing its policies and guidelines, and shall specifically perform the following duties:

- (a) Provide administrative support to the PPP-RA;
- (b) Establish and maintain network linkages with other offices and agencies;
- (c) Facilitate meetings of the PPP-RA, prepares agenda and minutes thereof, and submit for its consideration and approval the policies and actions to fulfill the provisions of the Code;
- (d) Prepare budgetary requirements for the operations of the PPP-RA;



- (e) Report to the PPP-RA matters affecting plans, programs as well as the performance of the PPP-CC;
- (f) Keep all the records and decisions made by the PPP-RA and maintain a library of literature regarding PPP's;
- (g) Furnish the Sangguniang Panlungsod Secretariat with original copies of all documents, resolutions, plans, emails, and other official records of the PPP-RA, PPP-SC, PPP-CC, and the PPP Project TWG within three (3) working days after each meeting of the said bodies or after the generation or receipt of the said records by the said bodies;
- (h) Coordinate inter-related tasks and functions between and among the PPP-RA, PPP-SC, PPP Project TWG, and with such other necessary and appropriate offices and agencies; and
- (i) Perform such other functions that are necessary and incidental for the effective implementation of the Code as directed by the Board."

Section 3. Section 17 of the PPP Code is hereby amended as follows:

Section 17. PPP Selection Committee (PPP-SC)

- (1) There is hereby created a PPP Selection Committee (PPP-SC) for purposes of selecting a PSP for a specific PPP Project. The PPP-SC shall be composed of the following:
 - (a) Chairperson - the City Administrator
 - (b) Secretary - the Sangguniang Panlungsod Secretary
 - (c) The City Treasurer
 - (d) The City Planning and Development Officer
 - (e) The Chairperson of the Committee on Rules and Privileges, Laws and Ordinances of the Sangguniang Panlungsod
 - (f) The Local Economic and Investments Promotion Officer
 - (g) Two (2) representatives chosen by the Mayor from the City accredited civil society groups, people's and non-governmental organizations;
 - (h) One non-voting representative from the private sector knowledgeable on all the technical aspects or requirements of the project, duly designated and appointed by the City Mayor on a project-to-project basis as mandated by law;



- (i) One (1) technical officer from a national government agency empowered by law to regulate a particular PPP project of the City Government who is knowledgeable on every aspect or requirement of the project to be designated and appointed by the City Mayor on a project-to-project as recommended by the head of the said national government agency. The said technical officer shall be a non-voting member;
 - (j) One (1) public officer knowledgeable in finance to be appointed by the City Mayor as non-voting member;
 - (k) One (1) public officer knowledgeable in the management/operation of the project to be appointed by the City Mayor as a non-voting member.
- (2) A quorum of the PPP-SC shall be composed of a simple majority of all voting members to the exclusion of any representative of any national government entity or of the private sector invited by the PPP-SC. All of the voting members of the PPP-SC must vote on any matter brought before it. Members who choose to abstain from voting may do so but only on the ground of conflict of interest. Any member of the PPP-SC who abstains from voting must explain in writing the nature of his/her conflict of interest not later than three (3) working days from the date when he/she abstained from voting.
- (3) The PPP-SC, with the written approval of the City Mayor, may invite provisional non-voting members from national government agencies, the Commission on Audit, regulatory agencies, NEDA, DILG, and the private sector to observe in the proceedings of the PPP-SC. It shall also have the power to form a support staff composed of employees and staff of the City subject to the written approval of the City Mayor. Observers will be notified or invited to join two (2) calendar days before the following stages: pre bid conference, opening of bids, contract award and special meetings of the Selection Committee. The absence of observers will not nullify the PP-SC proceedings, provided they have been duly invited in writing.
- (4) The PPP-SC shall be responsible for all aspects of the pre-selection and selection process, including, among others, the preparation of the Feasibility or Project Study and selection/tender documents; determination of the minimum designs, performance standards/specifications, economic parameters and reasonable rate of return or tariff-setting mechanism appropriate to the PPP Modality; drafting or evaluation of the PPP Contract; publication of the invitation



to apply for eligibility requirements, appropriate form and amount of proposal securities, and schedules of the selection and challenge processes; pre-qualification of prospective Project Proponent/s, bidders or challengers; conduct of pre-selection conferences and issuance of supplemental notices; interpretation of the rules regarding the selection process; conduct of the selection and challenge process; evaluation of the legal, financial and technical aspects of the proposals; resolution of disputes between Project Proponents and challengers; defining the appeals mechanisms; and recommendation for the acceptance of the proposal and/or for the award of the contract."

Section 4. If, for any reason, any section or provision of this Ordinance or any part thereof, or the application of such section, provision or portion is declared invalid or unconstitutional, the remainder thereof shall not be affected by such declaration.

Section 5. All ordinances and resolutions or parts thereof inconsistent with the provisions of this Ordinance are hereby repealed or modified accordingly.

Section 6. This Ordinance shall take effect immediately upon its approval.

Enacted this ___ day of November 2022 during the ___ Regular Session of the 5th Sangguniang Panlungsod of Bacoor, Province of Cavite.

I hereby certify to the truth and correctness of the above-quoted Ordinance.

Certified by:

HON. ROWENA BAUTISTA-MENDIOLA
City Vice Mayor

Attested by:

ATTY. KHALID A. ATEGA, JR.
Sangguniang Panlungsod Secretary