

*Government
Contracting
Mechanisms*

**Procurement,
Public-Private
Partnerships
and
Privatization**

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Government Projects



Procurement

DOOR 1

PPP

DOOR 2

Privatization

DOOR 3



PPP Code

DOOR 1

PPP Ordinance

DOOR 2

Other Laws

DOOR 3



Aspects	Procurement	PPP	Privatization
Governing Law	RA 12009 (2024)	RA 11966 (2023) or PPP Ordinance	COA Circular 89-296 (1989)/ PrC Guidelines (2025)
Role of Government	Procuring Entity (Buyer)	Implementing Agency (Partner/ Implementer)	“Divestor”/ Disposing Entity (PrC-designated)
Role of Private Sector	Contractor/ Builder	Partner (Financier, Designer Builder, and Operator)	Buyer
Project	Infrastructure	Infrastructure or Development (typically provided by Government)	Property/ Government Assets (real/ personal property, stocks or receivables)
Ownership of Project	Government	Government (Transfer) or Private Sector (Divestment)	Private Sector
Funds Involved	Public Funds	Private Funds (Public Funds for Government Undertaking, Contribution or Availability Payment allowed)	Private Funds (or Public Funds if Government is Buyer)
Inputs	Specifications by Procuring Entity	Minimum Parameters, Terms and Conditions	As Is Where Is

Aspects	Procurement	PPP	Privatization
Modes/ Arrangements	1	13 (JV, Lease, Build-Operate-Transfer, etc.) (10 excluded)	1
Selection Procedures	6 (Bidding, Dialogue, Limited Source, Negotiated, Small Value and Design-Build)	3 (Solicited and Unsolicited)	3 (Public Auction, Negotiated Sale and Unsolicited Proposal)
Financial Parameter	Price, Quality, Most Advantageous	Most Responsive/ Advantageous (If financial, Highest or Lowest)	Price (Advantageous)
Payment to Private	Contract Price	Investment Recovery Schemes/ Reasonable Rate of Return	N/A
Approving Bodies	Head of Procuring Entity (HoPE)	DEPDev Board/ ICC, Agency Head, Board or Sanggunian	LGU Head/ PrC (DE Recommends)
Overall Policy- Making/ Secretariat	GPPB and TSO-DBM	PPP Governing Board and PPP Center	COA/ PrC and PrC-TC

PPP Code vs. PPP Ordinance




Aspects	PPP Code	PPP Ordinance
Application	All LGUs	Specific (adopting) LGU/ Sanggunian
Covered Arrangements	<ol style="list-style-type: none"> JVs for Public or Mix of Public and Commercial purposes Leases for Public or Mix of Public and Commercial purposes BOT, BT, BLT, BOO, BTO, CAO, DOT, ROT and ROO Operate and Maintain 	<ol style="list-style-type: none"> JVs for purely commercial purposes Leases for purely commercial purposes Donations (Onerous and Gratuitous) Divestment (COA Circular) Subsidiary (Corporation Code) Corporatization (Corporation Code)
Study	Feasibility Study	Feasibility or Pre-Feasibility Study
Approving Body	Sanggunian	LGU: LCE and Sanggunian
Unsolicited Prop.	Government Undertakings not allowed	N/A
Other Agencies	PPP Center (for completeness) and DEPDev-ICC (when GAA)	N/A

Proposed/ Template PPP Ordinance



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Together, let us learn-unlearn-relearn.

Thank you.