



**EXECUTIVE ORDER NO. PCG-15
SERIES OF 2023**

AN EXECUTIVE ORDER APPROVING THE SCHEDULES AND TIMELINES FOR THE COMPETITIVE SELECTION AND THE COMPETITIVE CHALLENGE IN THE SELECTION OF THE PRIVATE SECTOR PROPONENT FOR THE UNSOLICITED PROPOSAL FOR THE REDEVELOPMENT OF THE PASIG CITY HALL COMPLEX.

WHEREAS, as stated in Section 20, Article II of the 1987 Constitution, the State recognizes the indispensable role of the private sector, encourages private enterprise, and provides incentives to needed investments;

WHEREAS, as stated in Section 35 of Republic Act No. 7160 or the Local Government Code of 1991, local government units (LGUs) may enter into joint ventures and such other cooperative arrangements with people's and non-governmental organizations to engage in the delivery of certain basic services, capacity-building and livelihood projects, and to develop local enterprises, designed to improve productivity and income, diversity agriculture, spur rural industrialization, promote ecological balance, and enhance economic and social well-being of the people; *Further*, as stated in Section 302 of Republic Act No. 7160, LGUs are likewise authorized to enter into agreements with the private sector of development projects for the general welfare;

WHEREAS, on 27 October 2016, Pasig City Ordinance No. 25, Series of 2016 or "An Ordinance Adopting a Pasig City Code Pursuing a Public Private Partnership for the People Initiative for Local Government (LGU-P4) Approach Towards Development, Providing for the Procedure for Selecting the Private Sector Proponent, Adopting a Contract Management Framework, and Providing Appropriations and for Other Purposes," was enacted as the Pasig City LGU P4 Code; *Further*, as per express legislative command, under the Pasig City LGU P4 Code, the City Mayor is expressly mandated and authorized to issue supplementary rules and regulations;

WHEREAS, on 03 April 2023, the City Government of Pasig received an Unsolicited Proposal for the redevelopment of the Pasig City Hall Complex submitted by a potential private sector proponent. Thereafter, to review the same, on 20 April 2023, Executive Order No. 14, Series of 2023 was issued creating the Pasig City Public Private Partnership – Selection Committee, pursuant to Section 14 of the Pasig City LGU P4 Code," with the task to, among others, recommend a schedule and timeline for the competitive selection, to be submitted to the City Mayor;

WHEREAS, on 25 April 2023, Resolution No. 002, Series of 2023, or a Resolution Recommending to the City Mayor the Schedules and Timelines for the Competitive Selection and the Competitive Challenge in the Selection of the Private Sector Proponent for the Unsolicited Proposal for the Redevelopment of the Pasig City Hall Complex, was issued by the P4-SC for the purposes of review and approval.





NOW, THEREFORE, I, VICTOR MA. REGIS N. SOTTO, City Mayor of Pasig, by virtue of the powers vested in me by law, do hereby adopt the Schedules and Timelines for the Competitive Selection and the Competitive Challenge in the Selection of the Private Sector Proponent for the Unsolicited Proposal for the Redevelopment of the Pasig City Hall Complex.

SECTION 1. LEGAL BASIS. – This Order is issued pursuant to Section 19 of the Pasig City LGU P4 Code, which states that the City Mayor through an executive order, upon the recommendation of the LGU P4-SC, shall have the authority to adopt and prescribe the appropriate schedules and timelines for each PSP selection process, provided that the periods are reasonable and will not undermine free competition, transparency, and accountability.

SECTION 2. ADOPTION OF RECOMMENDED SCHEDULES AND TIMELINES. – The following steps, as well as the working days/periods of each, are adopted thus:

Steps	Days/ Periods
Stage 1: Unsolicited Proposal	---
1.1 Receipt of UP: The City Mayor/ City receives an Unsolicited Proposal (UP) from the PSP. The UP must be accompanied by a Feasibility Study (FS). The Mayor shall initiate the process of the creation of the P4-SC.	---
1.2 Convening of P4-SC: The City Mayor shall convene the P4-SC, through his authorized representative or through the appointed Chairperson.	Within two (2) days from creation of the P4-SC through an Executive Order
1.3 SP Informed of UP: The P4-SC shall inform the Vice-Mayor and SP of the submission of the UP by the PSP.	On the day the P4-SC is convened
1.4 Action of P4-SC on UP: The P4-SC shall evaluate the UP and FS and recommend appropriate action (either acceptance or rejection of the UP) to the City Mayor. The evaluation shall be confined to the determination of the following: (1) The eligibility of the PSP to undertake the Project; (2) The consistency of the proposed Project with the development plan, programs, and priorities of the City; (3) Whether the proposed PPP Project is subject to Competitive Selection/ Bidding by the City or not; and (4) The completeness and accuracy of both the UP and the FS. The P4-SC may meet with the PSP only for the purpose of seeking clarificatory answers, or request for additional documents, and not to negotiate the terms of the UP. The	Within fifteen (15) days from the convening of the P4-SC





Steps	Days/ Periods
<p>P4-SC shall prepare a memorandum justifying any action or request in relation to this purpose.</p> <p>If necessary, a Technical Working Group (TWG) may be created to assist in the evaluation of the necessary documents, and recommend findings to the P4-SC.</p>	
<p>1.5 Acceptance or Rejection of UP: The City Mayor shall either accept or reject the UP. If the Mayor accepts the UP as recommended by the P4-SC through the latter's Memorandum, he shall issue a Certificate of Acceptance for the purpose of proceeding to Detailed Negotiations (Stage 2).</p> <p>If the Mayor rejects the UP as recommended by the P4-SC, a Certificate of Non-Acceptance will be issued.</p> <p>The Mayor can only affirm and approve the recommendation of the P4-SC. The City Mayor can disapprove the action of the P4-SC recommending the acceptance of the UP but he cannot accept the UP if the P4-SC recommends to reject the UP. If the City Mayor confirms the recommendation of the P4-SC, he shall affix his signature to the memorandum prepared by the P4-SC. If the Mayor takes an adverse position, he shall issue a written resolution in support of his action.</p>	<p>Within five (5) days from receipt of the recommendation of the P4-SC</p>
<p>1.6 Conformity by PSP: The PSP shall affix its conformity to the Certificate of Acceptance (CA). At this point, the PSP becomes the Original Proponent (OP-PSP) and no other UP may be evaluated and processed by the City and P4-SC. In the case of rejection of the UP, the PSP must acknowledge receipt of the Certificate of Non-Acceptance.</p>	<p>Within two (2) days from receipt of a copy of the CA</p>
<p>1.7 SP Updated: The P4-SC shall inform the Vice-Mayor and SP about the completion of Stage 1.</p>	<p>Within two (2) days from receipt of a copy of the CA signed by the OP-PSP</p>
<p>1.8 Multiple UPs: If there is more than one UP submitted for the same PPP Project and no Certificate of Acceptance has been issued and confirmed for any of the proposals, the Mayor, upon recommendation of the P4-SC, may reject all proposals and pursue Competitive Selection, or accept the UP that is complete and provides the greater advantage and benefits to the community and revenues to the City. The P4-SC shall prepare a Memorandum justifying this action.</p>	<p>Mayor confirms P4-SC recommendation within three (3) days from receipt</p>





Steps	Days/ Periods
<p>If the Mayor confirms the recommendation of the P4-SC, he shall affix his signature to the Memorandum prepared by the P4-SC. If the Mayor takes an adverse position, he shall issue a written resolution in support of his action.</p>	
<p>Stage 2: Detailed Negotiations</p>	<p>---</p>
<p>2.1 Notification: The P4-SC shall notify the OP-PSP in writing regarding the commencement of the detailed negotiations, through a Notice issued and signed by the P4-SC for this purpose.</p>	<p>Within two (2) days from receipt of a copy of the CA signed by the OP-PSP</p>
<p>2.2 Commencement and Scope of Detailed Negotiations: The P4-SC shall negotiate with the OP-PSP. The Mayor shall set or approve the terms of the negotiations on the part of the City which shall be the scope of the authority of the P4-SC in negotiating with the OP-PSP. The parties shall negotiate and agree on the terms and conditions of the PPP Project concerning its technical and financial aspects ("Terms"). These Terms shall, as much as practicable, be embodied in a draft PPP Contract which shall comprehensively state all technical specifications attendant to the PPP Project, and which will later form the basis for the comparative proposals to be submitted by challengers.</p> <p>Minutes shall be properly recorded and prepared by the P4-SC Secretary or his/her representative, during all meetings.</p>	<p>Negotiations to be completed in not more than thirty (30) days from receipt of the OP-PSP of the Notice</p>
<p>2.3 Recommendation to Mayor: Upon agreement on all terms of the Project and PPP Contract, the P4-SC shall recommend to the Mayor the acceptance of the terms of the PPP for the sole purpose of submitting the Terms for Competitive Challenge (Stage 3). The P4-SC shall prepare a Memorandum justifying its action.</p>	<p>Within the same thirty (30)-day period (2.2)</p>
<p>2.4 Action of Mayor: The Mayor shall either accept or reject the Terms of the PPP as negotiated between the P4-SC and OP-PSP. If the Mayor accepts the terms as recommended by the P4-SC, he and the OP-PSP shall issue a Joint Certification (JC) stating that an agreement has been reached for the purpose of submitting the terms for Competitive Challenge and specifying the eligibility of the PSP and the technical and financial aspects of the PPP Project as agreed upon. The Mayor may modify the Terms agreed between the P4-SC and OP-PSP provided that any modification is properly communicated to the OP-PSP, and the latter agrees to the same. If the Mayor confirms the</p>	<p>Within five (5) days from receipt of the recommendation of the P4-SC</p>





Steps	Days/ Periods
recommendation of the P4-SC, he shall affix his signature to a Memorandum prepared by the P4-SC. If the Mayor takes an adverse position, he shall issue a written resolution in support of his action.	
2.5 Non-Agreement: Should negotiations not result to an agreement acceptable to both parties, the Mayor shall have the option to reject the proposal by informing the OP-PSP in writing stating the grounds for rejection, and thereafter may accept a new proposal from other PSPs, decide to pursue the proposed activity through other PPP Modalities or subject the PPP Project to Competitive Selection. The P4-SC shall prepare a Memorandum in this regard, stating the rejection and removing original proponent status from the OP-PSP.	---
2.6 Start of Stage 3: The issuance of the Joint Certification commences the activities for Competitive Challenge (Stage 3) or the solicitation for comparative proposals.	---
2.7 SP Updated: The P4-SC shall inform the Vice-Mayor and SP of the developments, and shall furnish to them a copy of the agreed Terms.	Within two (2) days from the signing of the JC
Stage 3: Competitive Challenge	---
3.1 Preparation of Tender Documents: The P4-SC shall prepare the Tender Documents for the Competitive Challenge based on the agreed Terms. The eligibility criteria used in determining the eligibility of the OP-PSP shall be the same as those stated in the Tender Documents. Proprietary information supplied by the OP-PSP shall, however, be respected and protected, and treated with confidentiality. As such, it shall not form part of the tender and other related documents.	Within thirty (30) days from the signing of the JC
3.2 Submission to Mayor: The P4-SC shall submit the Tender Documents and draft PPP Contract to the Mayor for consideration and approval. The P4-SC shall prepare a Cover Memorandum endorsing the same, and attaching both documents.	Within the same thirty (30)-day period (3.1)
3.3 Approval by Mayor: The Mayor shall approve the Tender Documents and draft PPP Contract. He shall affix his conformity to the P4-SC Cover Memorandum. The Mayor may introduce formal amendments to the tender documents provided there is no substantive deviation from the agreed Terms, and the same is communicated to the parties.	Within five (5) days from receipt of the documents from the P4-SC
3.4 Publication of Invitation: The P4-SC shall cause the publication in one (1) newspaper of general circulation for	Publication to be made within





Steps	Days/ Periods
two (2) consecutive weeks and post in at least two (2) conspicuous places as well as the official website of the City of the Invitation for Comparative Proposals specifying the period whereby prospective challengers/ other PSPs must submit their written and notarized Expressions of Interest (EOI) to participate in the Competitive Challenge, and further notifying the public that if no EOIs are submitted, the PPP Contract for the PPP Project shall be awarded to the OP-PSP.	three (3) days from approval of the Mayor (3.3); EOIs must be submitted within ten (10) days from date of publication
3.5 Posting of Proposal Security: The OP-PSP shall post the proposal security at the date of the first day of the publication of the Invitation for Comparative Proposals in the amount and form stated in the tender documents.	---
3.6 Action if no Challenger: If no EOI is submitted by another PSP, the OP-PSP shall be awarded the contract for the PPP Project.	---
3.7 Action if challenge submitted; Release of Tender Documents: If there is/are EOI(s) submitted within the period set, the P4-SC shall furnish the interested PSPs the tender documents for the Competitive Challenge after paying the required amount set by the P4-SC, as stated in the Invitation for Comparative Proposals.	Within the same 10-day period (3.4)
3.8 Pre-Selection Conferences: The P4-SC shall conduct meetings and pre-selection conferences with the OP-PSP and other PSPs who shall submit EOIs.	All meetings shall be conducted within ten (10) days from last day of submission of EOIs
3.9 Eligibility Determination: The P4-SC shall determine the eligibility of the other PSPs. Only those determined to be eligible will be allowed to submit comparative proposals. The P4-SC shall notify the PSPs determined to be eligible and ineligible, through the Issuance of a Notice of Eligible Participants or Notice of Ineligibility. The P4-SC shall prepare a memorandum justifying its action and stating the ground for disqualification, if appropriate.	Within fifteen (15) days from the last day of submission of the EOIs
3.10 Appeal: The disqualified PSPs may file an appeal of the decision of the P4-SC with the Mayor.	Within five (5) days from receipt of notice
3.11 Ruling on Appeals: The Mayor shall evaluate and decide the appeal(s). The Mayor shall issue a written resolution in support of his action.	Within five (5) days from receipt of appeal





Steps	Days/ Periods
3.12 Submission of Comparative Proposals: The eligible challengers/ other PSPs shall submit their comparative proposals on the financial and economic aspects of the PPP Project as stated in the Tender Documents. The challengers must agree to the technical aspects of the tender documents, embodied in the draft PPP Contract.	Within thirty (30) days from receipt of notice (3.9)
3.13 Evaluation: The P4-SC shall evaluate the comparative proposals. In the evaluation of proposals, the best offer shall be determined to include the original proposal of the OP-PSP.	Within ten (10) days from receipt of comparative proposals
3.14 Notice to OP-PSP: If the P4-SC determines that an offer made by a comparative PSP or challenger other than the negotiated terms with OP-PSP incorporated in the Tender Documents is superior or more advantageous to the City than the latter, the OP-PSP shall be given the right to match such superior or more advantageous offer. If there is such an offer, the P4-SC shall notify the OP-PSP of the latter's prerogative to match the offer by the challenger.	OP-PSP to be notified within five (5) days from determination by P4-SC that there is a superior offer
3.15 Right to Match: The OP-PSP shall exercise or waive its right to match. Should no matching offer be received within the stated period, the PPP Project shall be awarded to the challenger submitting the most advantageous proposal. If a written matching offer is received by the P4-SC within the prescribed period, the PPP Project shall be awarded to the OP-PSP. No appeal or counter-offer shall be entertained.	Within ten (10) days from receipt of notice (3.14)
3.16 Notice of Developments: The P4-SC shall inform the Mayor, SP, OP-PSP and challenger(s) of the outcome of the Competitive Challenge, via Memorandum/Resolution. The SP shall be given a copy of the draft PPP Contract.	Within two (2) days from receipt in writing of action of OP-PSP
3.17 Notice of Award: The P4-SC shall issue the Notice to Award (NOA) to the winning PSP with the instruction for the latter to comply with the requirements set forth in the NOA.	Within the same two (2)-day period (3.16)
3.18 Compliance: The winning PSP shall submit to the P4-SC all the requirements stated in the NOA.	Within fifteen (15) days from receipt of NOA
3.19 Legislative Action: The SP shall review and thereafter approve or disapprove the PPP Contract, such action embodied in a Resolution to be issued by the SP.	Within fifteen (15) days from receipt of the draft PPP Contract (3.16)
3.20 Signing of PPP Contract: Upon submission of all requirements stated in the NOA by the winning PSP and approval by the SP of the PPP Contract, the Mayor and the	Within five (5) days from





Steps	Days/ Periods
authorized representative of the winning PSP shall sign the PPP Contract.	receipt of requirements
3.21 Notice to Proceed: The P4-SC shall issue the Notice to Proceed and Notice of Acceptance (NP/ NA) of all compliance statements and conditions precedent if the same are in order.	Within five (5) days from receipt of conditions precedent
3.22 Posting of PPP Contract: The P4-SC shall cause the posting of the signed and executed PPP Contract in at least two (2) conspicuous places in the City and official website of the City.	Within two (2) days from issuance of NP/NA

SECTION 3. AMENDMENT OF PERIODS AND TIMELINES. – Depending on the nature and complexity of the PPP Project and the appropriate modality, the periods and timelines may be lengthened or shortened, as long as the amendment is reasonable, applied fairly, and will ensure free competition, transparency, and accountability, by means of a written amendment with no need for a further Order.

SECTION 4. EFFECTIVITY. – This Order shall take effect immediately and shall remain in force until lifted or amended by another Order or superseded by law or ordinance. Copies of this Executive Order shall be posted in at least two (2) conspicuous places in the City, uploaded in the official website of the City, and disseminated and made available to all interested parties.

DONE this 26th day of April 2023 at the City of Pasig, Metro Manila.


VICTOR MA. REGIS N. SOTTO
City Mayor 



Caruncho Avenue, Barangay San Nicolas, Pasig City 1600 Metro Manila

