

ICC CHECKLIST FOR PROPOSED JOINT VENTURE ARRANGEMENT FOR ICC REVIEW¹

I. Project Title: _____

II. Transmittal letter signed by: _____
(Head of Agency/Authorized Official)

III. Contact persons and details:

At least Director level/equivalent rank	Focal technical staff
Name:	Name:
Tel. No.	Tel. No.
Fax No.	Fax No.
Email	Email

IV. Documentary requirements:

Items	Date of submission	Received by (Staff)	Status/Remarks
1. Project Proposal (based on data not older than 3 years) and Project Details ²			
2. Draft JV Agreement			
3. ICC Project Evaluation Forms ___ JV PE Form No. 1 <u>General Information</u> (to include basic technical design, institutional arrangements, among others) ___ JV PE Form No. 2 <u>Estimated Project Cost</u> (include O&M; the Secretariat will be provided assumptions on what figures to take) ___ JV PE Form No. 3 <u>Project Revenue</u> (include fee/tariff structure; traffic forecast at most 3 years old) ___ JV PE Form No. 4 <u>Estimated Project Benefits and Costs</u> ___ 4a Financial ___ 4b Economic (as applicable)			
4. Two (2) sets of electronic copies of the financial and economic (as applicable) analyses in traceable formula format based on the submitted JV PE Forms			

¹ Prior to submission of the proposal for ICC review and approval, the following should have been secured pursuant to Section 7.2a of the Revised JV Guidelines:

- a) Privatization Council (PC) approval (for projects which involve divestment or transfer of government assets or properties to the private sector partner or a private sector/entity)
- b) Governance Commission for Government-Owned or Controlled Corporations (GCG) approval for projects which involve the formation of a JV company or projects which involve divestment of government equity that is not in the form of asset or property

² This shall include information on the following in the project description:

- a) Project context in the government entity's overall strategy/program;
- b) Consistency with mandate;
- c) Information on job creation/ employment impact of the project; and
- d) Financial bid parameters for the JV proposal

5. Endorsement of the JV proposal by the Head of the Government Entity concerned ³			
6. Environmental Impact Statement (EIS)/ Initial Environmental Examination/Environmental Compliance Certificate/ Certificate of Non-Coverage ⁴			
7. DOF-CAG review for GOCC projects ⁵			
8. Location map ⁶ (with e-copy) (as applicable)			
Other ICC Requirements			
9. ROW acquisition and resettlement action plan ⁷ (implementation risk; implementing agency to provide a good description and the extent of the project's ROW cost)			
10. RDC endorsements ⁸ (prior to notice of award)			
11. DBM certification of budget cover availability (as applicable)			

³ Section 5.6 of the Revised JV Guidelines indicates that the 'Head of Government Entity' refers to the governing board or its duly authorized official for government-owned and controlled corporations (GOCCs), government corporate entities (GCEs), government instrumentalities with corporate powers (GICP), state universities and colleges (SUCs) and government financial institutions (GFIs).

⁴ To ensure environmental soundness of projects, proponents are required to complete and submit an Environmental Impact Statement (EIS) and/or Initial Environmental Examination (IEE) to the DENR in accordance with DENR Administrative Order No. 96-37 dated 02 December 1996.

⁵ The DOF - CAG review covers the impact of the program/project on the financial position of the government-owned or -controlled corporations (GOCCs) and government financial institutions (GFIs) as well as on the Consolidated Public Sector Deficit (CPSD). The review enables the ICC to gauge the ability of the GOCC/GFI to generate funds for loan repayments or estimate the amount of subsidies that may have to be infused by the national government in the future.

⁶ A diagram that outlines the project site.

⁷ The proponent agencies should design and submit the right-of-way (ROW)* acquisition plan and resettlement action plan**. These plans will aid the evaluation of the social acceptability and feasibility of the project. The ICC recognizes the effective role of the local government units (LGUs) in providing assistance in the processes involved including the negotiation for resettlement sites and provision of essential public services to the project affected families.

* *'The easement of right of way-the privilege of persons or a particular class of persons to pass over another's land, usually through one particular path or linen-is characterized as a discontinuous easement because its use is in intervals and depends on the act of man. Because of this character, an easement of a right of way may only be acquired by virtue of a title.'* (Source: Bicol Agro-Industrial Producers Cooperative Inc. (BAPCI) vs. Edmundo O. Obias et al., G.R. No. 172077, 9 October 2009)

Pertinent laws provide as follows:

'Article 622. Continuous non-apparent easements, and discontinuous ones, whether apparent or not, may be acquired only by virtue of a title.' (The New Civil Code of the Philippines)

'Section 3. Modes of Accounting Real Property.-The government may acquire real property needed as right-of-way, site or location for any national government infrastructure project through donation, negotiated sale, expropriation or any mode of acquisition as provided by law.' (Republic Act No. 8974 dated 7 November 2000)

**The resettlement action plan should include measures to relocate, resettle and provide livelihood development for families whose properties will be permanently affected by the project.

⁸ Proponent agencies are required to secure and submit the Regional Development Council (RDC), the Metro Manila Development Authority (MMDA - for the National Capital Region only) and the ARMM-Regional Planning and Development Office (for the Autonomous Region of Muslim Mindanao only) endorsement of proposed programs and projects to ensure that effective identification of target beneficiaries, sustaining social preparation and active local participation in the attainment of national priorities are met.