

IMPLEMENTING RULES AND REGULATIONS FOR COMPETITIVE SELECTION AND COMPETITIVE CHALLENGE FOR CONCESSIONS, JOINT VENTURES (JV) AND LEASE OR AFFERMAGE PURSUANT TO PROVINCIAL ORDINANCE NO. 18-2015

RULE I – GENERAL PROVISIONS

Section 1. Legal Basis. This Implementing Rules and Regulations, hereinafter called the IRR, is promulgated pursuant to Section 23 of Provincial Ordinance No. 18-2015, otherwise known as the “Province of Bulacan Public-Private Partnership Code.”

Section 2. Declaration of Policy. The provisions of this IRR are in line with the policy and commitment of the Province of Bulacan to advance the general welfare and promote the interest of the community and the Province within the framework of sustainable and integrated development; and shall ensure the participation of the private sector in local governance through effective and viable Public-Private Partnerships

Section 3. Coverage. This IRR shall apply to Concessions, Joint Ventures, Leases or Affermage as defined under Section 5 of the Province of Bulacan Public-Private Partnership Code.

RULE II – PROCEDURE FOR COMPETITIVE SELECTION

Section 1. Preparation of Pre-Selection and Selection Documents. The PPP Selection Committee (PPP-SC) concerned shall prepare the selection/tender documents which shall include, but shall not be limited to the following:

- a. Feasibility Study or a Business Case/Pre-feasibility Study of the Project;
- b. Minimum Design, Performance Standards/Specifications, and other Financial and Economic Parameters, where applicable, among others;
- c. Instructions to the Private Sector Participants (PSP) for the pre-selection and selection stages, which shall include among others the (a) minimum legal, technical and financial requirements to be imposed on the prospective PSPs for the implementation of the proposed Project; and (b) minimum requirements and contents of the eligible PSPs technical and financial proposal;
- d. Draft Contract reflecting the terms and conditions in undertaking the proposed Project, including, among others, the contractual obligations of the contracting parties and the ownership of the project, or property after the termination of the Agreement;
- e. Forms of technical and financial proposals and performance securities; and
- f. Other documents as may be determined by the PPP-SC to be pertinent or applicable to the Project.

Section 2. Publication of Invitation to Apply for Eligibility to Submit a Proposal (IAESP)

- a. Prior to issuance/publication of the IAESP, the PPP-SC shall submit a copy of the draft agreement, instructions to private sector participants, and minimum designs, performance standards/specifications to the Governor for his approval. The PPP-SC shall also furnish copies of the foregoing documents to the Sangguniang Panlalawigan for information.
- b. The IAESPs shall be advertised once in a newspaper of general circulation within the Province, and posted continuously for a period of seven (7) calendar days, starting on date of advertisement, at the following:
 - i. Website of the Province, if available; and
 - ii. Any conspicuous place within the premises of the Provincial Government Hall.

- c. Prospective PSPs shall be given at least thirty (30) calendar days from the last date of publication of the IAESP to apply for eligibility. Notwithstanding, the PPP-SC may adjust said period as may be appropriate for the nature, scope, size and complexity of the proposed Project.

Section 3. Supplemental Competitive Selection Bulletins and Pre-Selection Conferences.

- a. *Supplemental Notices.* A prospective PSP may submit a written request to the Province on or before the pre-selection conference as to the meaning of any data, requirement or instrument that forms part of the Instructions to Prospective PSPs/Pre-Selection Documents given by the Province. Any substantive interpretation given by the Province, through the PPP-SC, shall be issued in the form of a Supplemental Notice, and furnished to all prospective private sector participants. The Province, through the PPP-SC, may also issue Supplemental Notices to all prospective PSPs at any time for purposes of clarifying any provisions of the pre-selection documents, provided that the same are issued within a reasonable period to allow all PSPs to consider the same in the preparation of their proposals. Receipt of all Supplemental Notices shall be duly acknowledged by each private sector participants prior to the submission of his proposal and shall be so indicated in the proposal.
- b. *Pre-Selection Conference.* For projects where the cost amounts to less than Five Hundred Million Pesos (PhP500 Million), the pre-selection conference shall be conducted by the PPP-SC at least fifteen (15) calendar days before the deadline for the submission of proposals. For projects where the cost amounts to Five Hundred Million Pesos (PhP500 Million) and above, the pre-selection conference shall be conducted at least thirty (30) calendar days before the deadline for the submission of proposals. Notwithstanding, the Province, through the PPP-SC, may adjust said period as may be appropriate for the nature, scope, size, and complexity of the proposed project.

Section 4. Qualification of Private Sector Participants

- a. *Eligible and Ineligible.* The Province, through its PPP-SC, shall within a period of fifteen (15) calendar days after the deadline set for the submission of the eligibility documents, complete the evaluation of the eligibility documents of the PSPs, and determine which among them are "eligible" and "ineligible" based on the minimum legal, technical and financial requirements set by the PPP-SC.

Accordingly, the PPP-SC shall duly inform the eligible PSPs within seven (7) calendar days after approval thereof. Ineligible PSPs shall be similarly given notice of such ineligibility, stating therein the grounds for ineligibility within the same period.

- b. *Appeal of Ineligible PSPs.* Those ineligible PSPs may appeal their ineligibility to the Governor or his authorized representative, within seven (7) calendar days from receipt of the notice of ineligibility. The selection process will be suspended for a maximum period of thirty (30) calendar days while the appeal is being evaluated. The Governor or his authorized representative shall act on the appeal within the thirty (30)-calendar day period of suspension of the selection process. The decision of the Governor, or his authorized representative, on the appeal shall be final and immediately executory. If the appeal is not resolved within said period, the appeal is deemed denied, and the selection process will proceed.

Issuance of Instruction to Participants/Tender Documents. The PPP-SC shall make available the "Instruction to Participants" and the related competitive selection documents/tender documents to all eligible PSPs as soon as practicable to provide the respective PSPs ample time to examine the same and to prepare their respective proposals prior to the date of opening of the proposals. The time period from the last day of the issuance of tender documents to the date of opening of the proposal shall not exceed sixty (60) calendar days for projects costing Five Hundred Million Pesos (PhP500 Million) and above, and thirty (30) calendar days for projects costing less than Five Hundred Million Pesos (PhP500 Million). Notwithstanding, the PPP-SC may adjust said period as may be appropriate for the nature, scope, size and complexity of the proposed Project.

Section 5. Submission and Receipt of Proposals

- a. *Requirements for Submission of Proposals.* PSPs shall be required to submit their proposals on or before the deadline stipulated in the "Instructions to Participants". For eligible participants, proposals shall be submitted in two (2) separate sealed envelopes, the first being the technical proposal and the second the financial proposal. The technical and financial proposal submitted must contain, at the minimum, the data/information required by the PPP-SC in its "Instructions to Participants."
- b. *Submission of late proposals.* Proposals submitted after the deadline for submission prescribed in the "Instructions to Participants" shall be considered late and shall be returned unopened.

Section 6. Opening and Evaluation of Proposals

- a. *Opening of the envelope for the technical proposal.* At the date and time of the proposal opening stipulated in the "Instructions to Participants", the PPP-SC shall open only the first envelope containing technical proposal and ascertain: (a) whether the same is complete in terms of the required data/information; and (b) whether the same is accompanied by the required proposal security in the prescribed form, amount, and period of validity. All PSPs, or their representatives, present at the opening of the envelopes containing the technical proposal shall sign a register of the proposal opening.
- b. *Evaluation of the technical proposal.* The evaluation of the first envelope containing the technical proposal shall involve the assessment of the technical, operational and financing viability of the proposal, vis-à-vis the prescribed requirements and criteria/minimum standards, and basic parameters prescribed in the competitive selection documents.

The PPP-SC shall complete the evaluation of the technical proposal within thirty (30) calendar days from the date the proposals are opened, unless a longer period is required as may be determined by the PPP-SC. Only those proposals that have been determined to have positively passed the evaluation of the technical proposal shall be qualified and considered for the evaluation of the financial proposal.

- c. *Opening of the envelope for the financial proposal.* Only the financial proposals of PSPs, who passed the technical proposal evaluation, shall be opened for further review and evaluation. The financial proposals tendered by PSPs, who failed the technical proposal evaluation, shall not be considered further, and shall be returned unopened, together with a notice stating the reasons for disqualification from further consideration.

The PPP-SC shall notify the PSPs qualifying for the second stage of evaluation of the date, time and place of the opening of the envelopes for the financial proposal. The opening thereof shall follow the same procedure prescribed for the opening of the envelopes containing technical proposals.

- d. *Evaluation of the financial proposal.* The evaluation of the financial proposal shall involve the assessment and comparison of the financial proposals against the financial parameters stated in the competitive selection/tender documents and proposal parameters set by the Province. The proposed financing plan must show that the same adequately meets the costs relative to the project. The evaluation of financial proposals shall be completed by the PPP-SC within fifteen (15) calendar days, unless a longer period is required.
- e. *Simultaneous evaluation of the technical and financial proposals.* Subject to the determination of the PPP-SC wherein the nature of the project shall warrant the appreciation of both the technical and financial proposals as a whole in order to determine the best proposal, simultaneous evaluation of the technical and financial proposals may be resorted to. Provided, that, said evaluation procedure shall be explicitly stated in the Instructions to Prospective PSPs/Participants, pre-selection documents or competitive selection/tender documents.

Simultaneous evaluation of the technical and financial proposals shall be completed within thirty (30) calendar days from the date the proposals are opened, unless a longer period is required as may be determined by the PPP-SC.

- f. *Rejection of proposals.* Non-compliance to the information required on either the first or second envelope shall be grounds for rejection of proposals.
- g. *Withdrawal and/or modification of proposals.* Withdrawal and/or modification of proposals may be allowed upon written notice by the PSP concerned, to the Province, through the PPP-SC, prior to the time and date set for the opening of the envelope containing the technical proposal as specified in the "Instructions to Private Sector Participants." No proposals shall thereafter be modified or withdrawn. Proposal modifications received after said period shall be considered late and will be returned unopened. Withdrawal of proposals after the proposal opening date shall cause the forfeiture of the PSP's proposal security.
- h. *Right to Reject All Proposals.* The Province reserves the right to reject any or all proposals, waive any minor defects therein and accept the offer it deems most advantageous to the government.
- i. *Breaking Tie Bids.* In case tie bids occur under competitive selection or competitive challenge, the procedure for breaking tie bids shall be done through drawing of lots or similar methods that are non-discretionary and non-discriminatory such that it is based on sheer luck or chance.

Section 7. Award and Approval of Contract

- a. *Recommendation to Award.* Within seven (7) calendar days from the date the evaluation procedure adopted is completed, the PPP-SC shall submit the recommendation of award to the Governor. The PPP-SC shall include as part of its recommendation, a detailed evaluation/assessment report on its decision regarding the evaluation of the proposals, and explain in clear terms the basis of its recommendations.
- b. *Decision to Award.* Within seven (7) calendar days from the submission by PPP-SC of the recommendation to award, the Governor shall approve or reject the same. The approval shall be manifested by signing and issuing the "Notice of Award" to the winning PSP within seven (7) calendar days from approval thereof.

All participating PSPs shall be informed of the award in writing. Such decision shall be made available to the public upon request.

- c. *Notice of Award.* The "Notice of Award" to be issued by the Governor concerned, shall contain among others, an instruction to the winning PSP to comply with conditions precedent for the execution of the Agreement and to submit compliance statements with regard thereto, within thirty (30) calendar days from receipt of the "Notice of Award" unless otherwise specified or extended by the Governor, upon the recommendation of the PPP-SC.

Conditions precedent for the execution of the contract shall include among others the posting of a performance security in favor of the Province. The Province, through the PPP-SC, shall determine which form of performance security it will require which may be in the form of cash, bank draft or guarantee confirmed by a local bank (in the case of foreign bidders bonded by a foreign bank), letter of credit issued by a reputable bank, surety bond callable on demand issued by Government Service Insurance System (GSIS) or by a surety or insurance companies duly accredited by the Office of the Insurance Commissioner, or a combination thereof, in accordance with the schedule to be adopted by the PPP-SC for the specific Project.

Failure to comply with the conditions precedent for the execution of the contract within the prescribed thirty (30)-calendar day period or as specified or extended by the PPP-SC will result in confiscation of the proposal security. Within seven (7) calendar days from receipt of the compliance statements from the winning private sector participant, the Governor shall determine the sufficiency of the same, and notify the winning private sector participant accordingly.

- d. *Validity and Return of Proposal and Performance Securities.* The execution of the Agreement shall be made within the period of the validity of the proposal security. The required proposal security shall be valid for a reasonable period, but in no case beyond one hundred eighty (180) calendar days following the opening of the proposals. Proposal securities shall

be returned to the winning bidder and unsuccessful private sector participants upon signing of the Agreement by the winning private sector participant.

The performance security shall be valid within the period of one (1) year after the expiration of the Agreement or as may be stipulated in the Agreement. Upon certification by the Governor concerned that there are no claims filed against the PSP after the expiration of the Agreement, the performance security shall be released by the former. As may be agreed upon in the JV agreement, a portion of the performance security shall be released upon compliance with corresponding milestones.

- e. *Extension of Validity of Proposals.* When an extension of validity of proposals is considered necessary, those who submitted proposals shall be requested in writing, to extend the validity of their proposals before the expiration date of the same. However, PSPs shall not be allowed to modify or revise the price or other substantial aspect of their proposals.

Private sector participants shall have the right to refuse such an extension without forfeiting their proposal security. As a condition of the extension of the validity of their proposals, participating private sector participants must correspondingly extend the validity of their proposal security.

- f. *Single Responsive Bid.* A single and responsive bid shall be considered for award if it falls under any of the following circumstances:

- i. If after advertisement, only a single party submits eligibility documents within the deadline stipulated in the IAESP, and it meets the eligibility requirements, after which it submits a bid which is responsive to the technical and financial requirements;
- ii. If after advertisement, more than one private sector participant or prospective bidder submits eligibility documents in accordance with the provisions of these Guidelines, but only one bidder meets the eligibility requirements, after which it submits a bid which is responsive to the technical and financial requirements;
- iii. If after the eligibility check, more than one bidder meets the eligibility requirements but only one bidder submits a bid, and its bid is found to be responsive to the technical and financial requirements; or
- iv. If after qualification/evaluation of proposals, only one bidder meets the technical requirements but is not able to comply with financial requirements, after which a negotiation on the financial terms/proposal in accordance with Section 8 hereof is conducted and is successful.

- g. *Prospective Bidder/s Compliant with the Technical Requirements.* In case of a single technically qualified prospective bidder but is not able to comply with financial requirements or, in case of technically qualified prospective bidders but are not able to comply with financial requirements, the Province may conduct negotiation on the financial terms/proposal in accordance with the succeeding Section.

- h. *Negotiation on the Financial Terms/Proposal under the Competitive Selection Process.* In case the PSP or prospective bidders, whose technical proposals are rated "passed", are not able to comply with the financial requirements, the Province, through the PPP-SC, shall request said prospective bidders to submit their new financial proposals. Thereafter, Province shall notify and negotiate with the proponent on the financial proposal/terms with the most advantageous financial proposal. The technical proposal shall remain valid and binding. In the event the Province fails to successfully negotiate with said proponent within thirty (30) calendar days reckoned from the date of notification, the Province shall negotiate with the next ranked most advantageous financial proposal, and so on and so forth, until a successful negotiation has been concluded.

In case of a single technically qualified prospective bidder, Province may conduct negotiation on the financial terms or on the financial proposal and shall conclude said negotiation within thirty (30) calendar days. The technical proposal shall remain valid and binding.

In the event that there is no successful negotiation, the Province shall conduct another competitive selection. In case of second failure of competitive selection, the Province may resort to negotiated procurement pursuant to Part Two of these Guidelines.

- i. *Failure of Competitive Selection.* There shall be a failure of competitive selection in any of the following instances:
 - i. No prospective bidder/s is/are eligible;
 - ii. No bids or proposals are received;
 - iii. No prospective bidder/s is/are able to comply with technical requirements; or
 - iv. No successful negotiation on the financial terms/proposal as provided under Section 8 hereof.
- j. In the event of a failed competitive selection brought about by instances stipulated above, the Province shall review the Terms of Reference (TOR)/pre-selection/competitive selection/tender documents and conduct another competitive selection. In case of second failure of competitive selection, the Province may resort to negotiation pursuant to Part Two of these Guidelines.
- k. *Execution/Approval of the Agreement.* The authorized signatory(ies) of the winning PSP and the Province, shall execute and sign the Agreement, within seven (7) calendar days after the Governor notifies the winning PSP of its compliance to the conditions or requirements precedent to the execution of the contract.

In the event of refusal, inability or failure of the winning PSP to enter into contract with the Province, within the time provided therefore, said winning PSP shall forfeit its proposal security. In such event, the Province shall consider the PSP with the next ranked complying proposal as the winning PSP, and notify said PSP accordingly. If the next ranked complying private sector participant shall likewise refuse or fail to enter into contract with the Government, its proposal security shall likewise be forfeited and the Province shall consider the next ranked complying proposal, and so on, until a contract shall have been entered into. In the event that the Province is unable to execute the contract with any of the complying private sector participants, a failure of competitive selection will be declared and the Project may be subjected to a competitive selection again.

- l. *Other Approvals for Contract.* The entity tasked under the Agreement shall, as may be required under existing laws, rules and regulations, secure any and all other approvals for the contract, or the implementation thereof, from government agencies or bodies including the regulator, in the case of public utility projects. The Province may provide the necessary assistance to its PSP in securing all the required clearances. The contract shall provide milestones in securing such other approvals required for the implementation of the contract.
- m. *Contract Effectivity.* The contract shall be effective upon signing thereof by the Governor unless another date is stipulated therein.

RULE III – PROCEDURE FOR COMPETITIVE CHALLENGE

Section 1. Stage One

- a. *Submission of a Complete Proposal.* For a proposal to be considered by the Province, the PSP has to submit a complete proposal which shall include a cover letter, feasibility study; company profile (indicating among others the company name, contact details, project of interest, SEC or DTI registration number of years in operations, ownership structure of the company, field of specialization, organizational structure, organizational affiliation, key officers, and list of completed projects indicating brief description, types of services, client, location, project cost and implementation period, latest audited financial statements, and other appropriate documents determined by PPP-SC); and draft contract indicating the basic contractual terms and conditions on the obligations of the PSP and the Province.

The PPP-SC shall acknowledge receipt of the proposal and advise the PSP within seven (7) calendar days from submission whether the proposal is complete or incomplete. If the proposal is incomplete, it shall indicate what information is missing or lacking.

- b. *Evaluation of the Proposal.* If the Proposal is complete, the PPP-SC shall evaluate the Proposal and determine the eligibility of the PSP and thereafter recommend to the Governor whether to accept or reject the Proposal. Upon recommendation of the PPP-SC, the Governor shall issue to the PSP a letter of acceptance or non-acceptance of the Proposal within twenty (20) calendar days from submission of the complete Proposal.

Once the Proposal is accepted and a letter of acceptance is issued, the PSP shall be conferred "Original Proponent" status.

If there are other PSPs which submit a complete unsolicited proposal for the same PPP Project during this period, the Governor, upon recommendation of the PPP-SC, may, within ten (10) days from the submission of the last proposal, reject all proposals and pursue Competitive Selection or accept the unsolicited proposal that is complete and provides the greater advantage and benefits to the community and revenues to the Province. All other proposals submitted after the evaluation period shall be rejected.

Section 2. Stage Two

- a. *Negotiation after Acceptance of the Proposal.* The parties shall negotiate on the terms and conditions, scope, technical and financial aspects of the PPP Project.

The negotiation shall be completed within forty (45) calendar days upon acceptance by the PPP-SC of the Proposal.

Once negotiations are successful, the parties shall issue a joint certification stating that an agreement has been reached and specifying the eligibility of the Original Proponent, as well as the technical and financial aspects of the PPP Project as agreed upon.

If negotiations are unsuccessful or do not result to an agreement that is acceptable to both parties, the PPP-SC may reject the Proposal by informing the Original Proponent in writing and stating the grounds for rejection.

Thereafter, the PPP-SC may accept a new proposal from other PSPs, decide to pursue the project through other PPP Modalities or subject the PPP Project to Competitive Selection.

Approval of the Proposal. The Governor shall approve or disapprove the Proposal within fifteen (15) calendar days from endorsement.

If the proposal is approved, the Governor shall issue a Notice of Approval to the Original Proponent.

- b. *Acceptance of Terms and Conditions by the Original Proponent.* Within twenty (20) calendar days from receipt of the Notice of Approval, the Original Proponent shall notify the PPP-SC in writing of its acceptance of all the terms and conditions stated in the Notice of Approval.

Section 3. Stage Three

- a. *Issuance of Invitation for Comparative Proposals.* The PPP-SC shall then prepare the tender documents, including the eligibility, technical and financial proposals as well as the draft contract which shall be approved by the Governor prior to the publication of the invitation for comparative proposals.

Invitation for Comparative Proposals shall be advertised once in a newspaper of general circulation within the Province, and posted continuously for a period of seven (7) calendar days starting on the date of the advertisement, at the (a) website of the Province, if any; and (b) conspicuous place within the premises of the Provincial Government Hall.

The Original Proponent shall post the proposal security on the first date of publication and advertisement of the invitation for comparative proposals in the amount and form as indicated in the tender documents.

- b. *Preparation and Submission of Comparative Proposals.* Comparative PSPs are given sixty (60) calendar days from the publication of the invitation to develop and submit comparative proposals and post the required proposal security, if any.
- c. *Evaluation of Comparative Proposals.* In the evaluation of the proposals, the best offer shall be determined to include the original proposal of the Original Proponent. The evaluation shall be concluded within thirty (30) calendar days from submission of comparative proposals.
- d. *Determination of the Winning Proponent.* If the PPP-SC determines that an offer made by a comparative PSP or challenger other than the negotiated terms with the Original Proponent is superior or more advantageous to the PPP-SC than the proposal of Original Proponent, it shall notify the Original Proponent.

The Original Proponent shall be given the right to match the superior or more advantageous offer within thirty (30) calendar days from notice by the PPP-SC of the superior or most advantageous offer.

If no matching offer is received within the stated period, the PPP Project shall be awarded to the comparative PSP submitting the most advantageous offer.

If a matching offer is received within the stated period, the PPP Project shall be awarded to the Original Proponent.

If no comparative proposal is received, the PPP Project shall be immediately awarded to the Original Proponent.

- e. *Approval of Award.* The PPP-SC shall submit its recommendation to award to the Governor within seven (7) calendar days from conclusion of the evaluation process. The Governor must approve or reject the recommendation within seven (7) calendar days from submission of the PPP-SC recommendation to award.
- f. *Issuance of Notice of Award.* Once the Governor approves the PPP-SC recommendation to award, he shall issue the Notice of Award to the Winning Proponent within seven (7) calendar days from receipt of the recommendation, indicating the additional requirements to be submitted by the Winning Proponent.

The Winning Proponent must submit the additional requirements and comply with the conditions precedent, if any, for the execution of the contract within thirty (30) days from receipt of the Notice of Award.

The PPP-SC shall thereafter notify the Sangguniang Panlalawigan and the Winning Proponent of its compliance with the additional requirements and conditions precedents, if any,

- g. *Sangguniang Panlalawigan Approval of Contract.* The Sangguniang Panlalawigan shall issue its recommendation of approval or disapproval of the Contract within twenty (20) days from notice by the PPP-SC that the additional requirements have been submitted and the conditions precedent have been complied with by the Winning Proponent.
- h. *Execution of Contract.* The Governor, upon approval by the Sangguniang Panlalawigan, and the authorized representative of the Winning Proponent must sign the contract within ten (10) days from receipt of the Sangguniang Panlalawigan recommendation.
- i. *Issuance of Notice to Commence Implementation and Contract Implementation.* Within seven (7) calendar days from signing/execution of the contract, the PPP-SC shall issue a Notice to Commence Implementation of the Project.

RULE IV. FINAL PROVISIONS

Section 1. Prescriptive periods. The periods stated in this Guidelines may be adjusted by the Province, through the PPP-SC, as may be appropriate for the nature, scope, size, and complexity of the proposed Project. Provided, that, should a longer period be required than that prescribed in these Guidelines, such shall be explicitly stated in the Instructions to Prospective PSPs and/or Participants, the pre-selection documents, tender documents, competitive selection and/or competitive challenge documents, whichever is more appropriate.

Section 2. Appeals Mechanism. Decisions of the PPP-SC with respect to the conduct of the competitive selection, competitive challenge and/or the processes involved may be appealed in writing to the Governor concerned: Provided, however, that a prior motion for reconsideration should have been filed by the party concerned, and the same has been resolved by the PPP-SC. The appeal must be filed within seven (7) calendar days from receipt by the party concerned of the resolution of the PPP-SC denying its motion for reconsideration. An appeal may be made by filing a verified position paper with the Governor concerned, accompanied by the payment of a non-refundable appeal fee. The non-refundable appeal fee shall be in an amount equivalent to no less than one-half (1/2) of one percent (1%) of the project cost.

Section 3. Separability Clause. If any provision in this IRR, or application of such provision to any circumstance, is declared invalid or unconstitutional, the other provisions not affected thereby shall remain valid and subsisting.

Section 4. Effectivity. This IRR shall take effect fifteen (15) calendar days after its publication in the official website of the Provincial Government of Bulacan or a newspaper of general circulation within the Province.

APPROVED this 1st day of August 2017.

(SGD.)
WILHELMINO M. SY-ALVARADO
Provincial Governor