



RESOLUTION NO. 05-2014

ADOPTING AN OFFICIAL POSITION RELATIVE TO THE PROPOSED AMENDMENT OF REPUBLIC ACT (RA) NO. 9184 THROUGH SENATE BILL NO. 1509, WITHDRAWING FROM ITS APPLICATION ALL REFERENCES TO THE LOCAL GOVERNMENT UNITS (LGUs)

WHEREAS, RA 9184 applies to the procurement of Infrastructure Projects, Goods and Consulting Services, regardless of source of funds, whether local or foreign, by all branches and instrumentalities of government, its departments, offices and agencies, including government-owned and/or-controlled corporations and local government units;

WHEREAS, the Government Procurement Policy Board - Technical Support Office (GPPB-TSO) received a request for the issuance of a position paper on Senate Bill (SB) No. 1509 entitled "*An Act Amending Republic Act No. 9184, Otherwise Known as the Government Procurement Reform Act, Withdrawing from its Application all References to the Local Government Units*", introduced during the 16th Congress and sponsored by the Honorable Senator Jinggoy Estrada;

WHEREAS, SB No. 1509 seeks to withdraw LGUs from the scope and application of RA 9184, and revert the same to the coverage of RA 7160, otherwise known as the Local Government Code of 1991;

WHEREAS, during the Joint Meeting of the Inter-Agency Technical Working Group (IATWG) and the GPPB on 4 February 2014, the GPPB-TSO recommended the issuance of a position paper discouraging SB No. 1509 on the basis of the following comments and/or observations:

- a. Allowing a set of procurement procedures for LGUs different from the other government agencies would run counter to the principle of streamlining the procurement process;
- b. RA 9184 has already taken into consideration the provisions of RA 7160 concerning procurement activities;
- c. The comprehensiveness of the procedures under RA 9184 and its IRR minimizes room for discretion and varying interpretations of the rules;
- d. Although RA 9184 has standardized and streamlined the procurement rules of the LGUs with that of other government agencies, RA 9184 still adheres to the principle of local autonomy and recognizes as well the devolution of administration by retaining the conduct of procurement activities to the respective LGUs;
- e. Pre-qualification exercise entails considerable length of time that causes delays in the procurement process;

- f. A consolidated and unified procurement law and rules for the acquisition of goods, works, and consulting services address the negative effect of a fragmented and dysfunctional procurement regime;
- g. The GPPB created a Composite Team of Trainers to roll-out RA 9184 and its revised IRR to LGUs;
- h. The GPPB issued the Local Government Procurement Manual, currently being updated with inputs from LGUs.

WHEREAS, during the 2nd Regular GPPB Meeting on 8 April 2014, the Board discussed SB No. 1509 and agreed to adopt the foregoing comments and/or observations of the GPPB-TSO;

NOW, THEREFORE, for and in view of all the foregoing, **WE**, the Members of the **GOVERNMENT PROCUREMENT POLICY BOARD**, by virtue of the powers vested on **US** by law and other executive issuances, hereby **RESOLVE** to confirm, adopt, and approve, as **WE** hereby confirm, adopt, and approve the issuance of a Position Paper *vis-à-vis* SB No. 1509, adopting in toto the recommendations of the GPPB-TSO.

This Resolution shall take effect immediately.

APPROVED this 8th day of April 2014 at Pasig City, Philippines.

(Sgd.)

**DEPARTMENT OF BUDGET AND
MANAGEMENT**

**NATIONAL ECONOMIC AND
DEVELOPMENT AUTHORITY**

(Sgd.)

DEPARTMENT OF EDUCATION

DEPARTMENT OF ENERGY

(Sgd.)

DEPARTMENT OF FINANCE

DEPARTMENT OF HEALTH

(Sgd.)

**DEPARTMENT OF THE INTERIOR
AND LOCAL GOVERNMENT**

**DEPARTMENT OF NATIONAL
DEFENSE**

(Sgd.)

**DEPARTMENT OF PUBLIC WORKS
AND HIGHWAYS**

**DEPARTMENT OF SCIENCE AND
TECHNOLOGY**

**DEPARTMENT OF TRADE AND
INDUSTRY**

(Sgd.)

**DEPARTMENT OF TRANSPORTATION
AND COMMUNICATIONS**

(Sgd.)

PRIVATE SECTOR REPRESENTATIVE

Attested by:

(Sgd.)

DENNIS S. SANTIAGO
Board Secretary, GPPB
Executive Director, GPPB-TSO