



RESOLUTION NO. 06-2009

APPROVING AMENDMENTS TO THE REVISED IMPLEMENTING RULES AND REGULATIONS OF REPUBLIC ACT NO. 9184

WHEREAS, Republic Act No. 9184 (R.A. 9184), entitled “An Act Providing for the Modernization, Standardization and Regulation of the Procurement Activities of the Government and For Other Purposes,” took effect on 26 January 2003, while its Implementing Rules and Regulations Part A (IRR) took effect on 8 October 2003;

WHEREAS, the Government Procurement Policy Board (GPPB), under Section 63 of the IRR-A of RA 9184, is mandated to formulate and amend public procurement policies, rules and regulations, and amend, whenever necessary, the IRR of RA 9184;

WHEREAS, after extensive consultation and deliberations, the GPPB, during its meeting held last 22 July 2009, approved the Revised IRR of RA 9184 through GPPB Resolution 03-2009;

WHEREAS, the Revised IRR of RA 9184 was published in a Supplemental Issue of the Official Gazette last 3 August 2009, and took effect on 2 September 2009;

WHEREAS, several errors were discovered on the published version of the Revised IRR of RA 9184 which may negate the original intent and/or sow confusion on the implementation of the affected provisions;

WHEREAS, these errors were presented to the GPPB during its meeting held last 30 September 2009, and, after thorough deliberations, the GPPB resolved to amend the affected provisions in order to reflect the intent of the GPPB;

NOW, THEREFORE, for and in consideration of the foregoing, **WE**, the Members of the **GOVERNMENT PROCUREMENT POLICY BOARD**, by virtue of the powers vested on **US** by law, hereby **RESOLVE** to approve, as **WE** hereby approve the changes on the Implementing Rules and Regulations of Republic Act 9184 as provided in Annex hereof.

This resolution shall take effect immediately.

APPROVED this 30th day of September 2009 at Pasig City, Philippines.

(Sgd.)

ROLANDO G. ANDAYA, JR.
Secretary
Department of Budget and Management

(Sgd.)

AUGUSTO B. SANTOS
Acting Director General
National Economic and Development
Authority



RESOLUTION NO. 06-2009

(Sgd.)

DEPARTMENT OF EDUCATION

(Sgd.)

DEPARTMENT OF ENERGY

(Sgd.)

DEPARTMENT OF FINANCE

(Sgd.)

DEPARTMENT OF HEALTH

(Sgd.)

**DEPARTMENT OF INTERIOR AND
LOCAL GOVERNMENT**

(Sgd.)

**DEPARTMENT OF NATIONAL
DEFENSE**

(Sgd.)

**DEPARTMENT OF PUBLIC WORKS
AND HIGHWAYS**

(Sgd.)

**DEPARTMENT OF SCIENCE AND
TECHNOLOGY**

(Sgd.)

**DEPARTMENT OF TRADE AND
INDUSTRY**

(Sgd.)

**DEPARTMENT OF TRANSPORTATION
AND COMMUNICATIONS**

(Sgd.)

PRIVATE SECTOR REPRESENTATIVE

Attested by:

(Sgd.)

RUBY U. ALVAREZ
Board Secretary, GPPB
Executive Director, GPPB-TSO

**AMENDMENTS TO THE REVISED IMPLEMENTING RULES AND REGULATIONS OF
 REPUBLIC ACT 9184**

1. On the last sentence of Section 22.3 of the IRR, insert the phrase “at the option of the Procuring Entity” between the words “However” and “only”. Thus, Section 22.3 will be corrected as follows:

Published	Corrected
x x x. However, only those who have purchased the Bidding Documents shall be allowed to participate in the pre-bid conference and raise or submit written queries or clarifications.	x x x. However, at the option of the Procuring Entity , only those who have purchased the Bidding Documents shall be allowed to participate in the pre-bid conference and raise or submit written queries or clarifications.

2. On the first sentence of Section 22.5.3 of the IRR, change the word “or” to “and”. Thus, Section 22.5.3 will be corrected as follows:

Published	Corrected
Any Supplemental/Bid Bulletin issued by the BAC shall also be posted on the PhilGEPS or the website of the procuring entity concerned, if available. x x x.	Any Supplemental/Bid Bulletin issued by the BAC shall also be posted on the PhilGEPS or and the website of the procuring entity concerned, if available. x x x.

3. On the first sentence of Section 24.5.2, delete reference to submission of LOI. Thus, the first sentence of Section 24.5.2 will be corrected as follows:

Published	Corrected
The BAC shall draw up the short list of consultants from those who have been determined as eligible, and who have submitted their LOI, both in accordance with the provisions of this IRR. x x x.	The BAC shall draw up the short list of consultants from those who have been determined as eligible, and who have submitted their LOI, both in accordance with the provisions of this IRR. x x x.

4. On Section 25.2(b)(i), change reference from Section 23.3 to Section 23.1. Thus, Section 25.2(b)(i) will be corrected as follows:

Published	Corrected
b) <u>For the procurement of infrastructure projects:</u> i) Eligibility requirements under Section 23.3 of this IRR;	b) <u>For the procurement of infrastructure projects:</u> i) Eligibility requirements under Section 23.3 23.1 of this IRR;

5. On the forms of bid and performance securities under Sections 27.2 and 39.2, respectively, change the word “confirmed” to “issued” and move bank draft/guarantee with irrevocable letter of credit. Thus, the respective tables under Sections 27.2 and 39.2 will be corrected as follows:

Published		Corrected	
a) Cash, cashier’s/manager’s check, bank draft/guarantee confirmed by a Universal or Commercial Bank.	Two percent (2%)	a) Cash, or cashier’s/manager’s check, bank draft/guarantee confirmed issued by a Universal or Commercial Bank.	Two percent (2%)
b) Irrevocable letter of credit issued by a Universal or Commercial Bank: Provided, however, that it shall be confirmed or authenticated by a Universal or Commercial Bank, if issued by a foreign bank.		b) Bank draft/guarantee or irrevocable letter of credit issued by a Universal or Commercial Bank: Provided, however, that it shall be confirmed or authenticated by a Universal or Commercial Bank, if issued by a foreign bank.	
c) Surety bond callable upon demand issued by a surety or insurance company duly certified by the Insurance Commission as authorized to issue such security.	Five percent (5%)	c) Surety bond callable upon demand issued by a surety or insurance company duly certified by the Insurance Commission as authorized to issue such security.	Five percent (5%)
d) Any combination of the foregoing.	Proportionate to share of form with respect to total amount of security	d) Any combination of the foregoing.	Proportionate to share of form with

		respect to total amount of security
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6. On Section 32.2.1(b), change the first sentence as follows:

Published	Corrected
<p><u>Arithmetical Corrections.</u> Consider computational errors, omissions, and other bid modifications, if allowed in the Bidding Documents, to enable proper comparison of all eligible bids. <i>x x x</i>.</p>	<p><u>Arithmetical Corrections.</u> Consider computational errors, and omissions, and other bid modifications, if allowed in the Bidding Documents, to enable proper comparison of all eligible bids. It may also consider bid modifications if expressly allowed in the Bidding Documents. <i>x x x</i>.</p>

7. On Section 53.7, delete reference to partnerships. Thus, Section 53.7 will be corrected as follows:

Published	Corrected
<p>Highly Technical Consultants. In the case of individual consultants or partnerships hired to do work that is (i) highly technical or proprietary; or (ii) primarily confidential or policy determining, where trust and confidence are the primary consideration for the hiring of the consultant: Provided, however, That the term of the individual consultants or partnerships shall, at the most, be on a six month basis, renewable at the option of the appointing Head of the Procuring Entity, but in no case shall exceed the term of the latter.</p>	<p>Highly Technical Consultants. In the case of individual consultants or partnerships hired to do work that is (i) highly technical or proprietary; or (ii) primarily confidential or policy determining, where trust and confidence are the primary consideration for the hiring of the consultant: Provided, however, That the term of the individual consultants or partnerships shall, at the most, be on a six month basis, renewable at the option of the appointing Head of the Procuring Entity, but in no case shall exceed the term of the latter.</p>

8. On various sections of Annex “G” of the IRR, correct the references to the IRR as follows:

Published	Corrected
<p><u>Section 9.2(i)(b):</u> valid licenses issued by the Professional Regulatory Commission (PRC) for design professionals in accordance with the provisions under Section 24.7.1 (Technical Documents) of this IRR.</p>	<p><u>Section 9.2(i)(b):</u> valid licenses issued by the Professional Regulatory Commission (PRC) for design professionals in accordance with the provisions under Section 24.7.1 (Technical Documents) 24.1(a)(iv) of this IRR.</p>
<p><u>Section 9.2(ii)(c):</u></p>	<p><u>Section 9.2(ii)(c):</u></p>

<p>The relevant provisions under Section 23.11.2.1 of the IRR of R.A. 9184 on eligibility requirements shall be observed, with the following exceptions: <i>x x x</i>.</p>	<p>The relevant provisions under Section 23.11.2.1 23.5.2 of the IRR of R.A. 9184 on eligibility requirements shall be observed, with the following exceptions: <i>x x x</i>.</p>
<p><u>Section 10.1:</u></p> <p>In the submission of bids, the first envelope (Technical Proposal) shall contain all the required documents for infrastructure projects under Section 25.3(b) of the IRR of R.A. 9184 and the following additional documents: <i>x x x</i>.</p>	<p><u>Section 10.1:</u></p> <p>In the submission of bids, the first envelope (Technical Proposal) shall contain all the required documents for infrastructure projects under Section 25.3 25.2(b) of the IRR of R.A. 9184 and the following additional documents: <i>x x x</i>.</p>
<p><u>Section 10.2:</u></p> <p>The second envelope (Financial Proposal) shall contain all the required documents for infrastructure projects under Section 25.3(b) of the IRR of R.A. 9184 and the following additional documents: <i>x x x</i>.</p>	<p><u>Section 10.2:</u></p> <p>The second envelope (Financial Proposal) shall contain all the required documents for infrastructure projects under Section 25.3(b) of the IRR of R.A. 9184 and the following additional documents: <i>x x x</i>.</p>
<p><u>Section 13.11:</u></p> <p>The contractor shall be held liable for design and structural defects and/or failure of the completed project within the warranty periods specified in Section 62.2.2 of the IRR.</p>	<p><u>Section 13.11:</u></p> <p>The contractor shall be held liable for design and structural defects and/or failure of the completed project within the warranty periods specified in Section 62.2.2 62.2.3.2 of the IRR.</p>