

**ADOPTING AN OFFICIAL POSITION RELATIVE TO THE AMENDMENT OF RA 9184 THROUGH HOUSE BILL NO. 5366 BY APPOINTING A “THIRD PARTY” AS A MEMBER OF THE BIDS AND AWARDS COMMITTEE**

**WHEREAS**, under Section 63 (a) of Republic Act (RA) 9184 and its Revised Implementing Rules and Regulations (IRR), the Government Procurement Policy Board (GPPB) is mandated to protect national interest in all matters affecting public procurement, having due regard to the country’s regional and international obligations;

**WHEREAS**, the Government Procurement Policy Board - Technical Support Office (GPPB-TSO) received a request for position paper on House Bill No. 5366 entitled “**An Act Strengthening the Bidding Process by Amending Article V of Republic Act 9184 or the Government Procurement Reform Act, and for other Purposes**”, introduced during the 15<sup>th</sup> Congress and sponsored by Representative Magtanggol T. Gunigundo;

**WHEREAS**, House Bill No. 5366 seeks to amend RA 9184 by inserting Sections 11-A and 12-A under Article V;

**WHEREAS**, House Bill No. 5366 proposes the appointment of a “third party” from either a recognized academic institution or from a government office that is not part of the organizational structure of the procuring entity, as a member of the Bids and Awards Committee (BAC) with respect to the procurement of highly technical equipment by the Armed Forces of the Philippines and the Philippine National Police;

**WHEREAS**, House Bill No. 5366 seeks to improve the procurement system by requiring a “third party” to help in the evaluation of eligibility of bidders and technical specifications imposed by the bid documents;

**WHEREAS**, House Bill No. 5366 was presented to the Government Procurement Policy Board (GPPB) and Inter-Agency Technical Working Group (IATWG) in its meeting on 24 February 2012 for its official position on the proposed bill;

**WHEREAS**, the GPPB and IATWG noted that Section 12 of the IRR of RA 9184 allows procuring entities to create a Technical Working Group (TWG) from a pool of technical, financial, and/or legal experts to assist the BAC in the conduct of its procurement activities;

**WHEREAS**, said Section of the IRR of RA 9184 does not prohibit procuring entities from inviting experts from other government agencies or the relevant private sector to form part of its TWG;

**WHEREAS**, after due consideration of the matter, the GPPB and IATWG agreed to maintain Sections 11 and 12, unchanged, it appearing that the concern under House Bill No. 5366 can be addressed through Section 12 of the IRR of RA 9184;

**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 confirm, adopt, and approve as **WE** hereby confirm, adopt, and approve the following:

1. To adopt the position that the objective of House Bill No. 5366 in seeking the amendment of Republic Act 9184 can be addressed by Section 12 of the Revised Implementing Rules and Regulations of Republic Act 9184 on the creation of a Technical Working Group;
2. To discourage the amendment of Republic Act 9184 as proposed in House Bill No. 5366 in view of the above; and
3. To issue a Circular clarifying that the creation of a Technical Working Group that will assist the Bids and Awards Committee in the procurement process may include experts from other government agencies or the relevant private sector.

This resolution shall take effect immediately.

**APPROVED** this 27<sup>th</sup> day of April 2012 at Pasay City, Philippines.

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**DEPARTMENT OF BUDGET AND  
MANAGEMENT**

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**NATIONAL ECONOMIC AND  
DEVELOPMENT AUTHORITY**

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**DEPARTMENT OF EDUCATION**

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**DEPARTMENT OF ENERGY**

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**DEPARTMENT OF FINANCE**

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**DEPARTMENT OF HEALTH**

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**DEPARTMENT OF THE INTERIOR AND  
LOCAL GOVERNMENT**

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**DEPARTMENT OF NATIONAL  
DEFENSE**

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**DEPARTMENT OF PUBLIC WORKS AND  
HIGHWAYS**

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**DEPARTMENT OF SCIENCE AND  
TECHNOLOGY**

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**DEPARTMENT OF TRADE AND  
INDUSTRY**

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**DEPARTMENT OF TRANSPORTATION  
AND COMMUNICATIONS**

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**PRIVATE SECTOR REPRESENTATIVE**

Attested by:

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