



## RESOLUTION NO. 27-2012

### **DELETING SECTIONS 23.4.3 AND 24.4.3.3 OF THE REVISED IMPLEMENTING RULES AND REGULATIONS OF REPUBLIC ACT NO. 9184**

**WHEREAS**, Republic Act (RA) No. 9184, otherwise known as the “Government Procurement Reform Act” and its revised Implementing Rules and Regulations (IRR) took effect on 26 January 2003 and 2 September 2009, respectively;

**WHEREAS**, Section 63 of RA 9184 mandates the Government Procurement Policy Board (GPPB) to protect national interest in all matters affecting public procurement;

**WHEREAS**, Section 23.4.3 of the revised IRR of RA 9184 provides that if the procuring entity maintains a registry system using the PhilGEPS or its own electronic system, a prospective bidder, whether or not duly registered in either system, shall submit a written Letter of Intent (LOI) and/or its application for eligibility and latest Class “A” documents, to the BAC on or before the deadline specified in the Bidding Documents. Any application for eligibility or updates submitted after the deadline for the submission of the LOI shall not be considered for the bidding at hand;

**WHEREAS**, a similar provision for the procurement of consultancy services under Section 24.4.3.3 of the revised IRR of RA 9184 provides that to facilitate determination of eligibility, the BAC of a procuring entity may maintain a registry system using the PhilGEPS or its own manual or electronic system that allows submission and/or recording/entry of eligibility requirements simultaneously with registration;

**WHEREAS**, on 1 June 2012, the GPPB resolved to amend Section 23.4 of the IRR through the issuance of Resolution No. 12-2012 which provides for the Guidelines for the Use of the Government of the Philippines – Official Merchants Registry (GOP-OMR Guidelines). This Guideline provides that all existing electronic merchant registries used and maintained by procuring entities shall be integrated into the GOP-OMR. The procuring entity shall coordinate with the PhilGEPS office to determine whether the existing registry is compatible with the GOP-OMR. After a finding of compatibility, the procuring entity shall integrate its registry with the GOP-OMR. If the registries are incompatible, the procuring entity shall cease using its registry and use the GOP-OMR. The procuring entity shall be given sufficient amount of time to effect the shutdown of its electronic registry and the shift to the use of the GOP-OMR.

**WHEREAS**, on 16 November 2012, the Department of Public Works and Highways (DPWH) requested the amendment of Section 23.4.3 of the revised IRR of RA 9184 by removing the submission of LOI as a requirement to signify a bidder’s intent to participate or update its file of Class “A” documents with the procuring entity that maintains a registry system using the PhilGEPS, or its own electronic system, in order to prevent collusion among contractors, and simplify the process of procurement consistent with the thrust of DPWH to adopt and implement a nationwide paperless bidding through electronic means;

**WHEREAS,** the submission of the LOI or application for eligibility becomes an additional and unnecessary process with the operationalization of the PhilGEPS electronic registry;

**WHEREAS,** in its 10<sup>th</sup> Regular Meeting held on 23 November 2012, the GPPB discussed and deliberated upon the request of DPWH to amend Section 23.4.3 of the revised IRR of RA 89184 requiring the submission by a prospective bidder of an LOI in case the procuring entity maintains a registry system using the PhilGEPS or its own electronic system;

**NOW, THEREFORE,** for and in view of 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 following:

**DELETE** Section 23.4.3 of the revised IRR of RA 9184, and the similar provision under Section 24.4.3.3 of the same IRR, requiring the submission of a written LOI and/or application of eligibility together with the latest Class “A” Documents in case the procuring entity maintains a registry system using the PhilGEPS or its own electronic system.

This Resolution shall take effect immediately.

**APPROVED** this 23<sup>rd</sup> day of November, 2012 at Pasig City, Philippines.

(Sgd.)

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**DEPARTMENT OF BUDGET AND  
MANAGEMENT**

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**NATIONAL ECONOMIC AND  
DEVELOPMENT AUTHORITY**

(Sgd.)

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**DEPARTMENT OF EDUCATION**

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**DEPARTMENT OF ENERGY**

(Sgd.)

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**DEPARTMENT OF FINANCE**

(Sgd.)

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**DEPARTMENT OF HEALTH**

(Sgd.)

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**DEPARTMENT OF THE INTERIOR  
AND LOCAL GOVERNMENT**

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**DEPARTMENT OF NATIONAL  
DEFENSE**

(Sgd.)

**DEPARTMENT OF PUBLIC WORKS  
AND HIGHWAYS**

**DEPARTMENT OF SCIENCE AND  
TECHNOLOGY**

(Sgd.)

**DEPARTMENT OF TRADE AND  
INDUSTRY**

**DEPARTMENT OF TRANSPORTATION  
AND COMMUNICATIONS**

(Sgd.)

**PRIVATE SECTOR REPRESENTATIVE**

Attested by:

(Sgd.)

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