



RESOLUTION NO. 32-2017

APPROVING THE SUBMISSION OF COMMENTS ON THE PROPOSED HOUSE BILLS ON AMENDMENTS TO REPUBLIC ACT NO. 9184 AND ACCREDITATION OF NON-GOVERNMENT ORGANIZATIONS/PEOPLE'S ORGANIZATIONS

WHEREAS, the Government Procurement Policy Board-Technical Support Office (GPPB-TSO) received a Memorandum from the Department of Budget and Management – Department Legislative Liaison Office (DBM-DLLO) requesting comments and recommendations on House Bill Nos. 5404, 5521, and 1598, thus:

1. House Bill No. 5404 entitled “An Act Mandating to Institutionalize Reforms in the Procurement and Fund Disbursement System, in Science, Engineering, and Technology Research and Development, and Extension (RDE) Operations and for Other Purposes,” introduced by Representative Erico Aristotle C. Aumentado;
2. House Bill No. 5521 entitled “An Act Amending Republic Act No. 9184, Otherwise Known as An Act Providing for the Modernization, Standardization and Regulation of the Procurement Activities of the Government and for Other Purposes,” introduced by Speaker Pantaleon D. Alvarez;
3. House Bill No. 1598 entitled “An Act Providing for the Accreditation of Non-Government Organizations and People’s Organizations Eligible to Access Government Funds and for the System of Accountability and Transparency for the Use of these Funds,” introduced by Representative Teddy Brawner Baguilat;

WHEREAS, HB No. 5404 seeks to institutionalize reforms in the procurement and fund disbursement systems supportive and facilitative to research and development system of the country;

WHEREAS, HB No. 5521 proposes the following: a) provide additional statement on the governing principles on government procurement; b) that in case of emergency which results to the postponement of submission of bids, the same may be received on the next working day after the emergency; c) provide an additional condition to avail of the alternative method of Direct Contracting; d) include common-law relationships to be covered by the provision on “Disclosure of Relations”; e) include a statement that in availing of alternative methods of procurement, the procuring entity shall ensure that the procurement will yield the best quality of goods and services; f) amend Section 32 of the law that in ranking of bids, the BAC shall consider the quality of goods *vis-à-vis* the calculated prices based on the guidelines to be determined by the GPPB;

WHEREAS, HB No. 1598, particularly Section 10, intends to provide an accreditation process for Non-Government Organizations and People’s Organization to be eligible to participate in the procurement of government agencies;

WHEREAS, during the 5th Inter-Agency Technical Working Group (IATWG) Meeting on 14 July 2017, the GPPB-TSO presented the salient features of the aforementioned House Bills as well as its comments and observations, and thereafter recommended the submission of comments on the said House Bills;

WHEREAS, IATWG agreed to the proposal of the GPPB-TSO to recommend to the GPPB the confirmation of submission of comments on House Bill Nos. 5404, 5521 and 1598 based on the comments, observations and recommendations of the GPPB-TSO, subject to additional comments of the IATWG members, if any, within five (5) days after the meeting;

WHEREAS, the GPPB-TSO did not receive additional comments from the IATWG members within five (5) days after the IATWG Meeting on 14 July 2017;

WHEREAS, the GPPB-TSO presented to the GPPB during its 4th Regular Meeting on 31 July 2017 the salient features of the House Bills and the comments, observations and of the GPPB-TSO, as adopted by the IATWG;

WHEREAS, after due consideration and careful review, the GPPB approved the submission of the following comments and recommendations on the subject House Bills, thus:

1. For House Bill Nos. 1598 and 5404, the GPPB does not support the proposed establishment of an accreditation system of bidders as it is tantamount to a pre-qualification of prospective bidders, a process which is proscribed under RA 9184 and its IRR for being inconsistent in providing equal opportunities to qualified bidders. The proposed accreditation, in effect, limits government agencies to engage only accredited bidders, to the exclusion and prejudice of other qualified and capable ones. Registration of bidders may, however, be allowed by procuring entities, provided that, non-registered bidders will also be allowed to participate.
2. On House Bill No. 5404, the proposed rule on the procurement of equipment, supplies and materials for research development and extension activities may already be addressed by the 2016 IRR of RA 9184, particularly the Negotiated Procurement under Scientific, Scholarly or Artistic Work, Exclusive Technology and Media Services modality, which can be resorted to where goods, infrastructure projects and consulting services can be contracted to a particular supplier, contractor, or consultant as determined by the Head of the Procuring Entity for a commissioned work or services of scientific, academic, scholarly work or research. Thus, there is no need to create a separate procurement rule for the procurement of equipment and materials involving scientific or research work.
3. Similarly, the objectives sought to be achieved by the proposed amendments under HB No. 5521 may also be attained in the current provisions of RA 9184 and its 2016 IRR. Hence, the GPPB does not recommend amendment of RA 9184.

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 submission of comments on House Bill Nos. 5404, 5521, and 1598 based on the findings, comments and recommendations of the GPPB-TSO, as adopted by the IATWG.

This resolution shall take effect immediately.

APPROVED this 31st day of July 2017 at the Pasig City, Philippines.

<hr/> <p>(SGD)</p> <hr/> <p>DEPARTMENT OF BUDGET AND MANAGEMENT</p>	<hr/> <p>NATIONAL ECONOMIC AND DEVELOPMENT AUTHORITY</p>
<hr/> <p>DEPARTMENT OF EDUCATION</p>	<hr/> <p>(SGD)</p> <hr/> <p>DEPARTMENT OF ENERGY</p>
<hr/> <p>DEPARTMENT OF FINANCE</p>	<hr/> <p>(SGD)</p> <hr/> <p>DEPARTMENT OF HEALTH</p>
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<hr/> <p>(SGD)</p> <hr/> <p>DEPARTMENT OF SCIENCE AND TECHNOLOGY</p>	<hr/> <p>(SGD)</p> <hr/> <p>DEPARTMENT OF TRADE AND INDUSTRY</p>
<hr/> <p>DEPARTMENT OF TRANSPORTATION</p>	<hr/> <p>PRIVATE SECTOR REPRESENTATIVE</p>