



RESOLUTION NO. 14-2017

APPROVING THE SUBMISSION OF COMMENTS ON SENATE BILL NO. 1281 ON THE FARMERS AND FISHERFOLK ENTERPRISE DEVELOPMENT PROGRAM

WHEREAS, the Government Procurement Policy Board-Technical Support Office (GPPBTSO) received a Memorandum from the Department of Budget and Management - Department Legislative Liaison Office (DBM-DLLO) requesting comments and recommendations on the draft substitute Senate Bill No. 1281 entitled “*An Act Instituting the Farmers and Fisherfolk Enterprise Development Program of the Department of Agriculture and for other Purposes*” introduced by Senator Francis N. Pangilinan;

WHEREAS, Section 12 of Senate Bill No. 1281, on Direct Purchase by National and Local Government Agencies and Exemption from Public Bidding, mandates the direct purchase of agricultural and fishery products from accredited farmers and fisher folk cooperatives and enterprises without the conduct of competitive bidding;

WHEREAS, Section 12 of Senate Bill No. 1281 contains similar provision with that of Section 7 of Senate Bill No. 50 on Sagip Saka Act of 2016, which was also introduced by Senator Francis N. Pangilinan;

WHEREAS, during the 12th Government Procurement Policy Board (GPPB) and 10th Inter-Agency Technical Working Group Joint Meeting (IATWG) on 20 December 2016, the GPPB approved the submission of Comments on Senate Bill No. 50 with the following comments and recommendations, thus:

1. The intention of the proposed Bill may be attained through existing laws, particularly, RA No. 6938, as amended by RA 9520 and RA 9184 and its revised IRR;
2. Section 53.12 of the revised IRR of RA 9184 includes Community Participation as one of the instances by which negotiated procurement can be implemented. Community Participation as a form of Negotiated Procurement is allowed in order to meet specific social objectives or for project sustainability, in this case, to afford opportunities to local farmers and fishermen. This alternative modality of procurement prescribes how the community can participate as a service provider or contractor as well as its participation in the whole procurement process of a project in the government sector. Reference may be made to the recently approved Community Participation Procurement Manual (CPPM) for the Partnership Against Hunger and Poverty (PAHP) initiative of DAR, DSWD and DA; and
3. Also, Article 62(4) of Republic Act No. 9520 or the Philippine Cooperative Code of 2008, which provides cooperatives a preferential right to supply government institutions and agencies with agricultural

commodities and products produced by their members, may be explored to further bolster the purpose and intention of the proposed Bill.

WHEREAS, during its 2nd Meeting on 31 March 2017, the IATWG, after discussing the comments, observations and recommendation of the GPPB-TSO on Senate Bill No. 1281 and the previous comments on Senate Bill No. 50, agreed to recommend to the GPPB the issuance of its confirmation that no further comments will be submitted for the proposed Farmers and Fisherfolk Enterprise Development Program under Senate Bill No. 1281 other than the comments and recommendations already provided for in the submitted Comments on Senate Bill No. 50;

WHEREAS, the comments and observations of the GPPB-TSO as well as the recommendation of the IATWG were presented to the GPPB during its 3rd Regular Meeting on 10 April 2017, and thereafter, the GPPB resolved to adopt the recommendation of the IATWG;

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 Senate Bill No. 1281 containing the same comments, observations and recommendations provided for in Senate Bill No. 50.

This resolution shall take effect immediately.

APPROVED this 10th day of April 2017 at Pasig City, Philippines

(SGD)

**DEPARTMENT OF BUDGET AND
MANAGEMENT**

**NATIONAL ECONOMIC AND
DEVELOPMENT AUTHORITY**

(SGD)

DEPARTMENT OF EDUCATION

(SGD)

DEPARTMENT OF ENERGY

(SGD)

DEPARTMENT OF FINANCE

(SGD)

DEPARTMENT OF HEALTH

(SGD)

**DEPARTMENT OF INFORMATION AND
COMMUNICATION TECHNOLOGY**

**DEPARTMENT OF INTERIOR AND
LOCAL GOVERNMENT**

(SGD)

**DEPARTMENT OF NATIONAL
DEFENSE**

(SGD)

**DEPARTMENT OF SCIENCE AND
TECHNOLOGY**

**DEPARTMENT OF PUBLIC WORKS
AND HIGHWAYS**

(SGD)

**DEPARTMENT OF TRADE AND
INDUSTRY**

(SGD)

DEPARTMENT OF TRANSPORTATION

PRIVATE SECTOR REPRESENTATIVE