



RESOLUTION NO. 21-2017

APPROVING THE AMENDMENTS TO THE 2016 REVISED IMPLEMENTING RULES AND REGULATIONS (IRR) OF REPUBLIC ACT NO. 9184

WHEREAS, Republic Act (RA) No. 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 2016 Revised Implementing Rules and Regulations (IRR) took effect on 28 October 2016;

WHEREAS, Section 63 of RA 9184 and its 2016 Revised IRR authorizes the Government Procurement Policy Board (GPPB) to formulate public procurement policies, rules and regulations, and amend, whenever necessary, its IRR;

WHEREAS, to further improve our public procurement rules, for a more efficient and effective Philippine public procurement system, amendments to certain provisions of the 2016 IRR were proposed;

WHEREAS, during the 4th Inter-Agency Technical Working Group Meeting on 19 May 2017, the GPPB-TSO presented the proposed amendments to the 2016 Revised IRR of RA 9184, and the IATWG members provided their comments and recommendations thereon;

WHEREAS, during the 3rd GPPB meeting on 30 May 2017, after careful review and due deliberation on the proposed amendments of the 2016 Revised IRR, the Board approved the amendments to the 2016 Revised IRR 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 amendments to the 2016 Revised Implementing Rules and Regulations of Republic Act No. 9184, copy of which, is attached as Annex “A”, and made an integral part hereof.

This amendments to the 2016 Revised IRR of RA 9184 shall take effect after fifteen (15) days following the publication in the Official Gazette or a newspaper of general nationwide circulation and upon filing of three (3) certified copies with the University of the Philippines Law Center.

APPROVED this 30th day of May 2017 at Pasig City, Philippines.

(SGD)

**DEPARTMENT OF BUDGET AND
MANAGEMENT**

**NATIONAL ECONOMIC AND
DEVELOPMENT AUTHORITY**

(SGD)

DEPARTMENT OF EDUCATION

(SGD)

DEPARTMENT OF ENERGY

DEPARTMENT OF FINANCE

DEPARTMENT OF HEALTH

(SGD)

**DEPARTMENT OF INFORMATION AND
COMMUNICATION TECHNOLOGY**

**DEPARTMENT OF INTERIOR AND
LOCAL GOVERNMENT**

(SGD)

**DEPARTMENT OF NATIONAL
DEFENSE**

(SGD)

**DEPARTMENT OF PUBLIC WORKS
AND HIGHWAYS**

**DEPARTMENT OF SCIENCE AND
TECHNOLOGY**

(SGD)

**DEPARTMENT OF TRADE AND
INDUSTRY**

(SGD)

DEPARTMENT OF TRANSPORTATION

PRIVATE SECTOR REPRESENTATIVE

**2016 REVISED IMPLEMENTING RULES AND REGULATIONS (IRR) OF
 REPUBLIC ACT (RA) NO. 9184**

ORIGINAL	AMENDED
<p>Section 7.3.3</p> <p>In order to hasten project implementation, Procuring Entities which may not have the proficiency or capability to undertake a particular procurement, as determined by the HoPE concerned, may outsource the procurement tasks by:</p> <p>a) Requesting other GoP agencies to undertake such procurement for them, through the execution of a memorandum of agreement containing specific arrangements, stipulations and covenants, in accordance with government budgeting, accounting and auditing rules;</p> <p>b) Engaging private procurement agents to directly undertake the procurement for them, subject to the guidelines to be issued by the GPPB; or</p> <p>c) Recruiting or engaging consultants to assist them directly and/or train their staff in the management of the procurement function.</p>	<p>Section 7.3.3</p> <p>7.3.3. In order to hasten project implementation, Procuring Entities which may not have the proficiency or capability to undertake a particular procurement, as determined by the HoPE concerned, may outsource the procurement tasks by:</p> <p>a) Requesting other GoP agencies to undertake such procurement for them, through the execution of a memorandum of agreement containing specific arrangements, stipulations and covenants, in accordance with government budgeting, accounting and auditing rules;</p> <p><u>As long as the procurement process was conducted in accordance with RA 9184, its IRR and associated issuances, recommendations to award a contract made by the government procurement agent shall be accepted by the requesting agency, subject to Section 41 of this IRR.</u></p> <p>b) Engaging private procurement agents to directly undertake the procurement for them, subject to the guidelines to be issued by the GPPB; or</p> <p>c) Recruiting or engaging consultants to assist them directly and/or train their staff in the management of the procurement function.</p>
<p>Section 19</p> <p>In all stages of the preparation of the Bidding Documents, the Procuring Entity shall ensure equal access to information. Prior to their official release to prospective</p>	<p>Section 19</p> <p>In all stages of the preparation of the Bidding Documents, the Procuring Entity shall ensure equal access to information. Prior to their official release to prospective</p>

ORIGINAL	AMENDED
<p>bidders, no aspect or part of the Bidding Documents shall be divulged or released to any prospective bidder or person having direct or indirect interest in the project to be procured, or to any party, except those officially authorized in the handling of the documents.</p>	<p>bidders, no aspect or part of the Bidding Documents shall be divulged or released to any prospective bidder or person having direct or indirect interest in the project to be procured, or to any party, except those officially authorized in the handling of the documents.</p> <p><u><i>However, in procurements involving and affecting national security, the disclosure of the specific components of the procurement documents, such as, the technical specifications, requirements and components, shall be dependent upon the HoPE having due regard to the nature, classification, sensitivity and confidentiality of the relevant documents vis-à-vis the purpose and reason for the request.</i></u></p>
<p>Section 25.2(b)(ii)</p> <p>The first envelope shall contain the following technical information/documents, at the least:</p> <p>xxx</p> <p>b) For the procurement of Infrastructure Projects:</p> <p>xxx</p> <p>ii) PCAB License and Registration</p> <p>xxx.</p>	<p>Section 25.2(b)(ii)</p> <p>The first envelope shall contain the following technical information/documents, at the least:</p> <p>xxx</p> <p>b) For the procurement of Infrastructure Projects:</p> <p>xxx</p> <p>ii) PCAB License and Registration, <u><i>in case of JV;</i></u></p> <p>xxx.</p>
<p>Section 38.2</p> <p>The maximum periods and the recommended earliest possible time for action on specific procurement activities are provided for in Annex “C” of this IRR. In case the deadline for each activity falls on a non-working day (i.e. Saturday and Sunday), legal holiday, or special non-working holiday, the deadline shall be the next working day.</p>	<p>Section 38.2</p> <p>The maximum periods and the recommended earliest possible time for action on specific procurement activities are provided for in Annex “C” of this IRR. In case the deadline for each activity falls on a non-working day (i.e. Saturday and Sunday), legal holiday, or special non-working holiday, the deadline shall be the next working day.</p>

ORIGINAL	AMENDED
	<p><u>However, for purposes of expediency, economy, and efficiency, as determined by the BAC, specific procurement activities may be held on a Saturday, Sunday, non-working day or holiday: provided, that the BAC, secretariat and TWG members shall be available on such date, and the appropriate supplemental/bid bulletin is issued and posted pursuant to the posting requirements embodied in section 22.5.3 of this IRR.</u></p>
<p><i>Annex “E”, Contract Implementation Guidelines for the Procurement of Infrastructure Projects</i></p>	
<p>Section 8.5</p> <p>In no case however, shall the total sum of liquidated damages exceed ten percent (10%) of the total contract price, in which event the contract shall automatically be taken over by the procuring entity concerned or award the same to a qualified contractor through negotiation and the erring contractor's performance security shall be forfeited. The amount of the forfeited performance security shall be aside from the amount of the liquidated damages that the contractor shall pay the government</p>	<p>Section 8.5</p> <p>In no case however, shall the total sum of liquidated damages exceed ten percent (10%) of the total contract price, in which event the contract <u>may</u> automatically be taken over by the procuring entity concerned or award the same to a qualified contractor through negotiation and the erring contractor's performance security shall be forfeited. The amount of the forfeited performance security shall be aside from the amount of the liquidated damages that the contractor shall pay the government</p>
<p><i>Annex “H”, Appendix “A”, Documentary Requirements for Alternative Methods of Procurement (Please refer to the attached table)</i></p>	

**DOCUMENTARY REQUIREMENTS FOR
ALTERNATIVE METHODS OF PROCUREMENT**

Alternative Modality	Mayor's/ Business Permit	Professional License / Curriculum Vitae (Consulting Services)	PhilGEPS Reg. Number	PCAB License (Infra.)	NFCC (Infra.)	Income/ Business Tax Return	Omnibus Sworn Statement
I. Direct Contracting [Section 50]	✓		✓			✓ For ABCs above P500K	
II. Shopping [Sec 52.1(b)]	✓		✓				
III. Negotiated Procurement							
A. Emergency Cases (Section 53.2)]	✓			✓	✓ For ABCs above P500K	✓ For ABCs above P500K	<u>For ABCs above P500K</u>
B. Take-Over of Contracts (Section 53.3.2; for new bidders)	✓	✓	✓	✓	✓		
C. Adjacent/ Contiguous (Section 53.4)				✓	✓		
D. Scientific, Scholarly or Artistic Work, Exclusive Technology and Media Services (Section 53.6)	✓	✓	✓			✓ For ABCs above P500K	
E. Highly Technical Consultant (Section 53.7)	✓	✓	✓				
F. Small Value Procurement (Section 53.9)	✓	✓	✓	✓		✓ <u>For ABCs above P500K</u>	✓ <u>For ABCs above P50K</u>
G. Lease of Real Property Or Venue (Section 53.10)	✓ <i>Except for gov't agencies as lessors</i>		✓ <i>Except for gov't agencies as lessors</i>			✓ Except for gov't agencies as lessors	

*For individuals engaged under *Sec. 53.6, 53.7 and 53.9* of the IRR of RA 9184, only the BIR Certificate of Registration shall be submitted in lieu of Mayor's Permit.

** Requirements under Section 53.6 of the IRR of RA 9184 will not apply to artists such as singer, performer, poet, writer, painter and sculptor who are not engaged in business.

*** For methods of procurement requiring Mayor's Permit and PhilGEPS Registration Number, Certificate of Platinum Membership may be submitted in lieu of the said documents.