



RESOLUTION NO. 33-2017

CONFIRMING THE SUBMISSION OF COMMENTS ON REGIONAL AGRICULTURAL AND FISHERIES COUNCIL (RAFC) RESOLUTION NO. 3, SERIES OF 2017 ON THE PROPOSAL TO AMEND REPUBLIC ACT (RA) NO. 9184

WHEREAS, the Government Procurement Policy Board-Technical Support Office (GPPB-TSO) received a copy of the letter addressed to the Honorable Department of Budget and Management (DBM) Secretary and Government Procurement Policy Board (GPPB) Chairperson Benjamin E. Diokno, from the Honorable Committee on Appropriations Chairperson Karlo A.B. Nograles, requesting for comments and appropriate action on RAFC Resolution No. 3, series of 2017, entitled “*A Resolution Requesting the Philippine Congress through House Speaker Pantaleon D. Alvarez for the Amendment of Republic Act No. 9184, Otherwise Known as the Government Procurement Reform Act, Particularly the Provision under the Bids and Awards Committee (BAC) to Change the Status of the Civil Society Organizations (CSOs) from Observer to Permanent Members of the BAC*” signed by RAFC Chairperson Vincent A. Adorna and RAFC Coordinator Milagros G. Dela Rosa;

WHEREAS, RAFC Resolution No. 3 seeks to amend Republic Act (RA) No. 9184 to include Civil Society Organizations as Bids and Awards Committee (BAC) members, instead of being part of the pool of Observers, consequently amending Sections 11 and 13 of the law;

WHEREAS, during the 5th Inter-Agency Technical Working Group (IATWG) Meeting on 14 July 2017, the GPPB-TSO presented the request of RAFC and made the following comments and observations, thus:

1. Observers from recognized private group and non-government organizations were included to enhance the transparency of the procurement process and ensure the observance of such principle in every stage of the procurement process. Hence, participation of Civil Society Organizations (CSO), as Observers, serve a different purpose from that of the members of the Bids and Awards Committee.
2. The existing Generic Procurement Manual (GPM) and the 2014 Procurement Observer’s Guide emphasize the independent role of observers in government procurement process. This independent nature of an observer of a CSO will be watered down if the CSO will form part of the BAC.
3. BAC is composed of officials and employees of the Procuring Entity. The members are selected and designated by the Head of the Procuring Entity from among competent personnel that have unquestionable integrity and procurement proficiency. To the extent possible, members must come from the legal or administrative and finance unit/division to make sure that the Agency will be able to efficiently

undertake its procurement activity. Provisional members, on the other hand, include a representative from end-user or implementing unit of the agency or an officer that has technical expertise on the procurement at hand; and

4. Observers, to some extent, may participate in government procurement process. While the primary function of the Observers is to observe the identified stages of the procurement process and to prepare a report, they can also politely call the attention of the BAC and cite applicable laws and rules, if they deem necessary, during their attendance to BAC activities;

WHEREAS, the IATWG agreed to the proposal of the GPPB-TSO to recommend to the GPPB the submission of comments on RAFC Resolution No. 3, series of 2017, based on the findings, comments and recommendations of the GPPB-TSO, subject to additional comments of the IATWG Members, if any, to be submitted to the GPPB-TSO within five (5) days after the meeting;

WHEREAS, the comments and observations of the GPPB-TSO, as adopted by the IATWG, were presented to the GPPB during its 4th Regular Meeting on 31 July 2017, and the GPPB, after careful review and due deliberation, confirmed the submission of comments on RAFC Resolution No. 3, series of 2017, indicating, among others, the following recommendation, thus:

The GPPB does not recommend the proposal to amend RA 9184 and change the status of the CSOs from that of observers to permanent members of the BAC due to the following reasons:

1. CSOs, as observers, serve a different purpose from the BAC, that is, to reinforce the transparency and public monitoring feature of the law. Thus, the independent nature of being an observer of a CSO will be watered down if the CSO will form part of the BAC; and
2. Only officials and employees of Procuring Entity may be designated as BAC members.

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 Regional Agricultural and Fisheries Council (RAFC) Resolution No. 3 adopting *in toto* the comments, observations and recommendations of the GPPB-TSO and IATWG.

This resolution shall take effect immediately.

APPROVED this 31st day of July 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

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**

(SGD)

**DEPARTMENT OF SCIENCE AND
TECHNOLOGY**

(SGD)

**DEPARTMENT OF TRADE AND
INDUSTRY**

(SGD)

DEPARTMENT OF TRANSPORTATION

PRIVATE SECTOR REPRESENTATIVE