



RESOLUTION NO. 37-2017

ISSUANCE OF A CIRCULAR MANDATING ALL PROCURING ENTITIES TO OBSERVE THE NATIONAL GUIDELINES ON TESTING AND EVALUATION OF AGRICULTURAL AND FISHERIES MACHINERY

WHEREAS, the Government Procurement Policy Board (GPPB), under Section 63 of Republic Act (RA) No. 9184 and its 2016 Revised Implementing Rules and Regulations (IRR), is mandated to formulate and amend public procurement policies, rules and regulations, amend the IRR, whenever necessary, and to ensure the proper implementation by Procuring Entities of the Act, the 2016 Revised IRR and all other relevant rules and regulations pertaining to public procurement;

WHEREAS, pursuant to this mandate, on 30 May 2017, the GPPB-TSO received a letter from the Bureau of Agricultural Fisheries Engineering (BAFE) requesting for the issuance of a resolution mandating all Procuring Entities implementing government mechanization projects to observe the provisions stipulated in the National Guidelines on Testing and Evaluation of Agricultural and Fisheries Machinery (*Guidelines*), particularly the testing and evaluation and conformance of agricultural machinery to Philippine National Standards;

WHEREAS, request of BAFE is anchored on the ground that the issued *Guidelines* will complement RA 9184 in ensuring the quality of agricultural machinery being procured by government agencies;

WHEREAS, Section 18 of RA 10601, otherwise known as the Agricultural and Fisheries Mechanization Law (AFMech Law), provides that: “Section 18. *Testing and Evaluation*. – Agricultural and fisheries machinery and equipment to be sold in the market shall pass through testing and evaluation by the Agricultural Machinery Testing and Evaluation Center (AMTEC) in accordance with the national policies and guidelines to be promulgated by the Secretary. Specifically, before it can be assembled, manufactured and commercially sold in the market, the model of the machine and any modification thereof should be tested by the AMTEC and should pass the prescribed quality and performance standards...”;

WHEREAS, the Department of Agriculture (DA) pursuant to the provisions of RA 10601 and in coordination with various government agencies and private sector issued the *Guidelines*, which aims to provide national and local government offices, including the private sector with a framework for implementing the testing and evaluation of agricultural and fisheries machinery and guide the manufacturers in the improvement and development of machinery, and safeguarding the interest of farmers and fisherfolks, as envisioned under RA 10601;

WHEREAS, during the 6th IATWG Meeting on 19 October 2017, the GPPB-TSO presented the request of BAFE to the IATWG, and discussed the applicable rules in the setting of specification for the procurement of goods, permits and licenses required by law, and inspection and testing during post-qualification and contract implementation, as well as the following recommendations relative to the request of BAFE, thus:

1. Recognize the mandate of RA 10601 and its *Guidelines* that agricultural and fisheries machinery and equipment to be sold in the market should pass through testing and evaluation before it can be assembled, manufactured and commercially sold in the market; and
2. Remind Procuring Entities that procure agricultural and fisheries machinery, equipment and implement, to comply with the mandate of RA 10601 and its Guidelines in their procurement activities by incorporating in their procurement documents the required standards and parameters approved by the DA through BAFE;

WHEREAS, the IATWG, after due consideration of the request, agreed to the recommendations of the GPPB-TSO, subject to the following additional recommendation to be included in a Circular to be issued by the GPPB, thus:

1. Include the reference for the definition of agricultural and fisheries machinery and equipment;
2. Remind AMTEC to conduct a timely testing evaluation in order not to cause delay in government procurement activities; and
3. Encourage the BAFE to be proactive in the accreditation of reliable and competent testing centers throughout the country in accordance with Department Circular No. 04 Series of 2017;

WHEREAS, during its 5th Regular Meeting held on 7 November 2017, the GPPB discussed and took into consideration the recommendation of the IATWG, and thereafter, approved the same *in toto*;

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 **ISSUANCE** of a Circular containing the following, thus:

1. Recognizing the mandate of RA 10601 and its *Guidelines* that agricultural and fisheries machinery and equipment, as defined under Section 3 of the law and its IRR, to be sold in the market should pass through testing and evaluation before it can be assembled, manufactured and commercially sold in the market;
2. Reminding Procuring Entities that procure agricultural and fisheries machinery, equipment and implement, to comply with the mandate of RA 10601 and its Guidelines in their procurement activities by incorporating in their procurement documents the required standards and parameters approved by the DA through BAFE;
3. Reminding AMTEC to conduct a timely testing evaluation in order not to cause delay in government procurement activities; and

4. Encouraging the BAFE to be proactive in the accreditation of reliable and competent testing centers throughout the country in accordance with Department Circular No. 04 Series of 2017.

This Resolution shall take effect immediately.

APPROVED this 7th day of November 2017 at Pasig City, Philippines.

(SGD)

**DEPARTMENT OF BUDGET AND
MANAGEMENT**

(SGD)

**NATIONAL ECONOMIC AND
DEVELOPMENT AUTHORITY**

(SGD)

DEPARTMENT OF EDUCATION

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**

**DEPARTMENT OF PUBLIC WORKS
AND HIGHWAYS**

(SGD)

**DEPARTMENT OF SCIENCE AND
TECHNOLOGY**

**DEPARTMENT OF TRADE AND
INDUSTRY**

(SGD)

DEPARTMENT OF TRANSPORTATION

PRIVATE SECTOR REPRESENTATIVE