

ADOPTING AN OFFICIAL POSITION RELATIVE TO HOUSE BILL NO. 6062 ENTITLED, “AN ACT CREATING A SYSTEM OF FOOD DISTRIBUTION FOR ADDRESSING THE NUTRITIONAL NEEDS OF THE PEOPLE, PROVIDING FOR ITS PROCUREMENT PROCESS AND APPROPRIATING FUNDS THEREFOR AND FOR OTHER PURPOSES”

WHEREAS, the Government Procurement Policy Board – Technical Support Office (GPPB-TSO) received a request from the Department of Budget and Management – Department Legislative Liaison Officer (DBM-DLLO) for the issuance of a position paper regarding House Bill (HB) No. 6062, in relation to Republic Act No. (RA) 9184;

WHEREAS, HB 6062 seeks to create and implement a Nationwide Feeding Program (Program), to alleviate hunger and malnutrition for children ages zero to thirteen (0-13) years old. It likewise provides for the procurement process of produce or supplies for the implementation of the Program, thus:

1. Thirty percent (30%) or more of the produce or supplies shall be procured from Small-Scale Producers¹.
2. Creation of a Registry of Small-Scale Producers from which the produce or supplies shall be procured².
3. Procurement under the proposed Program shall be exempt from the coverage of RA 9184³.
4. Procurement from Small-Scale Producers shall be undertaken through a Negotiated Procurement modality, subject to the Guidelines to be issued by GPPB⁴.

WHEREAS, during the 1st GPPB and Inter-Agency Technical Working Group (IATWG) Joint Meeting on 29 January 2016, GPPB-TSO presented HB 6062 with the following recommendations:

1. Procurement of produce or supplies under the proposed National Feeding Program should be undertaken within the purview of RA 9184, its IRR, and associated guidelines and issuances.
2. As a rule, procuring entities should adopt competitive bidding as the default mode of procurement. However, when justified by the conditions provided in RA 9184 and its IRR, they may resort to alternative methods of procurement to promote economy and efficiency.

¹ Section 8, HB 6062.

² Section 9, HB 6062.

³ Section 10, HB 6062.

⁴ Section 11, HB 6062.

3. Registry of Small-Scale Producers should still promote competition within the group or among the small-scale producers/suppliers, and allow the participation of other small scale producers not included in the list. Their inclusion in the list, upon submission of the requirements, should not serve as a pre-qualification. Otherwise, it will run counter to the principle of competition.

4. To encourage community involvement in government projects and achieve social objectives, the exploration and adoption of Negotiated Procurement under Section 53.12 (Community Participation) of the IRR of RA 9184 is suggested. Procurement concerns that can be addressed at the level of the IRR of RA 9184 may be endorsed to the GPPB for adoption of the applicable rules and procedures in the IRR of RA 9184 and be applied to all Procuring Entities.

WHEREAS, upon careful deliberation, the Board agreed to adopt the foregoing recommendations of the GPPB-TSO;

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 Position Paper relative to HB 6062.

APPROVED this 29th day of January 2016 at Pasig City, Philippines.

(SGD)

**DEPARTMENT OF BUDGET AND
MANAGEMENT**

(SGD)

**NATIONAL ECONOMIC AND
DEVELOPMENT AUTHORITY**

(SGD)

DEPARTMENT OF EDUCATION

(SGD)

DEPARTMENT OF ENERGY

(SGD)

DEPARTMENT OF FINANCE

DEPARTMENT OF HEALTH

**DEPARTMENT OF THE INTERIOR
AND LOCAL GOVERNMENT**

**DEPARTMENT OF NATIONAL
DEFENSE**

(SGD)

DEPARTMENT OF PUBLIC WORKS

(SGD)

DEPARTMENT OF SCIENCE AND

AND HIGHWAYS

TECHNOLOGY

**DEPARTMENT OF TRADE AND
INDUSTRY**

**DEPARTMENT OF TRANSPORTATION
AND COMMUNICATIONS**

(SGD)

PRIVATE SECTOR REPRESENTATIVE

Attested by:

(SGD)

DENNIS S. SANTIAGO
Board Secretary, GPPB
Executive Director, GPPB-TSO