



## RESOLUTION NO.08-2012

### APPROVAL TO ISSUE AN OPINION ON THE GUIDELINES ON THE PROCUREMENT OF PRINTING SERVICES

**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 Implementing Rules and Regulations (IRR) took effect on 2 September 2003;

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

**WHEREAS**, GPPB Resolution 05-2010 on the Guidelines on the Procurement of Printing Services was approved on 29 October 2010 while GPPB Resolution 04-2011 Approving Amendments to the Guidelines on the Procurement of Printing Services was approved on 25 February 2011;

**WHEREAS**, the GPPB-Technical Support Office (TSO) has been receiving numerous letters from Ready Forms, Inc., (RFI), including those from various government agencies, questioning the validity of the issuance of GPPB Resolution Nos. 05-2010 and 04-2011;

**WHEREAS**, RFI claims irregularity in the issuance of GPPB Resolution Nos. 05-2010 and 04-2011 on the ground that the provisions in the General Appropriations Act (GAA) identifying three government recognized printers (RGPs) - Bangko Sentral ng Pilipinas, National Printing Office and APO Production Unit – relative to the procurement of printing services for Accountable Forms and Sensitive High Quality/Volume requirements, is inconsistent with the general rule on public bidding under Section 10 of RA 9184 and its revised Implementing Rules and Regulations; and that the GAA, being a general law, cannot repeal RA 9184, a special law;

**WHEREAS**, in its 6<sup>th</sup> meeting held on 13 April 2012, the Inter-Agency Technical Working Group (IATWG) discussed the legal bases prompting the issuance of Resolutions 05-2010 and 04-2011 pursuant to the GAAs of 2010, 2011 and 2012, such as Executive Order (EO) 285<sup>1</sup>, Memorandum Order 38<sup>2</sup>, EO 378<sup>3</sup>, and Memorandum Circular 180<sup>4</sup>;

**WHEREAS**, the IATWG deliberated on and resolved to recommend to the GPPB the issuance of a Policy Matter Opinion upholding the validity of GPPB Resolution Nos. 05-2010 and 04-2011 and to address all the issues related to such Resolutions, thus:

<sup>1</sup> Abolishing the General Services Administration and Transferring its Functions to Appropriate Government Agencies.

<sup>2</sup> Prescribing Guidelines in Contracting the Services of Accredited Private Security Printers for the Printing of Accountable Forms with Money Value and other Specialized Accountable Forms.

<sup>3</sup> Amending Section 6 of Executive Order No. 285 dated 25 July 1987 by Removing the Exclusive Jurisdiction of the National Printing Office (NPO) over the Printing Services Requirements of Government Agencies and Instrumentalities.

<sup>4</sup> Affirming the Printing Jurisdiction of the National Printing Office.

1. The GAA is a general law, which outlines the share in the national fund of all branches of the national government;
2. The rule is that a general law does not repeal another special one unless it is so expressly provided, or they are incompatible;
3. The GAA provision requiring resort to RGPs for the procurement of Accountable Forms and Sensitive High Quality/Volume printing requirements shall remain applicable inasmuch as the policy enunciated in GAA 2010 is entirely adopted in the succeeding GAAs, unless a contrary or inconsistent policy is adopted; and,
4. GPPB Resolutions 05-2010 and 04-2011 are valid issuances pursuant to the GAA.

**WHEREAS**, in its 4<sup>th</sup> Meeting held on 27 April 2012, the GPPB, after a careful review and deliberation of the recommendations of the IATWG, resolved to adopt the same;

**NOW, THEREFORE**, for and in consideration of the foregoing, **WE**, the Members of the **GOVERNMENT PROCUREMENT POLICY BOARD**, by virtue of the powers vested on **US** by law, hereby **RESOLVE** to confirm, adopt, and approve, as **WE** hereby confirm, adopt, and approve the following:

Issuance of Policy Matter Opinion upholding the validity of GPPB Resolutions 05-2010 and 04-2011 relative to the printing of Accountable Forms by recognized government printers.

This resolution shall take effect immediately.

**APPROVED** this 27<sup>th</sup> day of April 2012 at Pasig City, Philippines

(Sgd.)

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**DEPARTMENT OF BUDGET AND  
MANAGEMENT**

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**NATIONAL ECONOMIC AND  
DEVELOPMENT AUTHORITY**

(Sgd.)

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**DEPARTMENT OF EDUCATION**

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**DEPARTMENT OF ENERGY**

(Sgd.)

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**DEPARTMENT OF FINANCE**

(Sgd.)

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**DEPARTMENT OF HEALTH**

(Sgd.)

DEPARTMENT OF THE 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

DEPARTMENT OF TRANSPORTATION  
AND COMMUNICATIONS

(Sgd.)

PRIVATE SECTOR REPRESENTATIVE

Attested by:

(Sgd.)

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