



RESOLUTION NO. 11-2015

ADOPTING AN OFFICIAL POSITION RELATIVE TO THE PROPOSED AMENDMENTS TO THE BUILD-OPERATE AND TRANSFER (BOT) LAW THROUGH A SUBSTITUTE HOUSE BILL (HB) FOR HB NOS. 2022, 3951, AND 4895 IN RELATION TO REPUBLIC ACT (RA) NO. 9184

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) Nos. 2022, 3951, and 4895 in relation to Republic Act No. (RA) 9184;

WHEREAS, the Substitute Bill is entitled “*An Act Further Amending Certain Sections of Republic Act No. 6957, as Amended by Republic Act No. 7718, entitled ‘An Act Authorizing the Financing, Construction, Operation and Maintenance of Infrastructure Projects by the Private Sector, and for other Purposes’, Appropriating Funds for the said Purpose, and for Other Purposes*”;

WHEREAS, the Substitute Bill seeks to improve Public Private Partnership (PPP) regime in infrastructure and development projects through the proposal of policies and procedural amendments in RA 6957 as amended by RA 7718;

WHEREAS, during the 2nd Inter-Agency Technical Working Group (IATWG) Meeting on 10 February 2015, the GPPB-TSO presented a Position paper relative to the proposed Bill with the following recommendations:

- a. Procurement of consulting services is governed by RA 9184, the Government Procurement Reform Act, and its associated IRR. Consulting services involving an individual consultant or a firm engaged for advisory and/or review services fall squarely within the ambit of RA 9184 and its IRR, from project planning and preparation, shortlisting, selection, evaluation, post-qualification, award of contract and project implementation. Thus, the introduction of a new legislative measure involving the procurement of advisory services is no longer necessary as it will run counter to the very intent of the Legislature to adopt a public procurement regime founded on competition and equal and fair opportunity for all market operators;
- b. The establishment of a pre-selected Panel of Consultants should not be countenanced as it is violative of the principles of competition, fairness and equity and is equivalent to pre-qualification of consultants that limit and curtail participation of other experienced consultants who can provide a better offer, if not the best, given the chance to participate and bid in the procurement opportunity thereby giving rise to competitive and value for money procurement;
- c. As regards new procurement approaches, specifically those concerning consultancy advisory services, it is respectfully recommended that this matter be

addressed through the IRR of RA 9184 in relation to the engagement of consultancy services in the implementation of PPP projects;

WHEREAS, during the 2nd Regular GPPB Meeting on 20 March 2015, the Board discussed the Substitute Bill and agreed to adopt the foregoing recommendations of the IATWG and 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 *vis-à-vis* the Substitute Bill adopting *in toto* the recommendations of the GPPB-TSO.

APPROVED this 20th day of March 2015 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
AND HIGHWAYS**

**DEPARTMENT OF SCIENCE AND
TECHNOLOGY**

(SGD)

**DEPARTMENT OF TRADE AND
INDUSTRY**

(SGD)

**DEPARTMENT OF TRANSPORTATION
AND COMMUNICATIONS**

(SGD)

PRIVATE SECTOR REPRESENTATIVE

Attested by:

(SGD)

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