



**APPROVING THE AMENDMENT TO SECTION 63.2 OF THE 2016 REVISED IMPLEMENTING RULES AND REGULATIONS (IRR) OF REPUBLIC ACT (RA) NO. 9184**

**WHEREAS**, Republic Act (RA) No. 9184, otherwise known as the “Government Procurement Reform Act” and the 2016 revised Implementing Rules and Regulations (IRR) took effect on 26 January 2003 and 28 October 2016, respectively;

**WHEREAS**, Section 63 of RA No. 9184 and its 2016 revised IRR authorizes the Government Procurement Policy Board (GPPB) to formulate public procurement policies, and rules and regulations, and amend its IRR, whenever necessary;

**WHEREAS**, on 18 July 2018, the Career Executive Service Board (CESB) issued Resolution No. 1406 declaring the positions of Executive Director V (Item No. EXED5-11-2013) and two (2) Deputy Executive Director IV (Item No. DED4-13-2013 and Item No. DED4-15-2013) in the GPPB-TSO as Career Executive Service positions;

**WHEREAS**, on 06 September 2018, GPPB-TSO wrote a letter to CESB requesting for clarification and reconsideration of the above Resolution thereby placing said positions under the appointing authority of the President;

**WHEREAS**, on 14 December 2018, the GPPB-Technical Support Office (TSO) received CESB’s reply recommending the amendment of Section 63.2 of the 2016 revised IRR of RA No. 9184 which grants authority to the GPPB Chairperson to appoint the Executive Director and other officials of the GPPB-TSO. CESB highlighted that inclusion of Section 63.2 to the 2016 revised IRR may have unduly expanded the scope of RA No. 9184 wherein no such authority was granted to the GPPB Chairperson under RA No. 9184;

**WHEREAS**, on 29 May 2019, the GPPB-TSO informed CESB that the issue is now moot and academic considering that appointments to the said positions have already been issued by the President. In any case the GPPB-TSO committed to inform the Board of the said recommendation;

**WHEREAS**, on 17 June 2019, CESB wrote GPPB-TSO reiterating its recommendation for the GPPB to amend Section 63.2 of the IRR of RA No. 9184;

**WHEREAS**, considering the recommendation of the CESB, the GPPB-TSO consulted Assistant Secretary Myrna S. Chua of the Department of Budget and Management (DBM) and in the course thereof was advised that appointments and other personnel actions are left to the discretion or judgment of the executive officer of the agency in accordance with the Executive Order (EO) No. 292 or the Administrative Code of 1987. Upon further consultation on the matter with the representative of the Organization, Position Classification and Compensation Bureau of the DBM, it was noted that matters of day-to-day administration or all those

pertaining to internal operations shall be in the discretion of the executive officer of the agency, in the case of GPPB-TSO, its Executive Director;

**WHEREAS**, the GPPB-TSO studied the matter and confirmed said appointing authority of the Executive Director given its status as an attached agency under the administrative supervision of the DBM pursuant to Section 63.2 of the 2016 revised IRR of RA No. 9184 and the relevant provisions of EO No. 292 wherein appointing authority lies with the head of the agency;

**WHEREAS**, in light of the foregoing the GPPB-TSO drafted amendments to Section 63.2 of the 2016 revised IRR of RA No. 9184 to reflect the CESB's recommendation as well as the authority of the Executive Director of the GPPB-TSO to appoint employees of the agency;

**WHEREAS**, during the 5<sup>th</sup> regular meeting of the GPPB on 17 July 2019, the GPPB-TSO presented to the Board the proposed amendment to Section 63.2 of the 2016 revised IRR of RA No. 9184. The GPPB-TSO also presented its request for the Board to authorize the GPPB-TSO Executive Director to appoint all other employees of the GPPB-TSO;

**WHEREAS**, after due consideration and deliberation, the Board resolved to approve the amendment to Section 63.2 of the 2016 revised IRR of RA No. 9184 which includes authority of the GPPB-TSO Executive Director to appoint all other employees of the GPPB-TSO, thus:

Section 63.2

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The GPPB shall determine the TSO's organization structure and staffing, subject to DBM approval. The TSO shall be headed by an EXECUTIVE DIRECTOR AND SUPPORTED BY DEPUTY EXECUTIVE DIRECTORS, OF GOOD MORAL CHARACTER, UNQUESTIONABLE INTEGRITY, AND KNOWN PROBITY, TO BE APPOINTED BY THE PRESIDENT OF THE REPUBLIC OF THE PHILIPPINES.

ALL OTHER EMPLOYEES OF THE TSO SHALL BE APPOINTED BY ITS EXECUTIVE DIRECTOR.

**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 amendment to Section 63.2 of the 2016 Revised IRR of RA No. 9184 to read as follows:

Section 63.2. *The GPPB Technical Support Office*

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The GPPB shall determine the TSO's organization structure and staffing, subject to DBM approval. The TSO shall be headed by an EXECUTIVE DIRECTOR AND SUPPORTED BY DEPUTY EXECUTIVE DIRECTORS, OF GOOD MORAL CHARACTER, UNQUESTIONABLE INTEGRITY, AND KNOWN PROBITY, TO BE APPOINTED BY THE PRESIDENT OF THE REPUBLIC OF THE PHILIPPINES.

ALL OTHER EMPLOYEES OF THE TSO SHALL BE APPOINTED BY ITS EXECUTIVE DIRECTOR.

This Resolution shall take effect immediately.

**APPROVED** this 17<sup>th</sup> day of July 2019 at City of Manila, Philippine

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**DEPARTMENT OF BUDGET AND  
MANAGEMENT**

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**NATIONAL ECONOMIC AND  
DEVELOPMENT AUTHORITY**

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**DEPARTMENT OF EDUCATION**

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**DEPARTMENT OF ENERGY**

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**DEPARTMENT OF FINANCE**

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**DEPARTMENT OF HEALTH**

(SGD)

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**DEPARTMENT OF INFORMATION AND  
COMMUNICATION TECHNOLOGY**

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**DEPARTMENT OF INTERIOR AND LOCAL  
GOVERNMENT**

(SGD)

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**DEPARTMENT OF NATIONAL  
DEFENSE**

(SGD)

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**DEPARTMENT OF PUBLIC WORKS AND  
HIGHWAYS**

(SGD)

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**DEPARTMENT OF SCIENCE AND  
TECHNOLOGY**

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**DEPARTMENT OF TRADE AND INDUSTRY**

(SGD)

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**DEPARTMENT OF TRANSPORTATION**

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**PRIVATE SECTOR REPRESENTATIVE**

2016 REVISED IMPLEMENTING RULES AND REGULATIONS (IRR) OF REPUBLIC ACT  
 (RA) NO. 9184

EXISTING PROVISION	AMENDMENT
<p>Section 63.2 <i>The GPPB Technical Support Office</i></p> <p>The GPPB shall create a Technical Support Office (TSO) which shall provide support in the performance of its duties and responsibilities specified in the Act and this IRR. The TSO shall be an attached agency of the DBM and shall be under its administrative supervision for general oversight and for budgeting purposes.</p> <p>The GPPB shall determine the TSO’s organizational structure and staffing, subject to DBM approval. The TSO shall be headed by an Executive Director of good moral character, unquestionable integrity, and known probity, to be appointed by the Secretary of DBM as Chair of the GPPB. All other officials and employees of the TSO shall be appointed likewise by the Chair of the GPPB, upon favorable recommendation of the TSO’s Executive Director.</p>	<p>Section 63.2 <i>The GPPB Technical Support Office</i></p> <p>The GPPB shall create a Technical Support Office (TSO) which shall provide support in the performance of its duties and responsibilities specified in the Act and this IRR. The TSO shall be an attached agency of the DBM and shall be under its administrative supervision for general oversight and for budgeting purposes.</p> <p>The GPPB shall determine the TSO’s organizational structure and staffing, subject to DBM approval. The TSO shall be headed by an <b>EXECUTIVE DIRECTOR AND SUPPORTED BY DEPUTY EXECUTIVE DIRECTORS, OF GOOD MORAL CHARACTER, UNQUESTIONABLE INTEGRITY, AND KNOWN PROBITY, TO BE APPOINTED BY THE PRESIDENT OF THE REPUBLIC OF THE PHILIPPINES.</b></p> <p><b>ALL OTHER EMPLOYEES OF THE TSO SHALL BE APPOINTED BY ITS EXECUTIVE DIRECTOR.</b></p>