



RESOLUTION NO. 33-2014

AMENDMENT TO ANNEX “A” OF GPPB RESOLUTION NO. 15-2006 – “ LIST OF MINIMUM DOCUMENTS PURSUANT TO THE INTERNAL RULES FOR THE EXERCISE OF APPROVAL POWER OF THE GPPB UNDER EO 423”

WHEREAS, Executive Order No. 423, s. 2005 prescribes the rules and procedures on the review and approval of all government contracts in conformity with Republic Act (RA) No. 9184, otherwise known as the “Government Procurement Reform Act”;

WHEREAS, Section 4 of E.O. 423, s. 2005, as amended by E.O. 645 s. 2007, provides that where the Head of the Procuring Entity (HOPE) has made a determination that a government contract, including Government contracts required by law to be acted upon and/or approved by the President, involving an amount of at least 500 Million Pesos falls under any of the exceptions from public bidding, the HOPE shall, before proceeding with the alternative methods of procurement provided by law and applicable rules and regulations, obtain the approval of the GPPB that said government proposed procurement undertaking falls within the exceptions from public bidding and that the proposed specific alternative method of procurement is appropriate;

WHEREAS, the GPPB, in Resolution No. 11-2006, approved and adopted the Internal Rules for the Exercise by the GPPB of its Approval Power pursuant to E.O. 423, s. 2005;

WHEREAS, pursuant to Section 12 of the approved internal rules, the GPPB issued Resolution No. 15-2006 approving the List of Minimum Documents to be submitted by requesting agencies to the GPPB for review of the proposed procurement undertaking as indicated in Annex “A” thereof;

WHEREAS, the List of Minimum Documents under Annex “A” of GPPB Resolution No. 15-2006 still refers to specific alternative modalities of procurement allowed under the IRR-A of RA 9184, which must be updated to conform with recent changes in the rules including the sequential numbering of the provisions;

WHEREAS, with the approval of the revised IRR of RA 9184 in 2009, additional Negotiated Procurement modalities were introduced, particularly under Section 53, thereby necessitating the amendment of Annex “A” of GPPB Resolution No.15-2006;

WHEREAS, in order to conform with the provisions of the revised IRR of RA 9184; to institutionalize the list of minimum documentary requirements for the additional alternative methods of procurement; and, to provide common reference and guidance to the GPPB, the GPPB-TSO submitted its proposed amendments to Annex “A” of GPPB Resolution No. 15-2006;

WHEREAS, in the 8th GPPB and 7th IATWG Joint Meeting held on 16 December 2014, the GPPB, after a careful review and deliberation, resolved to adopt the recommendations of the GPPB-TSO to amend Annex “A” of GPPB Resolution No. 15-2006;

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 to **AMEND** Annex “A” of GPPB Resolution No. 15-2006, attached as **Annex “A”**.

This Resolution shall take effect after fifteen (15) days following the publication in Official Gazette or a newspaper of general nationwide circulation and upon filing with the University of the Philippines Law Center of three (3) certified copies of this Resolution.

APPROVED this 16th day of December 2014 at Pasig City, Philippines.

(Sgd).

**DEPARTMENT OF BUDGET AND
MANAGEMENT**

(Sgd).

**NATIONAL ECONOMIC AND
DEVELOPMENT AUTHORITY**

(Sgd).

DEPARTMENT OF EDUCATION

DEPARTMENT OF ENERGY

(Sgd).

DEPARTMENT OF FINANCE

DEPARTMENT OF HEALTH

(Sgd).

**DEPARTMENT OF THE INTERIOR
AND LOCAL GOVERNMENT**

**DEPARTMENT OF NATIONAL
DEFENSE**

(Sgd).

(Sgd).

**DEPARTMENT OF PUBLIC WORKS
AND HIGHWAYS**

**DEPARTMENT OF SCIENCE AND
TECHNOLOGY**

(Sgd).

(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

**AMENDED LIST OF MINIMUM DOCUMENTS PURSUANT TO
THE INTERNAL RULES FOR THE EXERCISE OF APPROVAL
POWER OF THE GPPB UNDER EO 423**

The Letter-Request shall be accompanied by the following documents as may be appropriate:

A. Limited Source Bidding:

1. BAC resolution recommending to the HOPE to resort to this alternative method of procurement;
2. Approval by the HOPE of the said BAC recommendation; and
3. A copy of the Official List of pre-selected suppliers/consultants maintained by the relevant government authority that has expertise in the type of procurement at hand.

B. Direct Contracting:

1. Under Section 50 (a) of the revised IRR

- a. BAC resolution recommending to the HOPE to resort to this alternative method of procurement;
- b. Approval by the HOPE of the said BAC recommendation; and
- c. A copy of the Letter of Patent, Copyright or any other document establishing proprietary nature and exclusivity of the source of the items/goods intended to be procured.

2. Under Section 50 (b) of the revised IRR

- a. BAC resolution recommending to the HOPE to resort to this alternative method of procurement;
- b. Approval by the HOPE of the said BAC recommendation; and
- c. Copy of the subject contract, specifically underscoring the clause which requires that procurement of critical plant component from a specific manufacturer, supplier or distributor is a condition precedent to hold the contractor to guarantee its performance under said contract.

3. Under Section 50 (c) of the revised IRR

- a. BAC resolution recommending to the HOPE to resort to this alternative method of procurement;
- b. Approval by the HOPE of the said BAC recommendation; and
- c. Proof of exclusive dealership/manufacture of the specific items sought to be procured; and a list of sub-dealers, if any, and their sale prices for the said items.

C. Repeat Order:

1. BAC resolution recommending to the HOPE to resort to this alternative method of procurement;
2. Approval by the HOPE of the said BAC recommendation;
3. Copy of subsisting procurement contract reflecting the number of items procured, the quantities per item, their units costs, and the total contract price;
4. Copy of the Notice to Proceed issue in favor of the incumbent supplier; and
5. Copy of the canvass of prices of the same goods offered by other suppliers in the market.

D. Negotiated Procurement:

1. Under Section 53.1 (Two Failed Biddings) of the revised IRR

- a. BAC resolution recommending to the HOPE to resort to this alternative method of procurement;
- b. Approval by the HOPE of the said BAC recommendation;
- c. A specimen copy or clipping of a newspaper publication of the Invitation to Bid/Request for Expression of Interest for the failed biddings, and a certification from the PhilGEPS that the bidding opportunity was posted in the PhilGEPS website within the relevant period; and
- d. A copy of the BAC resolutions declaring failure of biddings.

2. Under Section 53.2 (Emergency Cases) of the revised IRR

- a. BAC resolution recommending to the HOPE to resort to this alternative method of procurement;
- b. Approval by the HOPE of the said BAC recommendation; and
- c. Proof of the official declaration of a state of calamity by the President or the Local Chief Executive concerned, if applicable; or proof of the occurrence of a natural or man-made calamity or of other causes by reason of which, immediate action by the PE is necessary to prevent damage to or loss of life or property, or to restore vital public services, infrastructure facilities and other public utilities.

3. Under Section 53.3 (Take-Over of Contracts) of the revised IRR

- a. BAC resolution recommending to the HOPE to resort to this alternative method of procurement;
- b. Approval by the HOPE of the said BAC recommendation;
- c. A copy of the contract which was rescinded or terminated; and
- d. A copy of the notice of termination of the contract or any other document establishing the fact of rescission or termination.

4. Under Section 53.4 (Adjacent or Contiguous) of the revised IRR

- a. BAC resolution recommending to the HOPE to resort to this alternative method of procurement;
- b. Approval by the HOPE of the said BAC recommendation;

- c. A copy of the contract including a duly approved program of work and contract costs; and
- d. BAC resolution recommending the award of the existing contract and the approval of the HOPE.

5. Under Section 53.5 (Agency-to-Agency) of the revised IRR

- a. BAC resolution recommending to the HOPE to resort to this alternative method of procurement;
- b. Approval by the HOPE of the said BAC recommendation;
- c. Cost benefit analysis by the PE indicating that entering into an Agency-to-Agency Agreement with the Servicing Agency (SA) is more efficient and economical for the government;
- d. Proof that the SA has the mandate to deliver the goods and services required to be procured or to undertake the infrastructure project or consultancy required by the PE, and that it owns or has access to the necessary tools and equipment required for the project (*e.g.*, Certification from the relevant officer of the SA that it complies with this requirement, Copy of the law creating the SA and/or enumerating its functions, Inventory of Tools and Equipment); and
- e. For infrastructure project, proof that the SA has a track record of having completed, or supervised a project, by administration or by contract, similar to and with a cost of at least fifty percent (50%) of the project at hand (*e.g.*, Certification from the relevant officer of the SA that it complies with this requirement, Project Implementation Report).

6. Under Section 53.6 (Procurement Agent)

- a. BAC resolution recommending to the HOPE to resort to this alternative method of procurement;
- b. Approval by the HOPE of the said BAC recommendation; and
- c. Proof establishing the PE's lack of proficiency or capability to undertake the procurement at hand (*e.g.*, Certification from the HOPE that it failed to constitute its BAC, Certification from the HOPE that due to the number of bidding activities to be undertaken by the procuring entity; magnitude and complexity of the project; experience of the members of the BAC; location and situs of both the principal and the agent; and, other valid and reasonable circumstances, the PE may not have the proficiency or capability to undertake the particular procurement activity).

7. Under Section 53.8 (Defense Cooperation Agreement) of the revised IRR

- a. BAC resolution recommending to the HOPE to resort to this alternative method of procurement;
- b. Approval by the HOPE of the said BAC recommendation;
- c. Approval of the President; and
- d. A copy of the relevant defense cooperation agreement, if applicable.

8. Under Section 53.10 (Lease of Real Property)

- a. BAC Resolution recommending to the HOPE to resort to this alternative method of procurement;

- b. Approval by the HOPE of the said BAC Recommendation; and
- c. Cost-benefit analysis assessing the feasibility of leasing a privately-owned real estate or venue as against purchasing or leasing from a government-owned real estate or venue.

9. Under Section 53.11 (NGO Participation)

- a. BAC Resolution recommending to the HOPE to resort to this alternative method of procurement;
- b. Approval by the HOPE of the said BAC Recommendation; and
- c. Proof that an appropriation law or ordinance specifically earmarks an amount for projects to be specifically contracted out to NGOs (*e.g.*, Copy of General Appropriations Act, other Laws, or Local Ordinances).

10. Under Section 53.13 (United Nations Agencies)

- a. BAC Resolution recommending to the HOPE to resort to this alternative method of procurement;
- b. Approval by the HOPE of the said BAC Recommendation;
- c. Proof that the proposed supplier is a specialized agency of the United Nations (*e.g.*, Charter of the United Nation Agency); and
- d. Proof that the procurement involves small quantities of off-the-shelf goods, primarily in the fields of education and health, or specialized products where the number of suppliers is limited (*e.g.*, List of Suppliers from Relevant Government Authority).

In any case, the Letter-Request shall also be accompanied by a copy of the Annual Procurement Plan, the Project Procurement Management Plan, and the procurement request or technical specification/Terms of Reference for the given procurement project.