

MALACAÑAN PALACE

MANILA

EXECUTIVE ORDER NO. 662

ENHANCING TRANSPARENCY MEASURES UNDER REPUBLIC ACT NO. 9184 AND CREATING THE PROCUREMENT TRANSPARENCY BOARD

WHEREAS, Republic Act No. 9184 (R.A. 9184) or the Government Procurement Reform Act and its Implementing Rules and Regulations Part A (IRR-A) recognize and adopt transparency as a governing principle in public procurement;

WHEREAS, the projected increase in public sector capital spending under the Medium Term Philippine Development Plan requires transparency and compliance to the rule of law;

WHEREAS, there is a need for a body to monitor compliance to anti-graft mechanism, to deter anomalies in the awarding of public sector contracts and to prevent losses due to procurement irregularities;

WHEREAS, R.A. 9184 and its IRR-A empower the Government Procurement Policy Board (GPPB) to protect national interest in all matters affecting public procurement and authorizes its Technical Support Office (GPPB-TSO) to monitor and assist procuring entities improve their compliance with R.A. 9184;

WHEREAS, the efficiency and effectivity of the GPPB in the performance of its monitoring function would be further enhanced through close coordination with a procurement transparency body;

NOW, THEREFORE, I, GLORIA M. ARROYO, President of the Republic of the Philippines, by virtue of the powers vested in me by law, do hereby order:

ENHANCING TRANSPARENCY

SECTION 1. Procurement Reports. All National Government Agencies (NGAs), Government Owned and/or Controlled Corporations (GOCCs), Government Financial Institutions (GFIs), State Universities and Colleges (SUCs), and Local Government Units (LGUs), through their bids and awards committees are directed to post in the appropriate government website the following procurement reports as required under R.A. 9184 and its IRR-A:

- (a) Annual Procurement Plan;
- (b) Procurement Monitoring Report:



- (c) List of non-governmental organizations (NGOs), civil society organizations, or professionals' associations invited as observers; and
- (d) Blacklisting orders against suppliers, constructors, and consultants.

The GPPB shall cause to be maintained in the appropriate government website a database of proposed and concluded public sector contracts involving an amount of P100,000,000.00 and above.

SECTION 2. Posting in the Philippine Government Electronic Procurement System (PhilGEPS). All NGAs, GOCCs, GFIs, Sucs, and LGUs, through its BACs, are likewise directed to post all their procurement opportunities, results thereof, and other related information in the PhilGEPS bulletin board, as required under Section 8.2.1 of the IRR-A of R.A. 9184.

Non-compliance with the foregoing posting obligations shall render the accountable officials liable for dereliction of duty and conduct grossly prejudicial to the best interest of the service, without prejudice to other charges, whether administrative, civil or criminal, that may be filed under appropriate laws and regulations.

THE BOARD

SECTION 3. Procurement Transparency Group. There is hereby created a PROCUREMENT TRANSPARENCY GROUP, headed by the GPPB and with the following government agencies and non-government organizations (NGOs) as members:

- a.) Presidential Anti-Graft Commission (PAGC);
- b.) National Economic and Development Authority;
- c.) Department of Justice;
- d.) Department of Budget and Management;
- e.) Department of Interior and Local Government;
- f.) Bishops-Businessmen's Conference for Human Development;
- g.) Transparency and Accountability Network;
- h.) Volunteers Against Crime and Corruption; and
- i.) Two (2) NGOs involved in training procurement observers and/or procurement reforms.

SECTION 4. Participation of Government Agencies. The heads of the government agencies shall, by special written authority, designate their duly authorized permanent representatives to the Group. The non-government organizations are invited to authorize, by special written authority, permanent representatives to the Group.

FUNCTIONS AND RESPONSIBILITIES

SECTION 5. The Group shall evaluate, comment on, record and monitor contracts entered into by NGAs, GOCCs, GFIs and SUCs involving an amount of One Hundred Million Pesos (P100,000,000.00) and above.



5.1. For this purpose, pursuant to Procurement Law which requires at least one (1) NGO Observer in the BAC, there shall be one (1) NGO-member of the Group as specified above sitting as NGO Observer in the Bids and Awards Committee of NGAs, GOCCs, GFIs and SUCs for contracts involving an amount of P100,000,000.00 and above.

5.2. The NGO Observer shall call the attention of agency heads on potential non-compliance with R.A. 9184 and its IRR-A.

5.3. The NGO Observer shall discuss and address issues and concerns gathered from his/her procurement monitoring activities.

5.4. Based on the findings of the NGO Observer, the group shall make timely recommendations of remedial actions, improvements in procurement, contract implementation and monitoring processes to ensure compliance with contractual terms and to safeguard government and public interest.

5.5. The heads of agencies concerned, the Office of the Executive Secretary and such other agencies or offices as the Group may determine, shall be furnished copies of its comments and recommendations.

5.6. The Group shall perform such other functions needed to further enhance its monitoring capability and accountability.

SECTION 6. All relevant documents and information on contracts requested by the Group shall be provided by the concerned NGAs, GOCCs, GFIs, SUCs and LGUs without causing any delay in the bidding process.

SECTION 7. Upon findings of non-compliance with the foregoing directives, the Group shall recommend to PAGC the imposition of sanctions, implementation of remedial measures and the filing of criminal, civil and/or administrative charges, and provide information for actions that may be taken on its recommendations.

APPLICABILITY

SECTION 8. This Order shall not affect nor modify existing functions of NGAs, GOCCs, GFIs, SUCs and LGUs relative to the processing, awarding, approval and review of procurement contracts except as herein specifically provided.

GUIDELINES AND DEPUTIZATION

SECTION 9. The Group shall issue guidelines for compliance and monitoring activities and utilize the personnel and facilities of its member agencies or organizations, and may, upon request, deputize and/or, on its own initiative, contract experts, local communities and government units and non-government entities to assist in information gathering and



evaluation, and in contract compliance monitoring. It may, subject to availability of funds, provide financial assistance to such deputized agencies or entities

SEPARABILITY

SECTION 10. Any portion of this Executive Order that may be declared unconstitutional shall not have the effect of nullifying its other portions or provisions, as long as such remaining portions can still be given effect.

EFFECTIVITY

SECTION 11. This Executive Order shall take effect immediately.

DONE in the City of Manila, this 20th day of September in the year of Our Lord, Two Thousand and Seven.

By the President:

Gloria M. Arroyo



Eduardo R. Ermita

EDUARDO R. ERMITA
Executive Secretary



PGMA Hologram # 41876