

MALACAÑANG
Manila

BY THE PRESIDENT OF THE PHILIPPINES

MEMORANDUM ORDER NO. 213

APPROVAL OF AMENDMENTS TO SECTIONS 42.5, 54.2 (b) (d), AND 61.1 OF THE IMPLEMENTING RULES AND REGULATIONS PART A (IRR-A) OF REPUBLIC ACT NO. 9184

WHEREAS, in its Resolution Nos. 016-2005 and 24-2005 dated September 12, 2005 and November 25, 2005, respectively, the Government Procurement Policy Board (GPPB) has resolved to endorse for approval the proposed amendment to Sections 42.5, 54.2 (b) (d), and 61.1 of the Implementing Rules and Regulations Part A (IRR-A) of Republic Act No. 9184;

WHEREAS, the proposed amendments will streamline and improve the procurement procedures for a more effective procurement system;

NOW, THEREFORE, I, GLORIA MACAPAGAL-ARROYO, President of the Republic of the Philippines, by virtue of the powers vested in me by law, do hereby approve the proposed amendment of the Implementing Rules and Regulations Part A (IRR-A) of Republic Act (RA) 9184 as follows:

SECTION 1. Sections 42.5, 54.2 (b) (d), and 61.1 of the IRR-A of RA 9184 are hereby amended as follows:

Section 42. Contract Implementation and Termination

42.5 Procuring entities may issue a letter of credit in favor of a local or foreign suppliers;*Provided, that*, no payment on the letter of credit shall be made until delivery and acceptance of the goods as certified to by the procuring entity in accordance with the delivery schedule provided for in the contract; *Provided further, that*, the cost for the opening of letter of credit shall be for the account of the local or foreign supplier and to be so stated in the bidding documents.

Section 54. Terms and Conditions for the Use of Alternative Methods

54.2 x x x

(b) For item (a) of Section 53, the procuring entity shall draw up a list of at least three (3) suppliers, contractors, or consultants in good standing which will be invited to submit bids and negotiate with the bidder who submitted the lowest calculated bid or highest rated bid, whichever is applicable. If the offer of the bidder who submitted the lowest calculated bid or highest rated bid, whichever is applicable, is not responsive to the original specifications and ABC, negotiation shall be made in ascending order starting from the lowest offer. The bidder whose bid is found to be responsive to the original specifications and ABC shall be considered for award. In all cases, the award of contract shall be posted at the G-EPS website, website of the procuring entity, if any, and in conspicuous place within the premises of the procuring entity.

(c) x x x

(d) For item (b) of Section 53 of the Act and this IRR-A, the negotiation may be made with a previous supplier, contractor or consultant of good standing of the procuring entity concerned, or a supplier, contractor or consultant of good standing situated within the vicinity where the calamity or emergency occurred. The award of contract shall be posted at the G-EPS website, website of the procuring entity, if any, and in conspicuous place within the premises of the procuring entity.

Section 61. Contract Prices

61.1 For the given scope of work in the contract as awarded, all bid prices shall be considered as fixed prices, and therefore not subject to price escalation during contract implementation, except under extraordinary circumstances and upon prior approval of the GPPB. All contracts shall be denominated and payable in Philippine currency, and this shall be stated

in the bidding documents:*Provided, however,* That subject to the guidelines issued by the GPPB, the procuring entity may provide in the bidding documents that obligations may be paid in foreign currency; *Provided, further,* That should the procuring entity receive bids denominated in foreign currency, the same shall be converted to Philippine currency based on the exchange rate prevailing on the day of the bid opening for purposes of bid comparison and evaluation.

SECTION 2. All other provisions of the IRR-A of RA 9184 shall remain unchanged.

SECTION 3. This Memorandum Order shall take effect immediately upon its publication in a newspaper of general circulation.

DONE in the City of Manila this 8th day of May in the year of Our Lord, Two Thousand and Six.

(Sgd.)

GLORIA MACAPAGAL-ARROYO

By the President:

(Sgd.)

EDUARDO R. ERMITA
Executive Secretary