

REPUBLIC OF THE PHILIPPINES  
**GOVERNMENT PROCUREMENT POLICY BOARD**

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TSO NPM No. 07-2004

January 7, 2003

**HON. LETICIA A. OROZCO**

Mayor  
Municipality of Asturias, Cebu

**Re: Request for Exemption of the Municipality of Asturias, Cebu  
in the Implementation of Republic Act No. 9184 (R.A. 9184),  
Standard Bidding Forms and BAC Composition of the  
Barangays**

Dear Hon. Orozco:

This refers to your letter addressed to Honorable Emilia T. Boncodin, Secretary of the Department of Budget and Management, which was referred to us and received by our office on December 19, 2003, requesting for exemption in the implementation of Republic Act No. 9184 (R.A. 9184) and propounding a query with regard to the standard bidding forms and BAC composition of the barangays.

**Scope and Application of Implementing Rules and Regulations Part A (IRR-A) of  
R.A. 9184**

With the enactment of the R.A. 9184, otherwise known as the Government Procurement Reform Act, all procurement activities of the government shall now be governed by a uniform set of rules and procedures as embodied in said law and its Implementing Rules and Regulations Part A (IRR-A).

R.A. 9184 and its IRR-A which took effect on January 26 and October 8, 2003, respectively, are applicable to all departments, agencies and offices of the government as mandated under Section 4.1 of the IRR-A, to wit:

This IRR-A shall govern and apply to the procurement of: a) infrastructure projects; b) goods; and c) consulting services, by any branch, agency, department, bureau, office, or instrumentality of the Government, including government-owned and/or -controlled corporations, government financial institutions (GFIs), state universities and colleges (SUCs), and local government units (LGUs).

Based on the above-quoted provision of the IRR-A, we believe that the Municipality of Asturias, Cebu cannot be exempted from the implementation of R.A. 9184 and its IRR-A in its procurement activities. It must also be noted that the barangay, as a unit of a municipality, is likewise mandated to implement the said law. The law is clear and provides for no exemptions.

Furthermore, we find that the reasons advanced by your municipality justifying exclusion from the implementation of the law are too insubstantial to disregard the mandatory provisions of R.A. 9184 and its IRR-A, which were purposely enacted to modernize, standardize and regulate the procurement activities of the government under the declared policy of the State to promote the ideals of good governance in all its branches, departments, agencies, subdivisions and instrumentalities.

### **Standard Bidding Forms**

With regard to the bidding forms, the Government Procurement Policy Board (GPPB) has still to finalize the Standard Bidding Documents and Procurement Manuals. Pending the issuance of the standard bidding forms and manuals by the GPPB, the procuring entity may still use their existing forms and documents in all its procurement activities.

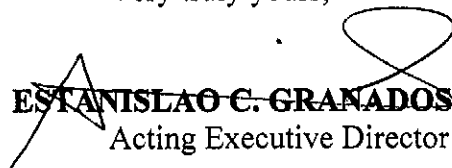
### **BAC Composition of the Barangays**

Lastly, concerning the composition of the Bids and Awards Committee (BAC) of the barangays, the GPPB has already coordinated with the Department of the Interior and Local Government regarding the matter. Awaiting the issuance of the guidelines regarding the BAC composition of the barangay by the GPPB, the barangay concerned shall maintain their status quo.

With the foregoing elucidations, we trust that our opinion has provided the Municipality of Asturias, Cebu with needed information as to the implementation of R.A. 9184 and its IRR-A.

This opinion is being rendered on the basis of the facts and particular circumstances as represented. It may not necessarily be applicable upon a different set of facts or circumstances.

Very truly yours,

  
**ESTANISLAO C. GRANADOS, JR.**  
Acting Executive Director