

REPUBLIC OF THE PHILIPPINES
GOVERNMENT PROCUREMENT POLICY BOARD
Technical Support Office
Mezzanine 125, Mabini Hall, Malacañang, Manila
Telefax Nos. (02) 735-4962; (02) 736-5758

NPM No. 035-2004

March 29, 2004

Honorable ELMO L. BOMBASE (A)
Municipal Mayor
Municipality of Tigaon
Province of Camarines Sur

**Re : Request for Extension in the Implementation of Republic Act 9184
and its Implementing Rules and Regulations Part A**

Dear Mayor Bombase:

This refers to your letter dated January 29, 2004, addressed to Mrs. Merlie L. Jacob, Officer-in-Charge of the Department of Budget and Management – Regional Office V, which was referred to our office on February 23, 2004, requesting for extension in the implementation of Republic Act 9184 (“R.A. 9184”) and its Implementing Rules and Regulations Part A (“IRR-A”). The issue now before us is as follows:

Whether or not a procuring entity may be given an extension from the implementation of R.A. 9184 and its IRR-A.

Effectivity and Implementation of R.A. 9184 and its IRR-A

As provided under Section 78 of the IRR-A, “it shall take effect fifteen (15) days after its publication in the Official Gazette or in a newspaper of general nationwide circulation.” After Her Excellency President Gloria Macapagal Arroyo approved the IRR-A on September 18, 2003, the same was published on Malaya and Manila Times on September 23, 2003. Counting fifteen (15) days after its publication, the IRR-A became effective on October 8, 2003.

In order to prevent a hiatus in procurement rules, the IRR-A provided for a transitory clause clarifying what rules and procedures will govern procurement activities commenced prior to its effectivity but are still pending thereafter. These are the only instances where procuring entities may be validly excused from implementing the provisions of R.A. 9184 and its IRR-A after its effectivity. Section 77 of the IRR-A provides:



In all procurement activities, if the advertisement or invitation for bids was issued prior to the effectivity of the Act, the provisions of E.O. 40 and its IRR, P.D. 1594 and its IRR, R.A. 7160 and its IRR, or other applicable laws, as the case may be, shall govern.

In all cases where the advertisements or invitations for bids were issued after the effectivity of the Act but before the effectivity of this IRR-A, procuring entities may continue adopting the procurement procedures, rules and regulations provided in E.O. 40 and its IRR, P.D. 1594 and its IRR, R.A. 7160 and its IRR, or other applicable laws, as the case may be.

There is nothing stated in R.A. 9184 and its IRR-A that its implementation or application may be let off by reason of mere unfamiliarity with its provisions. Neither is there any provision allowing its non-implementation due to the unavailability of the standardized forms mentioned in Section 6 therein. In this connection, please note that in lieu of the standardized forms procuring entities may use its old forms, subject to the amendments necessary for it to comply with the R.A. 9184 and its IRR-A.

In view of the foregoing, we regret to inform you that your municipality cannot be given an extension from implementing the provisions of R.A. 9184 and its IRR-A.

We trust that this clarifies matters.

Very truly yours,



JOSE MARTIN C. SYQUIA
Executive Director

RESPONSE SHEET FOR PHONE OPINIONS

PhO No. 002-2004

Date Received/Date Called : 02.23.04 / 03.22.04

Requesting Agency : Municipality of Naam

Contact Person : Ms. Joy Baloria (054) 452-3127

Issues/Requests : ① Request for extension in the implementation of R.A. 9184 & its IRR-A

② Standardized forms not yet available

Response : ① Extension cannot be granted. The IRR-A of R.A. 9184 does not provide for exemptions in its implementation upon its effectivity. Trainings will be conducted to apprise all NGA's & LGUs on the intricacies of the IRR-A of R.A. 9184 to ensure proper compliance.

② In the unavailability of standard forms, the old forms of the procuring entity will have to be used, subject to the necessary changes in accordance with the IRR-A of R.A. 9184

Remarks : Letter still requested

Assigned to: Dennis

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March 12, 2004

Honorable ELMO L. BOMBASE
Municipal Mayor
Municipality of Tigaon
Province of Camarines Sur

Dear Mayor Bombase:

This refers to your letter dated January 29, 2004, which was forwarded to our office on February 23, 2004, addressed to Mrs. Merlie L. Jacob, Officer-in-Charge of the Department of Budget and Management Region V, requesting for clarification on Republic Act 9184 and its Implementing Rules and Regulations Part A.

We wish to inform you that we shall respond to your concerns either through phone or in writing at the earliest possible opportunity, or raise the same to the Government Procurement Policy Board for appropriate resolution should referral thereto becomes necessary.

Very truly yours,



JOSE MARTIN C. SYQUIA
Executive Director