

[RESOLUTION NO. 36-2017, April 24, 2018]

**APPROVING AMENDMENTS TO THE 2016 REVISED
IMPLEMENTING RULES AND REGULATIONS (IRR) OF REPUBLIC
ACT NO. 9184 AND THE FIFTH (5TH) EDITION OF THE
PHILIPPINE BIDDING DOCUMENTS (PBDS)**

Adopted: 07 November 2017

Date Filed: 24 April 2018

WHEREAS, Republic Act (RA) No. 9184 entitled "An Act Providing for the Modernization, Standardization and Regulation of the Procurement Activities of the Government and for Other Purposes," took effect on 26 January 2003, while its 2016 revised Implementing Rules and Regulations (IRR) took effect on 28 October 2016;

WHEREAS, Section 63 of RA 9184 and its 2016 Revised IRR authorizes the Government Procurement Policy Board (GPPB) to formulate public procurement policies, rules and regulations, and amend, whenever necessary, its IRR;

WHEREAS, the GPPB Technical Support Office (GPPB-TSO) identified certain provisions of the 2016 IRR of RA 9184 that necessitates amendment for clarification purposes and harmonization with newly-issued Guidelines, thus:

1. Provisions concerning the requirements for bidders in Foreign Service Posts to be consistent with the newly-approved Guidelines for the Procurement of Goods and Services, Infrastructure Projects, and Consulting Services to be Procured and Performed Abroad, issued through GPPB Resolution No. 28- 2017, dated 31 July 2017;
2. Provision concerning the submission of PhilGEPS Registration Number to clarify the stages of procurement when the PhilGEPS Registration Number may be submitted by a bidder; and
3. Provision on the rescheduling of deadline for bid submission to cover those cases where the deadline falls on non-working days that are not considered holidays;

WHEREAS, on 19 October 2017, the GPPB-TSO presented to the Inter- Agency Technical Working Group (IATWG), during its 6th Meeting, the proposed amendments to the 2016 IRR of RA 9184, thus:

1. Amendment to Sections 24.4.3, 25.2(a)(i), 25.2(b)(i) and 37.1.4(a)(ii) to refer to the Guidelines for the Procurement of Goods and Services, Infrastructure Projects, and Consulting Services to be Procured and Performed Abroad and remove the existing rules on the submission of documentary requirements by bidders in Foreign Service;

2. Amendment to Section 2, Appendix "A", Annex "H", to allow the submission of PhilGEPS Registration Number and other documentary requirements until issuance of Notice of Award only; and
3. Amendment to Section 38.2 to provide rules on rescheduling of deadline for bid submission and other procurement activities that falls on other non- working days duly declared by the President, Governor, Mayor or other Government Official authorized to make such declaration.

WHEREAS, after due consideration, the IATWG adopted the proposed amendments to the 2016 IRR of RA 9184, subject to the following comments:

1. Include a provision in the IRR that any change in the original Bidding Documents for the Procurement of Consulting Services prior to Eligibility Checking and Shortlisting shall be issued at least seven (7) calendar days before the deadline for the submission of eligibility documents; and
2. Amend the provisions of the 5th Edition of the Philippine Bidding Documents (PBDs) corresponding to the proposed amendments to the IRR.

WHEREAS, during the 5th Regular GPPB Meeting on 7 November 2017, the GPPB-TSO presented its proposed amendments to the 2016 Revised IRR of RA 9184, including the comments of the IATWG, and thereafter, the GPPB, after careful review and due deliberation, approved the proposed amendments to the 2016 IRR of RA 9184 and 5th Edition of the PBDs;

NOW, THEREFORE, for and in view of all the foregoing, WE, the Members of the **GOVERNMENT PROCUREMENT POLICY BOARD**, by virtue of the powers vested on US by law and other executive issuances, hereby RESOLVE to confirm, adopt, and approve, as WE hereby confirm, adopt, and approve the amendments to Sections 24.4.3, 24.4.4, 25.2(a)(i), 25.2(a)(ii), 37.1.4(a)(ii) and 38.2, including their corresponding Clauses in the Philippine Bidding Documents, and Section 2 of Appendix "A" of Annex "H" of the 2016 revised Implementing Rules and Regulations of Republic Act No. 9184, copy of which, is attached as Annex "A", and made an integral part hereof.

These amendments to the 2016 IRR of RA 9184 shall take effect after fifteen (15) days following the publication in the Official Gazette or a newspaper of general nationwide circulation and upon filing of three (3) certified copies with the University of the Philippines Law Center.

APPROVED this 7th day of November 2017 at Pasig City, Philippines.

Signed by the Representatives of the Following Agencies:

DEPARTMENT OF BUDGET AND MANAGEMENT
NATIONAL ECONOMIC AND DEVELOPMENT AUTHORITY
DEPARTMENT OF EDUCATION
DEPARTMENT OF ENERGY
DEPARTMENT OF INFORMATION AND COMMUNICATION TECHNOLOGY DEPARTMENT

OF NATIONAL DEFENSE
DEPARTMENT OF PUBLIC WORKS AND HIGHWAYS
DEPARTMENT OF TRADE AND INDUSTRY PRIVATE SECTOR REPRESENTATIVE

ANNEX "A"

2016 REVISED IMPLEMENTING RULES AND REGULATIONS (IRR) OF REPUBLIC ACT
(RA) NO. 9184

ORIGINAL	AMENDED
<p><i>Section 24.4.3</i></p> <p>To facilitate determination of eligibility, the BAC of a Procuring Entity shall use the contents of the PhilGEPS electronic registry of manufacturers, suppliers, distributors, contractors, and/or consultants, in accordance with Section 8.5.2 of this IRR. However, foreign consultants participating in the procurement by a Philippine Foreign Service Office or Post shall be allowed to submit their eligibility documents under Section 24.1 of this IRR, in lieu of the PhilGEPS Certificate of Registration:</p> <p><i>Provided, That the winning bidder should register with the PhilGEPS in accordance with Section 37.1.4 of this IRR.</i></p>	<p><i>Section 24.4.3</i></p> <p>To facilitate determination of eligibility, the BAC of a Procuring Entity shall use the contents of the PhilGEPS electronic registry of manufacturers, suppliers, distributors, contractors, and/or consultants, in accordance with Section 8.5.2 of this IRR. However, foreign consultants participating in the procurement by a Philippine Foreign Service Office or Post shall be allowed to submit their eligibility documents under Section 24.1 of this IRR, in lieu of the PhilGEPS Certificate of Registration:</p> <p>Provided, That the winning bidder should register with the PhilGEPS in accordance with Section 37.1.4 of this IRR. <i>For procurement to be performed overseas, it shall be subject to the Guidelines to be issued by the GPPB.</i></p>
<p><i>Section 24.4.4</i></p> <p><i>(New Provision)</i></p>	<p><i>Section 24.4.4</i></p>

	<p><i>Should there be any change in the original Bidding documents prior to the conduct of eligibility checking and shortlisting, the BAC shall issue supplemental/bid bulletin for such purpose at least seven (7) calendar days before the deadline for the submission of eligibility documents, subject to the provisions of Section 22.5.3 of this IR R .</i></p>
<p>Sections 25.2(a)(i) and 25.2(b)(i)</p> <p>PhilGEPS Certificate of Registration and membership in accordance with Section 8.5.2 of this IRR, except for foreign bidders participating in the procurement by a Philippine Foreign Service Office or Post, which shall submit their eligibility documents under Section 23.1 of this IRR: Provided, That the winning bidder shall register with the PhilGEPS in accordance with Section 37.1.4 of this IRR.</p>	<p>Sections 25.2(a)(i) and 25.2(b)(i)</p> <p>PhilGEPS Certificate of Registration and membership in accordance with Section 8.5.2 of this IRR, except for foreign bidders participating in the procurement by a Philippine Foreign Service Office or Post, which shall submit their eligibility documents under Section 23.1 of this IRR: Provided, That the winning bidder shall register with the PhilGEPS in accordance with Section 37.1.4 of this IR R. <i>For procurement to be performed overseas, it shall be subject to the Guidelines to be issued by the GPPB.</i></p>
<p>Section 37.1.4(a)(ii)</p> <p>Submission of the following documents within ten (10) calendar days from Notice of Award:</p> <p>i) Valid JVA, if applicable;</p> <p>ii) In the case of procurement by a Philippine Foreign</p>	<p>Section 37.1.4(a)(ii)</p> <p>Submission of the following documents within ten (10) calendar days from Notice of Award:</p> <p>i) Valid JVA, if applicable;</p> <p>ii) In the case of procurement by a Philippine Foreign Office or Post, the PhilGEPS Registration Number of the winning foreign bidder;</p>

Office or Post, the PhilGEPS Registration Number of the winning foreign bidder;	iii) ii. A valid PCAB license and registration for the type and cost of the contract to be bid for foreign bidders in Infrastructure Projects, when the Treaty or International or Executive Agreement expressly allows submission of such license and registration as a pre-condition to the Notice of Award; or
iii) A valid PCAB license and registration for the type and cost of the contract to be bid for foreign bidders in Infrastructure Projects, when the Treaty or International or Executive Agreement expressly allows submission of such license and registration as a pre-condition to the Notice of Award; or	iv) iii. In the case of Consulting Services, the SEC Certificate of Registration of the foreign consulting firm, and/or the authorization or license issued by the appropriate GoP professional regulatory body of the foreign professionals engaging in the practice of regulated professions and allied professions, where applicable.
iv) In the case of Consulting Services, the SEC Certificate of Registration of the foreign consulting firm, and/or the authorization or license issued by the appropriate GoP professional regulatory body of the foreign professionals engaging in the practice of regulated professions and allied professions, where applicable.	
<i>Section 38.2</i>	<i>Section 38.2</i>
The maximum periods and the recommended earliest possible time for action on specific procurement activities are provided for in Annex "C" of this IRR. In case the deadline for each activity falls on a non-working day (i.e. Saturday and Sunday), legal holiday, or special non-working day, or other non-working days duly declared by the	The maximum periods and the recommended earliest possible time for action on specific procurement activities are provided for in Annex "C" of this IRR. In case the deadline for each activity falls on a non-working day (i.e. Saturday and Sunday), legal holiday, or special non-working day, or other non-working days duly declared by the