

[GPBB Resolution No. 16-2014, June 20, 2014]

APPROVING AMENDMENTS TO THE REVISED IMPLEMENTING RULES AND REGULATION OF RA 9184, AND THE PHILIPPINE BIDDING DOCUMENTS FOR THE PROCUREMENT OF GOODS AND INFRASTRUCTURE PROJECTS

*Adopted: 20 June 2014
Date Filed: 19 May 2015*

WHEREAS, Republic Act (RA) No. 9184, otherwise known as the "Government Procurement Reform Act" and its revised Implementing Rules and Regulations (IRR) took effect on 26 January 2003 and 2 September 2009, respectively;

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

WHEREAS, the GPPB issued the Fourth Edition of the Philippine Bidding Documents (PBDs) for the Procurement of Goods, Infrastructure Projects, and Consulting Services in December 2010 through GPPB Resolution No. 06-2010;

WHEREAS, since the issuance of the PBDs Fourth Edition in December 2010, the GPPB has adopted procurement policies affecting provisions and references in the PBDs;

WHEREAS, one of these procurement policies is the amendment of Section 23.1(a) (iii)^[1] of the IRR of RA 9184 through GPPB Resolution No. 29-2012 issued on 23 November 2012;

WHEREAS, in the course of the review conducted by the GPPB-Technical Support Office (GPPB-TSO), the respective clause on Documents Comprising the Bid: Eligibility and Technical Components under the PBDs for Procurement of Goods and Procurement of Infrastructure Projects was identified as needing amendment to conform with GPPB Resolution No. 29-2012 dated 23 November 2012;

WHEREAS, in its 3rd meeting held on 13 June 2014, the Inter-Agency Technical Working Group (IATWG) deliberated and resolved to recommend to the GPPB the amendment of the PBDs for the Procurement of Goods and Infrastructure Projects, particularly Clause 12.1 of the Instructions to Bidders, to distinguish the statement of all ongoing government and private contracts from the statement identifying the single largest completed contract, to conform with GPPB Resolution No. 29-2012 dated 23 November 2012;

WHEREAS, further review of the PBDs for Infrastructure Projects shows that the Invitation to Bid also needs to be amended to delete the ten (10) year period for the

completed similar contract, and the phrase “within the relevant period as provided in the Bidding Documents” referring to the statement of all on-going government and private contracts, which is found in the 1st paragraph of Section 23.1(a)(iv) of the IRR of RA 9184 to avoid confusion on the submission of said requirement;

WHEREAS, in addition to the recommendations of the IATWG, the GPPB- TSO also recommended to the GPPB the amendment of the Invitation to Bid in the PBDs for Infrastructure Projects to delete the ten-year period for the completed similar contract and the amendment of the 1st paragraph of Section 23.1(a)(iv) of the IRR of RA 9184;

WHEREAS, in its 4th meeting held on 20 June 2014, the GPPB, after a careful review and deliberation, resolved to adopt the recommendations of the IATWG and the GPPB-TSO to amend the relevant provisions of Section 23.1(a)(iv) of the IRR of RA 9184 and the PBDs for the Procurement of Goods and Infrastructure Projects;

NOW, THEREFORE, for and in consideration of the foregoing, **WE**, the Members of the **GOVERNMENT PROCUREMENT POLICY BOARD**, by virtue of the powers vested on **US** by law, hereby **RESOLVE** to confirm, adopt, and approve, as **WE** hereby confirm, adopt, and approve the following amendments:

1. **AMEND** Section 23.1(a)(iv) of the IRR of RA 9184 as shown in the attached Annex “A”; and
2. **AMEND** Clause 12.1 of the Instructions to Bidders and Clause 12.1(a)(iii) of the Bid Data Sheet, Philippine Bidding Documents for Goods, and Item 2 of the Invitation to Bid and Clause 5.4(a) and 12.1 of the Instruction to Bidders, Philippine Bidding Documents for Infrastructure Projects, as shown in the attached Annex “B”.

This Resolution shall take effect after fifteen (15) days following the publication in the Official Gazette or a newspaper of general nationwide circulation and upon filing with the University of the Philippines Law Center of three (3) certified copies of this Resolution.

APPROVED this 20th day of June 2014 at Pasig City, Philippines.

Signed by the Representatives of the Following Agencies:

DEPARTMENT OF BUDGET AND MANAGEMENT
DEPARTMENT OF EDUCATION
DEPARTMENT OF ENERGY
DEPARTMENT OF FINANCE
DEPARTMENT OF HEALTH
DEPARTMENT OF THE INTERIOR AND LOCAL GOVERNMENT
DEPARTMENT OF NATIONAL DEFENSE
DEPARTMENT OF TRANSPORTATION AND COMMUNICATIONS
PRIVATE SECTOR REPRESENTATIVE

Attested by:

(SGD) DENNIS S. SANTIAGO

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

| ORIGINAL | AMENDED |
|---|--|
| <p>Section 23.1(a)(iv)</p> <p>Statement of the prospective bidder of all its ongoing government and private contracts, including contracts awarded but not yet started, if any, whether similar or not similar in nature and complexity to the contract to be bid, <u>within the relevant period as provided in the Bidding Documents; and</u></p> <p>Statement identifying the bidder's single largest completed contract similar to the contract to be bid, except under conditions provided for in Sec. 23.5.1.3 of this IRR, within the relevant period as provided in the Bidding Documents in the case of goods.</p> <p>All of the above statements shall include all information required in the PBDs prescribed by the GPPB.</p> | <p>Section 23.1(a)(iv)</p> <p>Statement of the prospective bidder of all its ongoing government and private contracts, including contracts awarded but not yet started, if any, whether similar or not similar in nature and complexity to the contract to be bid; and</p> <p>Statement identifying the bidder's single largest completed contract similar to the contract to be bid, except under conditions provided for in Sec. 23.5.1.3 of this IRR, within the relevant period as provided in the Bidding Documents in the case of goods.</p> <p>All of the above statements shall include all information required in the PBDs prescribed by the GPPB.</p> |

PHILIPPINE BIDDING DOCUMENTS

Goods

| <i>Instructions to Bidders</i> | |
|---|---|
| ORIGINAL | AMENDED |
| Clause 12.1. Unless otherwise indicated in the BDS, the first | Clause 12.1. Unless otherwise indicated in the BDS, the first |