

Republic of the Philippines
HOUSE OF REPRESENTATIVES
Quezon City
NINETEENTH CONGRESS
Second Regular Session



HOUSE BILL NO. 8810

Introduced by HON. GUS S. TAMBUNTING

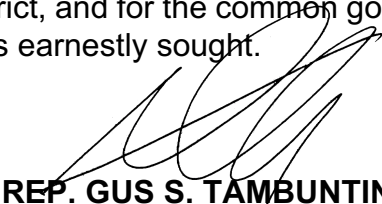
**AN ACT STRENGTHENING AND AMENDING REPUBLIC ACT NO. 9184,
OTHERWISE KNOWN AS THE GOVERNMENT PROCUREMENT REFORM ACT
AND FOR OTHER PURPOSES**

EXPLANATORY NOTE

It is the declared policy of the State to promote the ideals of good governance in all its branches, departments, agencies, subdivisions, and instrumentalities, including GOCCs and LGUs. Additionally, it is our governing principle that transparency should always be promoted in all aspects of the procurement process and in the implementation of procurement contracts.

This bill seeks to strengthen and update the provisions of Republic Act No. 9184, to require the full disclosure as to the terms and conditions of all contracts entered by the government, to prevent instances of non-disclosure through entering into supply agreements like Non-Disclosure Agreements. These agreements are highly disadvantageous and detrimental to the government and the Filipino people as it prevents proper examination of accounts and transactions of government entities.

On behalf of the people of Parañaque City's Second District, and for the common good of the Filipino people, the approval of the said measure is earnestly sought.



REP. GUS S. TAMBUNTING
2nd District, Parañaque City

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KNOWN AS THE GOVERNMENT PROCUREMENT REFORM ACT AND FOR OTHER
PURPOSES**

*Be it enacted by the Senate and the House of Representatives of the Philippines in Congress
assembled:*

SECTION 1. Section 3(a) of Republic Act No. 9184, is hereby amended to read as
follows:

“(a) PURSUANT TO THE PRINCIPLE OF [T]ransparency in the procurement process
and in the implementation of procurement contracts, **ANY AND ALL PROCUREMENT
CONTRACTS ENTERED INTO UNDER THIS ACT AND RELATED PROCUREMENT
DOCUMENTS SHALL BE CONSIDERED PUBLIC DOCUMENTS, AND MAY BE
ORDERED TO BE PRODUCED AND EXAMINED UNDER COMPULSORY PROCESS
BY COMPETENT AUTHORITIES, SUCH AS, BUT NOT LIMITED TO, THE
COMMISSION ON AUDIT (“COA”), THE OFFICE OF THE OMBUDSMAN, ANY
COMMITTEE OF CONGRESS CONDUCTING INVESTIGATIONS IN AID OF
LEGISLATION OR AS AN EXERCISE OF CONGRESSIONAL OVERSIGHT,
NOTWITHSTANDING THE INCLUSION IN SAID CONTRACTS OR RELATED
DOCUMENTS OF EXEMPTING CLAUSES SUCH AS NON-DISCLOSURE
PROVISIONS AND SIMILAR CONTRACTUAL LIMITATIONS.”**

(b) x x x

(c) x x x

(d) x x x

(e) x x x

SEC. 2. Section 17 of Republic Act No. 9184 is hereby amended to read as follows:

“**SEC. 17 Form and Contents of Bidding Documents.** – The Bidding Documents shall
be prepared by the Procuring Entity following the standard forms and manuals
prescribed by the GPPB. The Bidding Documents shall include the following:

x x x

“(i) Form and Amount of Performance Security and Warrant; ~~and~~

“(j) Form of Contract, and General and Special Conditions of Contract; **AND**

“(K) AFFIDAVIT OF FULL DISCLOSURE AS TO THE TERMS AND CONDITIONS OF THE CONTRACT”

SEC. 3. Section 43 of Republic Act No. 9184 is hereby amended to read as follows:

“SEC. 43. Procurement of Domestic and Foreign Goods. – Consistent with the country’s obligations under international treaties or agreements, goods may be obtained from domestic or foreign sources and the procurement thereof shall be open to all eligible suppliers, manufacturers, and distributors. However, in the interest of availability, efficiency and timely delivery of goods, the Procuring Entity may give preference to the purchase of domestically-produced and manufactured goods, supplies and materials that meet the specified or desired quality. **PROVIDED THAT, IN BOTH CASES, THE PROCURING ENTITY SHALL REQUIRE THE BIDDERS TO SUBMIT AN AFFIDAVIT OF FULL DISCLOSURE AS TO THE TERMS AND CONDITIONS OF THE CONTRACTS.”**

SEC. 4. *Amendment to the Existing Implementing Rules and Regulations.* – The existing Implementing Rules and Regulations of Republic Act No. 9184 shall be modified accordingly.

SEC. 5. *Repealing Clause.* – All laws, orders, rules, and regulations, other issuances, or parts thereof, inconsistent with any provision of this Act, are hereby repealed or modified accordingly.

SEC. 6. *Effectivity.* – This Act shall take effect after fifteen (15) days following its publication in the Official Gazette or in two (2) newspapers of general circulation.

Approved,