



Republic of the Philippines
House of Representatives
Quezon City, Metro Manila



Nineteenth Congress
Second Regular Session

HOUSE BILL NO. **8917**

Introduced by Representatives
LORDAN G. SUAN, CHRISTIAN S. UNABIA, and BAMBI B. EMANO

EXPLANATORY NOTE

Republic Act No. 9184 (RA 9184), also known as The Government Procurement Reform Act, was passed in 2003 with the best interest of the state and the welfare of the people in mind. It is governed by the principles of transparency, competitiveness, efficiency, accountability, and responsibility. These are enshrined in the statute to provide for the efficient procurement of public goods and services and eradicate graft and corruption in the procurement process. It also enhances public participation in public sector transactions.

After the passage of RA 9184, we witnessed the gains attained in terms of curbing corruption. At the same, we also witnessed the different circumventions to the law perpetrated by government officials and personnel, contractors, and private individuals. Their scheme necessitated our country's slippage in the world corruption index. Significantly, it stagnated our country's development and ballooned our public debt.

This Bill seeks to address the weaknesses inherent in the present law. It also aims to enhance the provisions found to be effective in eradicating corruption. In the process of crafting this legislation, the paramount consideration is the need to balance the need to fast-track the implementation of needed development projects and public service programs and to ensure that public funds will not end up in private pockets. In short, the efforts to

continuously guard people's money should not be compromised in the name of necessity.

Among the highlights of this Bill are:

1. Clearing the intent of the law concerning international agreements;
2. Creating special rules for overseas procurements, those involving international agreements and those with national security considerations;
3. Introducing Best Value Procurement;
4. Professionalizing the members of the Bids and Awards Committee through a system of certification;
5. Providing new guidelines in the eligibility of bidders for particular projects;
6. Strengthening transparency through the introduction of video recording in bidding conferences;
7. Setting the number of appearances of Observers to avoid possible collusion between them and the bidders;
8. Providing a Floor for bid prices and automatic disqualification of bidders with below floor-bids;
9. Increasing the threshold for Shopping under alternative procurement;
10. Amending the membership of the GPPB to include other departments; and
11. Blacklisting of suppliers, contractors, and consultants, including corporations and joint ventures or consortiums.

In light of the preceding, this bill's approval is fervently sought.


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- (c) THOSE DETERMINED AS VITAL NATIONAL SECURITY PROCUREMENTS,
DULY APPROVED AND CERTIFIED BY THE PRESIDENT.

SEC. 2. *Definition of Terms.* — For this Act, the following terms are defined as follows:

- (a) **BEST VALUE PROCUREMENT** – A PROCUREMENT METHOD WHERE LIFE CYCLE COST, QUALITY OF GOODS AND SERVICES, RISKS, AND BENEFITS ARE CONSIDERED TO MAXIMIZE THE VALUE FOR MONEY OF EVERY GOVERNMENT’S PROGRAM AND PROJECT AND MEET THE REQUIREMENTS AND OBJECTIVES OF THE END USER.
- (b) **KEY PERFORMANCE INDICATORS (KPI)** – REFERS TO QUANTIFIABLE AND MEASURABLE CRITERION TO GAUGE PERFORMANCE TOWARDS ACHIEVING SPECIFIC OBJECTIVES.
- (c) **LIFE-CYCLE COST** – REFERS TO THE TOTAL COST OF OWNERSHIP OF A GOOD FROM ITS ACQUISITION, OPERATION, MAINTENANCE AND TO DISPOSAL.
- (d) **MULTI-YEAR PROJECT** REFERS TO THE PROGRAM OR PROJECT WHICH WILL TAKE MORE THAN ONE (1) YEAR TO COMPLETE THAT REQUIRES MULTI-YEAR APPROPRIATIONS.
- (e) **MULTI-YEAR CONTRACTUAL AUTHORITY (MYCA)** – REFERS TO THE AUTHORIZATION AWARDED TO A MULTI-YEAR PROJECT OR PROGRAM
- (f) **PERFORMANCE-BASED SPECIFICATIONS** - REFER TO A SPECIFICATION DESCRIBING THE DESIRED OUTCOMES OR RESULTS IN TERMS OF FUNCTIONAL OR PERFORMANCE REQUIREMENTS RATHER THAN IN TERMS OF TECHNICAL DETAILS. THIS SPECIFICATION IS USED IN CASES WHEN THE PROCURING ENTITY IS UNCERTAIN OF THE BEST PROCESS OR METHOD TO DELIVER THE REQUIREMENTS WHEN HIGH-LEVEL TECHNOLOGY IS REQUIRED, WHEN SUPPLIERS ARE KNOWN TO HAVE THE CAPABILITY TO DESIGN FIT-FOR-PURPOSE SOLUTIONS, OR WHEN PAST PERFORMANCE OR OTHER NON-FINANCIAL CONSIDERATIONS MAY BE BENEFICIAL IN THE PROCUREMENT.
- (g) **PHILGEPS** - REFERS TO THE PHILIPPINE GOVERNMENT ELECTRONIC PROCUREMENT SYSTEM
- (h) **VALUE ENGINEERING** – REFERS TO THE SYSTEMATIC AND ORGANIZED PROCESS OF REVIEWING AND ASSESSING A PROJECT, DURING THE PLANNING, DEVELOPMENT, AND DESIGN PHASES TO DETERMINE QUALITY, RELIABILITY, EFFICIENCY AND LIFE CYCLE COST.

SEC. 3. Section 7 of Republic Act No. 9184 is hereby amended to read as follows:

“Section 7. *Procurement Planning and Budgeting Linkage.* - (A) All procurement should be within the approved budget of the Procuring Entity and should be meticulously and judiciously planned by the Procuring Entity concerned. Consistent with government fiscal discipline measures, only those considered crucial to the efficient discharge of governmental functions shall be included in the Annual Procurement Plan (**APP**) to be specified in the IRR.

(B) No government procurement shall be undertaken unless per approved APP of the Procuring Entity. The APP shall be approved by the Head of the Procuring Entity and must be consistent with its duly approved yearly budget. The APP shall be

61 formulated and revised only per the guidelines outlined in the IRR. In the case of
62 Infrastructure Projects, the APP shall include engineering design and acquisition of
63 right-of-way.

64 **(C) IN CASES OF INFRASTRUCTURE PROJECTS WITH A TOTAL PROJECT COST**
65 **OF AT LEAST ONE HUNDRED MILLION PESOS (P100,000,000), VALUE ENGINEERING**
66 **SHALL BE CONDUCTED ACCORDING TO ACCEPTED STANDARDS AND PRACTICES AND**
67 **GUIDELINES TO BE ISSUED BY THE GPPB.**

68 **THE THRESHOLD VALUE OF ONE HUNDRED MILLION PESOS (P100,000,000)**
69 **SHALL BE ADJUSTED BY THE NATIONAL ECONOMIC DEVELOPMENT AUTHORITY**
70 **(NEDA), WHENEVER NECESSARY, TO ITS PRESENT VALUE USING THE CONSUMER**
71 **PRICE INDEX (CPI) AS PUBLISHED BY THE PHILIPPINE STATISTICS AUTHORITY (PSA).**

72 **THE ABOVE AMOUNT SHALL BE SUBJECT TO A PERIODIC REVIEW BY THE**
73 **GPPB, WITH THE ASSISTANCE OF THE NEDA, TO DETERMINE IF THERE IS A NEED TO**
74 **INCREASE OR DECREASE THE SAID AMOUNT TO REFLECT CHANGES IN ECONOMIC**
75 **CONDITIONS AND FOR OTHER JUSTIFIABLE REASONS.**

76 **(D) IN CASE THE INFRASTRUCTURE PROJECT SHALL BE DONE IN PHASES, THE**
77 **PROCURING ENTITY SHALL INDICATE IN THE APP OR AN ATTACHED DOCUMENT TO**
78 **BE PROVIDED IN THE IRR:**

- 79 **1. THE TOTAL PROJECT COST;**
80 **2. THE DESCRIPTION OF THE WHOLE PROJECT;**
81 **3. THE PROGRAM OF WORKS FOR EACH OF THE PHASES; AND**
82 **4. THE APPROVED BUDGET FOR THE CONTRACT THEREOF.**

83 **THE PROCURING ENTITY SHALL ENSURE THAT EACH PHASE IS USABLE AND**
84 **FUNCTIONAL UPON COMPLETION OF SUCH PHASE.**

85 **(E) IN CASES OF PROJECTS REQUIRING PERFORMANCE-BASED SPECIFICATIONS OR**
86 **WHEN IT IS IN THE BEST INTEREST OF THE PROCURING ENTITY, AS DETERMINED BY**
87 **THE END-USER UNIT AND SUBJECT TO THE APPROVAL OF THE HEAD OF THE**
88 **PROCURING ENTITY, THE PROCURING ENTITY SHALL HAVE THE OPTION TO UTILIZE**
89 **THE BEST VALUE PROCUREMENT OF GOODS OR INFRASTRUCTURE PROJECTS AS**
90 **PROVIDED IN ARTICLE IV, SECTION 11 OF THIS ACT. THE PROCURING ENTITY SHALL**
91 **STATE THE SAME IN THE APP.**

92 **(F) THE PROCUREMENT PLANNING DOCUMENTATION SHALL PROVIDE ACCURATE**
93 **AND CONCISE INFORMATION ON:**

- 94 **1. THE REQUIREMENT FOR THE PROCUREMENT; AND**

95 **2. A STATEMENT OR EXPLANATION ON HOW VFM CONTRACTING WAS**
96 **CONSIDERED AND ACHIEVED.**

97 **(G) NATIONAL GOVERNMENT AGENCIES, LOCAL GOVERNMENT UNITS,**
98 **CONSTITUTIONAL OFFICES, AND STATE UNIVERSITIES AND COLLEGES SHALL**
99 **REQUEST THE DEPARTMENT OF BUDGET AND MANAGEMENT (DBM) FOR THE**
100 **ISSUANCE OF A MULTI-YEAR CONTRACTUAL AUTHORITY (MYCA) BEFORE ENTERING**
101 **INTO CONTRACTS TO COVER THE TOTAL PROJECT COSTS OF MULTI-YEAR PROJECTS,**
102 **WHETHER LOCALLY-FUNDED OR FOREIGN-ASSISTED. IN THE CASE OF**
103 **GOVERNMENT-OWNED AND/OR CONTROLLED CORPORATIONS (GOCCS), THEY**
104 **SHALL SECURE PRIOR AUTHORITY FROM THEIR RESPECTIVE GOVERNING BOARDS**
105 **BEFORE ENTERING INTO MULTI-YEAR PROJECTS AND PROCEEDING WITH THEIR**
106 **PROCUREMENT.**

107 **THE DBM OR GOVERNING BOARD, AS THE CASE MAY BE, SHALL IDENTIFY THE**
108 **REQUIREMENTS AND/OR PRESCRIBE GUIDELINES BEFORE PROCURING ENTITIES**
109 **MAY ENTER INTO MULTI YEAR CONTRACTS AND BEFORE THE ISSUANCE OF A MYCA.**

110 **ALL EXISTING MULTI-YEAR OBLIGATIONAL AUTHORITY (MYOA) SHALL BE**
111 **UNDERSTOOD TO REFER TO THE MYCA.**

112 **(H) TO ENSURE FULL BUDGET UTILIZATION, TIMELY CONTRACT**
113 **IMPLEMENTATION, AND EFFICIENT DELIVERY OF SERVICES, THE PROCURING**
114 **ENTITIES ARE AUTHORIZED TO UNDERTAKE PROCUREMENT ACTIVITIES FROM THE**
115 **PRE-PROCUREMENT CONFERENCE UNTIL POST- QUALIFICATION OF BIDS BASED ON**
116 **THEIR PROPOSED BUDGET IN THE NATIONAL EXPENDITURE PROGRAM (NEP),**
117 **CORPORATE OPERATING BUDGETS, OR APPROPRIATIONS ORDINANCE.**

118 **THE PROCURING ENTITIES SHALL PROCEED WITH THE AWARDING OF**
119 **CONTRACT ONLY UPON APPROVAL OR ENACTMENT OF THEIR RESPECTIVE**
120 **APPROPRIATIONS OR BUDGET AUTHORIZATION DOCUMENT, AS THE CASE MAY BE,**
121 **AND BASED ON THE AMOUNT AUTHORIZED THEREIN.”**

122 **SEC. 4.** Section 8 of Republic Act No. 9184 is hereby amended to read as follows:

123 **“Section. 8. *Procurement by Electronic Means.* – To promote transparency and**
124 **efficiency, information and communications technology shall be utilized in the**
125 **conduct of procurement procedures. Accordingly, there shall be a single portal that**
126 **shall serve as the primary source of information on all government procurement. The**
127 **[G-EPS] PHILGEPS shall serve as the primary and definitive source of information on**
128 **government procurement. Further, the GPPB is authorized to approve changes in the**
129 **procurement process to adapt to improvements in modern technology, provided that**
130 **such modifications are consistent with the provisions of Section 3 of this Act.**

131 **[To take advantage of the significant built-in efficiencies of the G-EPS and the**
132 **volume discounts inherent in bulk purchasing, all Procuring Entities shall utilize the G-**
133 **EPS for the procurement of common supplies under the rules and procedures to be**

established by the GPPB. Concerning the procurement of non-common use items, infrastructure projects and consulting services, agencies may hire service providers to undertake their electronic procurement provided these service providers meet the minimum requirements set by the GPPB.]

ALL PROCURING ENTITIES SHALL UTILIZE THE PRIVILEGES FOR THE PROCUREMENT OF GOODS AND SERVICES UNDER THE RULES AND PROCEDURES TO BE ESTABLISHED BY THE GPPB.

SEC. 5. Section 10 of Republic Act No. 9184 is hereby amended to read as follows:

“Section 10. Competitive Bidding – All Procurement shall be done through Competitive Bidding **BY LOWEST BID METHOD WHICH SHALL BE THE DEFAULT MODE OF PROCUREMENT** *except as provided* **FOR IN SECTION 11 OF THIS ACT.”**

SEC. 6. Republic Act No. 9184 is hereby amended by inserting a new section designated as Section 11 in Article IV.

“SECTION 11. BEST VALUE PROCUREMENT. – PROCUREMENT OF NON-COMMON USE GOODS, INFRASTRUCTURE PROJECTS AND CONSULTANCY SERVICES MAY BE DONE THROUGH THE BEST VALUE PROCUREMENT METHOD.

THE FOLLOWING FACTORS SHALL BE CONSIDERED IN OPTING FOR THE BEST-VALUE METHOD OF PROCUREMENT:

(a) THE QUALITY OF THE GOODS AND SERVICES;

(b) FITNESS FOR THE PURPOSE OF THE PROPOSAL;

(c) THE POTENTIAL BIDDER'S RELEVANT EXPERIENCE AND PERFORMANCE HISTORY;

(d) FLEXIBILITY OF THE PROPOSAL, INCLUDING INNOVATION AND ADAPTABILITY OVER THE LIFE CYCLE OF THE PROCUREMENT;

(e) ENVIRONMENTAL SUSTAINABILITY OF THE PROPOSED GOODS AND INFRASTRUCTURES, SUCH AS ENERGY EFFICIENCY AND ENVIRONMENTAL IMPACT;

(f) LIFE CYCLE COSTS, INCLUDING MAINTENANCE COSTS, UTILITY COSTS, DISPOSAL COSTS, LICENSING COSTS (WHEN APPLICABLE), THE COST OF ADDITIONAL FEATURES PROCURED AFTER THE INITIAL PROCUREMENT, AND CONSUMABLE COSTS;

(g) TIMELINESS;

(h) COST OF NECESSARY TRAINING;

(i) QUALIFICATIONS OF TECHNICAL PERSONNEL INVOLVED IN THE
PROCUREMENT OF GOODS AND SERVICES;

(j) REALISTIC RISK ASSESSMENT OF THE PROPOSED SOLUTION; AND

(k) AVAILABILITY AND COST OF TECHNICAL SUPPORT.

SEC. 7. Section 13 of Republic Act No. 9184 is hereby amended to read as follows:

“Section 13. *Observers.* - “To enhance the transparency of the process, the BAC shall, in all stages of the procurement process, invite, in addition to the representative of the Commission on Audit, at least two (2) observers to sit in its proceedings, one (1) from a duly recognized private group in a sector or discipline relevant to the procurement at hand, and the other from a non-government organization: Provided, [however,] that they do not have any direct or indirect interest in the contract to be bid out. **PROVIDED, FURTHER, THAT IN NO CASE SHALL THEY BE INVITED BY THE BAC MORE THAN FIVE (5) TIMES IN A YEAR.** The observers should be [duly registered with the SEC] **MEMBERS IN GOOD STANDING OF THE SECTOR OR DISCIPLINE OR NON-GOVERNMENT ORGANIZATION FROM WHICH THEY BELONG TO, AS DULY CERTIFIED BY THEIR HEAD OR CHAIRPERSON** and should meet the criteria for observers [as] outlined in the IRR.”

SEC. 8. Section 16 of Republic Act No. 9184 is hereby amended to read as follows:

“Section. 16. *Professionalization of BAC, BAC Secretariat and Technical Working Group Members.* – The GPPB shall establish a sustained training program for developing the capacity of the BACs, BAC Secretariats and Technical Working Groups of Procuring Entities, and professionalize the same.

FOR THIS PURPOSE, THE GPPB SHALL DEVELOP A PROCUREMENT CERTIFICATION PROGRAM FOR THE MAJORITY OF THE BAC, THE BAC SECRETARIATS, AND MEMBERS OF THE TECHNICAL WORKING GROUPS OR FOR ANYONE INTERESTED TO WORK AS SUCH IN THE GOVERNMENT, TO GAIN NATIONALLY RECOGNIZED QUALIFICATIONS AND CERTIFICATIONS AND TO MEET THE REQUIREMENTS OF QUALIFICATION STANDARDS FOR PROCUREMENT POSITIONS IN THE GOVERNMENT TO BE PRESCRIBED BY THE CIVIL SERVICE COMMISSION. THEY SHOULD SATISFACTORILY COMPLETE SUCH PROGRAM AND PASS THE EXAMINATIONS THEREOF, CONDUCTED, AUTHORIZED, OR ACCREDITED BY THE GPPB.

THE GPPB SHALL PROVIDE GUIDANCE AND POLICY DIRECTIONS CONCERNING THE CONDUCT OF TRAINING, THE PREPARATION OF CERTIFICATION EXAMINATIONS, AND THE CREATION OF TRAINING INSTITUTE(S) AND/OR ACCREDITATION OF TRAINING INSTITUTIONS, INCLUDING TRAINING OF TRAINERS.”

SEC. 9. Section 18 of Republic Act No. 9184 is hereby amended to read as follows:

204 “Section 18. *Reference to Brand Names.* – Specifications for the Procurement
205 of Goods AND GOODS COMPONENT TO INFRASTRUCTURE PROJECTS AND
206 CONSULTING SERVICES shall be based on relevant characteristics and/or performance
207 requirements. Reference to brand names shall [not be allowed] BE AVOIDED.

208 **IN CASES WHERE IT IS NECESSARY TO QUOTE A BRAND NAME OF A**
209 **MANUFACTURER, THE PHRASE “OR EQUIVALENT” SHALL BE ADDED AFTER SUCH**
210 **REFERENCE. THE SPECIFICATIONS SHALL PERMIT THE ACCEPTANCE OF OFFERS**
211 **WHICH HAVE SIMILAR CHARACTERISTICS AND WHICH PROVIDE PERFORMANCE AND**
212 **QUALITY EQUIVALENT TO THAT SPECIFIED.**

213 **REFERENCE TO BRAND NAMES SHALL BE ALLOWED FOR GOODS THAT ARE**
214 **COMPATIBLE WITH THE PROCURING ENTITY’S EXISTING FLEET OR EQUIPMENT OF**
215 **THE SAME MAKE AND BRAND, AND TO MAINTAIN THE PERFORMANCE,**
216 **FUNCTIONALITY, AND USEFUL LIFE OF THE EQUIPMENT.”**

217 **SEC. 10.** Section 23 of Republic Act No. 9184 is hereby amended to read as follows:

218 “Section 23. *Eligibility Requirements for the Procurement of Goods and*
219 *Infrastructure Projects.* – The BAC or, under special circumstances specified in the IRR,
220 its duly designated organic office shall determine the eligibility of prospective bidders
221 for the procurement of Goods and Infrastructure Projects, based on the bidders’
222 compliance with the eligibility requirements within the period outlined in the
223 Invitation to Bid. The eligibility requirements shall provide for fair and equal access to
224 all prospective bidders. The documents submitted in satisfaction of the eligibility
225 requirements shall be made under oath by the prospective bidder or by his duly
226 authorized representative certifying the correctness of the statements made and the
227 completeness and authenticity of the documents submitted.

228 A prospective bidder may be allowed to submit his eligibility requirements
229 electronically. However, said bidder shall later on certify under oath as to the
230 correctness of the statements made and the completeness and authenticity of the
231 documents submitted. **PROVIDED, THAT FOR THE PROCUREMENT OF**
232 **INFRASTRUCTURE PROJECTS, THE PARTICIPATION OF PROSPECTIVE BIDDERS SHALL**
233 **BE DETERMINED BASED ON THE APPROVED BUDGET FOR THE CONTRACT (ABC) AS**
234 **FOLLOWS:**

235 **(a) ABC OF ONE HUNDRED MILLION PESOS (PHP100,000,000) AND BELOW. – THE**
236 **LOCATION OF THE MAIN OFFICE OF THE BIDDER MUST BE WITHIN THE**
237 **PROVINCE WHERE THE PROJECT SHALL BE IMPLEMENTED;**

238 **(b) ABC OF ABOVE ONE HUNDRED MILLION PESOS (PHP100,000,000) AND**
239 **BELOW TWO HUNDRED MILLION PESOS (PHP 200,000,000). – THE LOCATION**
240 **OF THE MAIN OFFICE OF THE BIDDER MUST BE WITHIN THE REGION WHERE**
241 **THE PROJECT SHALL BE IMPLEMENTED;**

242 **(c) ABC OF ABOVE TWO HUNDRED MILLION PESOS (PHP200,000,000). – THE**
243 **LOCATION OF THE MAIN OFFICE OF THE BIDDER CAN BE ANYWHERE IN THE**
244 **PHILIPPINES.**

SEC. 11. Republic Act No. 9184 is hereby amended by inserting under ARTICLE IX the following sections:

ARTICLE IX
VIDEO RECORDS OF ALL BIDDING CONFERENCES

"Section 30-A. VIDEO RECORDING OF ALL PROCUREMENT-RELATED CONFERENCES. TO ENHANCE THE TRANSPARENCY OF THE PROCUREMENT PROCESS, THE PROCURING ENTITY SHALL KEEP A VIDEO RECORDING OF ALL PROCUREMENT-RELATED CONFERENCES INCLUDING BUT NOT LIMITED TO PRE-PROCUREMENT CONFERENCE, PRE-BID CONFERENCE, BID OPENING, AND ALL MEETINGS OF THE BIDS AND AWARDS COMMITTEE (BAC), FOR ALL PROCUREMENT PROJECTS EQUAL OR EXCEEDING THE AMOUNT OF ONE MILLION PESOS (PHP 1,000,000. 00).

ALL PROCUREMENT-RELATED CONFERENCES MAY NOT COMMENCE WITHOUT A VIDEO RECORDING INITIATED BY THE CHAIR OF THE BAC.

VIOLATIONS OF THIS SECTION SHALL BE COVERED BY ARTICLES XXI, XXII, AND XXIII OF THIS ACT.

Section 30-B. SPECIFICATIONS OF THE VIDEO RECORDING. - THE VIDEO RECORDING SHALL BE CLEAR AND SHALL PROVIDE A CLOSE-UP VIEW OF THOSE PRESENT IN THE CONFERENCE. DURING THE RECORDING, THE MEMBERS OF THE BAC, THE PROSPECTIVE AND/OR QUALIFIED BIDDERS, THE REPRESENTATIVE OF THE COMMISSION ON AUDIT AND THE TWO (2) OBSERVERS INVITED UNDER THE PROVISION OF THIS ACT, SHALL BE INTRODUCED ONE BY ONE.

Section 30-C. COPIES OF THE VIDEO RECORDING. - THERE SHALL BE MADE THREE (3) COPIES OF THE VIDEO RECORDING FOR THE PERUSAL AND/OR RECORD OF THE BAC, THE GOVERNMENT PROCUREMENT POLICY BOARD (GPPB), AND THE COMMISSION ON AUDIT (COA). THE VIDEO COPIES SHALL BE MADE AVAILABLE TO THE PUBLIC UPON WRITTEN REQUEST AND PAYMENT OF A SPECIFIED FEE.

Section 30-D. WRITTEN AND VIDEO RECORDS AS EVIDENCE IN COURT. - IN CASE OF ANY PERTINENT LEGAL ACTION, THE VIDEO RECORDS MAY BE SUBJECT TO SUBPOENA *DUCES TECUM* AND MAY BE USED AS EVIDENCE IN COURT AS IT FINDS APPROPRIATE.

THE BAC, GPPB, AND COA SHALL STORE THE VIDEO RECORDS FOR NOT LESS THAN TWENTY (20) YEARS AND MAY DISPOSE OF THEM THEREAFTER.

THE BAC AND THE GPBB SHALL ENSURE THAT THE COPIES OF THE RECORDING ARE REGULARLY CHECKED TO ASCERTAIN THAT THEY ARE IN GOOD CONDITION AND NOT DETERIORATING, SUBJECT TO THE RECOMMENDED CONSERVATION PRACTICES FOR THE STORAGE OF THE SAME.

281 Section 30-E. **LOGISTICS OF VIDEO RECORDING.** - THE BAC OF EACH
282 PROCURING ENTITY SHALL BE IN CHARGE OF THE LOGISTICS OF VIDEO RECORDING
283 AND OTHER RELATED TECHNICAL MATTERS, SUCH AS BUT NOT LIMITED TO AUDIO,
284 ARCHIVING, AND SUCH OTHER MATTERS NECESSARY TO CARRY OUT THE
285 PROVISIONS OF THIS ACT.

286 Section 30-F. **PROCUREMENT OF VIDEO RECORDING EQUIPMENT.** - THE GPPB
287 SHALL BE IN CHARGE OF THE PROCUREMENT OF THE VIDEO RECORDING EQUIPMENT
288 AND RELATED SUPPLIES TO BE ALLOCATED TO THE PROCURING ENTITIES.”

289 **SEC. 12.** Section 31 of Republic Act No. 9184 is hereby amended to read as follows:

290 “Section 31. ***Ceiling AND FLOOR for Bid Prices.*** – The ABC shall be the upper
291 limit or ceiling for the Bid prices. Bid prices that exceed this ceiling **OR ARE LOWER**
292 **THAN THIRTY (30%) PERCENT OF THE ABC** shall be disqualified outright from further
293 participating in the bidding. [There shall be no lower limit to the amount of the award.]

294 **SEC. 13.** Section 36 of Republic Act No. 9184 is hereby amended to read as follows:

295 “Section 36. ***Single Calculated/Rated and Responsive Bid Submission.*** – A single
296 calculated/rated and responsive bid shall be considered for award **SUBJECT TO THE**
297 **APPROVAL OF THE GPPB AND** if it falls under any of the following circumstances:

298 (a) If after advertisement, only one prospective bidder submits a Letter of
299 Intent and/or applies for eligibility check, and meets the eligibility
300 requirements or criteria, after which it submits a bid, which is found to be
301 responsive to the bidding requirements;

302 (b) If after the advertisement, more than one prospective bidder applies for an
303 eligibility check, but only one bidder meets the eligibility requirements or
304 criteria, after which it submits a bid which is found to be responsive to the
305 bidding requirements; or

306 (c) If after the eligibility check, more than one bidder meets the eligibility
307 requirements, but only one bidder submits a bid, and its bid is found to be
308 responsive to the bidding requirements.

309 In all instances, the Procuring Entity shall ensure that the ABC reflects the most
310 advantageous prevailing price for the Government.”

311 **SEC. 14.** Section 42 of Republic Act No. 9184 is hereby amended to read as follows:

312 “Section 42. ***Contract Implementation and Termination.*** - **(A) THE PROCURING**
313 **ENTITY OR ITS REPRESENTATIVE SHALL HAVE THE RIGHT TO INSPECT AND/OR TEST**
314 **THE GOODS TO CONFIRM THEIR COMPLIANCE WITH THE TECHNICAL**
315 **SPECIFICATIONS. THE CONTRACT SHALL SPECIFY KEY PERFORMANCE INDICATORS**
316 **(KPI), THE REQUIRED INSPECTIONS AND/OR TESTS, AND WHERE THEY ARE TO BE**

317 CONDUCTED. THE PROCURING ENTITY SHALL BEAR ALL THE COSTS AND EXPENSES
318 THAT IT WILL INCUR TO ATTEND THE TESTS AND/OR INSPECTIONS INCLUDING, BUT
319 NOT LIMITED TO, TRAVELLING AND BOARD AND LODGING EXPENSES.

320 THE PROCURING ENTITY MAY REJECT ANY GOODS OR ANY PART THEREOF
321 THAT FAIL TO PASS ANY TEST AND/OR INSPECTION OR DO NOT CONFORM TO THE
322 SPECIFICATIONS. THE SUPPLIER SHALL EITHER RECTIFY OR REPLACE SUCH REJECTED
323 GOODS OR PARTS THEREOF OR MAKE ALTERATIONS NECESSARY TO MEET THE
324 SPECIFICATIONS, AT NO COST TO AND AS MAY BE REASONABLY DETERMINED BY,
325 THE PROCURING ENTITY. THE SUPPLIER SHALL REPEAT THE TEST AND/OR
326 INSPECTION, AT NO COST TO THE PROCURING ENTITY.

327 NEITHER THE EXECUTION OF A TEST AND/OR INSPECTION OF THE GOODS OR
328 ANY PART THEREOF NOR THE ATTENDANCE BY THE PROCURING ENTITY OR ITS
329 REPRESENTATIVE THEREIN SHALL RELEASE THE SUPPLIER FROM ANY WARRANTIES
330 OR OTHER OBLIGATIONS UNDER THE CONTRACT.

331 (B) FAILURE OF THE SUPPLIER, CONTRACTOR, OR CONSULTANT TO DELIVER
332 THE QUALITY REQUIRED UNDER THE CONTRACT SHALL CONSTITUTE THE CRIME OF
333 ESTAFA, PUNISHABLE UNDER THE PROVISIONS OF ARTICLE 315, PARAGRAPH 1 (a)
334 OF ACT NO. 3815, OTHERWISE KNOWN AS THE REVISED PENAL CODE. IF THE
335 VIOLATION OR OFFENSE IS COMMITTED BY A CORPORATION, PARTNERSHIP,
336 ASSOCIATION, OR OTHER JURIDICAL ENTITIES, THE PENALTY SHALL BE IMPOSED
337 UPON THE DIRECTORS, OFFICERS, EMPLOYEES, OR OTHER OFFICIALS OR PERSONS
338 THEREIN RESPONSIBLE FOR THE CRIME, WITHOUT PREJUDICE TO THE CIVIL
339 LIABILITIES ARISING FROM THE CRIMINAL OFFENCE AND OTHER ADMINISTRATIVE
340 LIABILITIES.

341 (C) TO PROMOTE TRANSPARENCY AND EFFICIENCY, INFORMATION AND
342 COMMUNICATIONS TECHNOLOGY, SUCH AS BUT NOT LIMITED TO, GEO-TAGGING
343 AND AUTOMATED PROJECT MONITORING SYSTEMS, SHALL BE UTILIZED BY THE
344 PROCURING ENTITY IN THE IMPLEMENTATION OF CONTRACTS, REGARDLESS OF THE
345 AMOUNT, AND SHALL BE POSTED IN THE WEBSITE OF THE PROCURING ENTITY.

346 (D) TO ENSURE THE ACTUAL PERFORMANCE OF PROJECTS AND THE DELIVERY
347 OF GOODS AND INFRASTRUCTURE PROJECTS, THE PROCURING ENTITY SHALL INVITE
348 MONITORS FROM A DULY RECOGNIZED PRIVATE GROUP OR A NON- GOVERNMENT
349 ORGANIZATION IN A SECTOR OR DISCIPLINE RELEVANT TO THE PROJECT AT HAND
350 DURING THE IMPLEMENTATION OF CONTRACTS EXCEPT THOSE PROCURED
351 THROUGH NEGOTIATED PROCUREMENT IN EMERGENCY CASES, SHOPPING, OR
352 SMALL- VALUE PROCUREMENT AS DEFINED IN THE RULES: PROVIDED, HOWEVER,
353 THAT BOTH THE INVITED ENTITY AND/OR THE INDIVIDUALS DO NOT HAVE ANY
354 DIRECT OR INDIRECT INTEREST IN THE CONTRACT BEING IMPLEMENTED. THE
355 MONITORS SHOULD BE DULY REGISTERED WITH THE SECURITIES AND EXCHANGE
356 COMMISSION (SEC) AND SHOULD MEET THE CRITERIA FOR CONTRACT
357 IMPLEMENTATION MONITORS AS OUTLINED IN THE RULES.

(E) ALL PROCURING ENTITIES IMPLEMENTING GOVERNMENT INFRASTRUCTURE PROJECTS ARE MANDATED TO EVALUATE THE PERFORMANCE OF THEIR CONTRACTORS USING THE NEDA-APPROVED CONSTRUCTORS PERFORMANCE EVALUATION SYSTEM (CPES) GUIDELINES FOR THE TYPE OF PROJECT BEING IMPLEMENTED. CPES EVALUATION SHALL BE UNDERTAKEN DURING CONSTRUCTION AND UPON COMPLETION OF EACH GOVERNMENT PROJECT. TO ENSURE CONTINUOUS IMPLEMENTATION OF CPES, ALL PROCURING ENTITIES CONCERNED ARE REQUIRED TO INCLUDE IN THEIR PROJECTS' ENGINEERING AND ADMINISTRATIVE OVERHEAD COST THE BUDGET FOR THE IMPLEMENTATION OF CPES ACCORDING TO THE NEDA GUIDELINES.

FOR GOODS AND CONSULTING SERVICES, THE PROCURING ENTITIES ARE MANDATED TO EVALUATE THE PERFORMANCE OF THEIR SUPPLIERS AND CONSULTANTS USING THE CONTRACT PERFORMANCE ASSESSMENT REPORT SYSTEM (CPARS) ACCORDING TO THE GUIDELINES TO BE ISSUED BY THE GPPB.

PURSUANT TO SECTION 8 OF R.A. 9184, THE PHILGEPS SHALL HAVE A CENTRALIZED ELECTRONIC DATABASE OF ALL MANUFACTURERS, SUPPLIERS, DISTRIBUTORS, CONTRACTORS, AND CONSULTANTS, WITH THEIR CORRESPONDING REGISTRATION NUMBERS WITH CONTRACTS WITH THE GOVERNMENT FOR FEEDBACK MECHANISM AND PERFORMANCE TRACKING. THE REGISTRATION NUMBER SHALL BE A PRE-REQUISITE FOR PARTICIPATION IN ANY GOVERNMENT PROCUREMENT.

THE GPPB SHALL PROVIDE THE DETAILS AND MECHANICS FOR THE IMPLEMENTATION OF THE FEEDBACK MECHANISM WHICH SHALL BE FAIR AND EQUITABLE. AFTER PROPER VERIFICATION, THE RESULTS THEREOF SHALL BE MADE AVAILABLE TO OTHER GOVERNMENT AGENCIES TO ENSURE THAT THE GOVERNMENT ONLY DOES BUSINESS WITH MANUFACTURERS, SUPPLIERS, DISTRIBUTORS, CONTRACTORS, AND CONSULTANTS THAT PROVIDE QUALITY PRODUCTS AND SERVICES ON TIME.

The **OTHER** rules and guidelines for the implementation and termination of contracts awarded under the provisions of this Act shall be prescribed in the IRR. The rules and guidelines shall include standard general and special conditions for contracts.

SEC. 15. Section 52 of Republic Act No. 9184 is hereby amended to read as follows:

"Section 52. *Shopping.* - Shopping may be resorted to under any of the following instances:

(a) When there is an unforeseen contingency requiring immediate purchase: Provided, however. That the amount shall not exceed [Fifty Thousand Pesos (P50,000)] **TWO HUNDRED THOUSAND PESOS (P200,000); or**

(b) Procurement of ordinary or regular office supplies and equipment not available in the Procurement Service involving an amount not exceeding [Two Hundred Fifty Thousand Pesos (P250,000)] **FIVE HUNDRED THOUSAND**

PESOS (P500,000): Provided, however. That the procurement does not result in Splitting of Contracts: Provided, further. That at least three (3) price quotations from *bonafide* suppliers shall be obtained. **IN CASE THE REQUIRED NUMBER OF QUOTATIONS FROM BONA FIDE SUPPLIERS ARE NOT RECEIVED, THE PROCURING ENTITY, AFTER EXTENDING THE DEADLINE FOR SUBMISSION OF QUOTATIONS AT LEAST ONCE, MAY CANA ASS ON ITS OWN FOR THE ITEM TO BE PROCURED FROM AT LEAST THREE (3) SLPPLIEF^S, INCLUDING THOSE WHO MAY HAVE ALREADY SUBMITTED THEIR QUOTATIONS, WHO ARE KNOWN TO BE CONSISTENTLY SUPPLYING QUALITY GOODS AT ACCEPTABLE AND REASONABLE PRICE. THE PROCURING ENTITY IS ALSO TASKED TO KNOW THE REASONS WHY NOT ENOUGH SUPPLIERS SUBMITTED QUOTATIONS IN ORDER IOR HIE PROCURING ENTITY, IN COORDINATION WITH THE GPPB, TO ADDRESS THE PROBLEM(S), IF ANY, FOR ITS FUTURE PROCUREMENTS.**

PROCUREMENT OF GOODS INVOLVING AN AMOUNT NOT EXCEEDING FIVE THOUSAND PESOS (P5,000) UNDER THE PETTY CASH FUND FOLLOWING THE RULES AND REGULATIONS OF THE COMMISSION ON AUDIT SHALL NOT REQUIRE ANY QUOTATION OR CANVASS: PROVIDED, HOWEVER, THAT THE OFFICIAL RECEIPT SHALL BE SUBMITTED AS PROOF OF PAYMENT AND SUCH OTHER REQUIREMENTS AS MAY BE REQUIRED IN THE IRR UNDER THIS ACT; PROMDED, FURTHER, THAT THE PROCUREMENT DOES NOT RESULT IN SPLITTING OF CONTRACTS.

SEC. 16. Section 53 of Republic Act No. 9184 is hereby amended to read as follows:

“Section 53. Negotiated Procurement. – Negotiated Procurement shall be allowed only in the following instances:

(a) In cases of two failed biddings, as provided in Section 35 hereof;

(b) In case of imminent danger to life or property **BEFORE**, during **OR AFTER** a state of calamity, or when time is of the essence arising from natural or man-made calamities or other causes where immediate action is necessary to prevent damage to or loss of life or property or to restore vital public services, infrastructure facilities and other public utilities;

(c) Take-over of contracts, which have been rescinded or terminated for causes provided for in the contract and existing laws, where immediate action is necessary to prevent damage to or loss of life or property or to restore vital public services, infrastructure facilities and other public utilities;

(d) Where the subject contract is adjacent or contiguous to an ongoing infrastructure project, as defined in the IRR: Provided, however, That the original contract is the result of a Competitive Bidding; the subject contract to be negotiated has similar or related scopes of work; it is within the contracting capacity of the contractor; the contractor uses the same prices or lower unit prices as in the original contract less mobilization cost; the amount involved

438 does not exceed the amount of the ongoing project; and, the contractor has
439 no negative slippage: Provided, further, That negotiations for the procurement
440 are commenced before the expiry of the original contract. Whenever
441 applicable, this principle shall also govern consultancy contracts, where the
442 consultants have unique experience and expertise to deliver the required
443 service; or,

444 (e) Subject to the guidelines specified in the IRR, purchases of Goods from
445 another agency of the Government, such as the Procurement Service of the
446 DBM, which is tasked with a centralized procurement of commonly used
447 Goods for the government under Letters of Instruction No. 755 and Executive
448 Order No. 359, series of 1989.

449 **IN ALL CASES OF NEGOTIATED PROCUREMENT, ALL SUPPLIERS,**
450 **CONTRACTORS, AND CONSULTANTS ARE MANDATED TO SUBMIT DOCUMENTS TO**
451 **PROVE THEIR FINANCIAL, TECHNICAL, AND LEGAL CAPACITY THAT SHALL BE DULY**
452 **VALIDATED BY THE PROCURING ENTITY.”**

453 **SEC. 17.** Section 64 of Republic Act No. 9184 is hereby amended to read as follows:

454 “Section 64. *Membership.* - The GPPB shall be composed of the Secretary of the
455 Department of Budget and Management, as [Chairman] Chairperson, the Director-
456 General of NEDA, as Alternate [Chairman] Chairperson, with the following as
457 Members; the Secretaries of the Departments of **AGRICULTURE**, Education, Energy,
458 **ENVIRONMENT AND NATURAL RESOURCES**, Finance, **FOREIGN AFFAIRS**, Health,
459 **INFORMATION AND COMMUNICATIONS TECHNOLOGY**, Interior and Local
460 Government, **MIGRANT WORKERS**, National Defense, Public Works and Highways,
461 Science and Technology, **SOCIAL WELFARE AND DEVELOPMENT**, Tourism, Trade and
462 Industry, Transportation and Commission on Audit or their duly authorized
463 representatives, and a representative from the private sector to be appointed by the
464 President upon the recommendation of the GPPB. The GPPB may invite a
465 representative from the **LEGISLATIVE OR JUDICIAL BRANCH** to serve as resource
466 person.”

467 **SEC. 18.** Section 65 of Republic Act No. 9184 is hereby amended to read as follows:

468 “Section 65. *Offenses and Penalties.* – (a) Without prejudice to the provisions
469 of Republic Act No. 3019, otherwise known as the “Anti-Graft and Corrupt Practices
470 Act” and other penal laws, public officers who commit any of the following acts shall
471 suffer the penalty of imprisonment of not less than six (6) years and one (1) day, but
472 not more than fifteen (15) years:

473 1. Open any sealed Bid including but not limited to Bids that may have been
474 submitted through the electronic system and any documents required to be
475 sealed or divulging their contents, before the appointed time for the public
476 opening of Bids or other documents.

2. Delaying, without justifiable cause, the screening for eligibility, opening of bids, evaluation and post-evaluation of bids, and awarding of contracts beyond the prescribed periods of action provided for in the IRR.

3. Unduly influencing or exerting undue pressure on any member of the BAC or any officer or employee of the procuring entity to take a particular action which favors, or tends to favor a particular bidder.

4. Splitting of contracts which exceed procedural purchase limits and competitive bidding.

5. When the head of the agency abuses the exercise of his power to reject any bids as mentioned under Section 41 of this Act with manifest preference to any bidder who is closely related to him under Section 47 of this Act.

6. RECOMMENDING, APPROVING, AND/OR AWARDING A CONTRACT TO A BIDDER THAT IS NOT LEGALLY, TECHNICALLY, AND/OR FINANCIALLY CAPABLE.

7. APPROVING AND/OR ACCEPTING GOODS, PRODUCTS, AND/OR SERVICES DIFFERENT FROM THOSE APPROVED BY THE PROCUREMENT ENTITY, AND OR THOSE INDICATED IN THE SUPPLY CONTRACT.

8. FOR NO LAWFUL CAUSE, CHANGING OR CAUSING THE CHANGE OF SPECIFICATIONS AND/OR OTHER TECHNICAL REQUIREMENTS TO FAVOR A PARTICULAR SUPPLIER.

When any of the foregoing acts is done in collusion with private individuals, the private individuals shall likewise be liable for the offense.

In addition, the public officer involved shall also suffer the penalty of temporary disqualification from public office, while the private individual shall be permanently disqualified from transacting business with the Government.

(b) Private individuals who commit any of the following acts, including any public officer, who conspires with them, shall suffer the penalty of imprisonment of not less than six (6) years and one (1) day but not more than fifteen (15) years:

(1) When two or more bidders agree and submit different Bids as if they were bona fide when they knew that one or more of them was so much higher than the other that it could not be honestly accepted and that the contract will surely be awarded to the pre-arranged lowest Bid.

(2) When a bidder maliciously submits different Bids through two or more persons, corporations, partnerships or any other business entity in which he has an interest to create the appearance of competition that does not exist to be adjudged as the winning bidder.

513 (3) When two or more bidders enter into an agreement which calls
514 upon one to refrain from bidding for Procurement contracts, or which
515 calls for the withdrawal of Bids already submitted, or which is
516 otherwise intended to secure an undue advantage to any one of them.

517 (4) When a bidder, by himself or in connivance with others, employs
518 schemes which tend to restrain the natural rivalry of the parties or
519 operate to stifle or suppress competition and thus produce a result
520 disadvantageous to the public.

521 In addition, the persons involved shall also suffer the penalty of temporary or
522 perpetual disqualification from public office and be permanently disqualified from
523 transacting business with the Government.

524 (c) Private individuals who commit any of the following acts, and any public
525 officer conspiring with them, shall suffer the penalty of imprisonment of not less than
526 six (6) years and one (1) day but not more than fifteen (15) years:

527 (1) Submit eligibility requirements of whatever kind and nature that
528 contain false information or falsified documents calculated to influence
529 the outcome of the eligibility screening process or conceal such
530 information in the eligibility requirements when the information will
531 lead to a declaration of ineligibility from participating in public bidding.

532 (2) Submit Bidding Documents of whatever kind and nature that
533 contain false information or falsified documents or conceal such
534 information in the Bidding Documents, to influence the outcome of the
535 public bidding.

536 (3) Participate in public bidding using the name of another or allow
537 another to use one's name to participate in public bidding.

538 (4) Withdraw a Bid, after it shall have qualified as the Lowest Calculated
539 Bid/Highest Rated Bid, or refuse to accept an award, without just cause
540 or to force the Procuring Entity to award the contract to another
541 bidder. This shall include the non-submission within the prescribed
542 time, or delaying the submission of requirements such as, but not
543 limited to, performance security, preparatory to the final award of the
544 contract.

545 (d) When the bidder is a juridical entity, criminal liability and the accessory
546 penalties shall be imposed on its directors, officers or employees who commit any of
547 the foregoing acts."

548 **SEC. 19.** Section 74 of Republic Act No. 9184 is hereby amended to read as follows:

549 "Section 74. *Oversight Committee.* - There is hereby created a Joint
550 Congressional Oversight Committee to oversee the implementation of this Act for a

period not exceeding five (5) years from ITS [the] effectivity **AND UNDERTAKE A MANDATORY REVIEW of this Act AT LEAST ONCE EVERY FIVE (5) YEARS AND AS OFTEN AS IT MAY DEEM NECESSARY, WITH THE END GIVEN, PROVIDING A PROCUREMENT PROCESS THAT IS SIMPLE AND REASONED AND ALLOWS FOR THE EFFECTIVE, EFFICIENT, ECONOMIC, AND ETHICAL USE OF GOVERNMENT RESOURCES.** The Committee shall be composed of the Chairman of the Senate Committee on **FINANCE** [Constitutional Amendments and Revision of Laws] and two (2) members thereof appointed by the Senate President; the Chairman of the House Committee on Appropriations, and two (2) members thereof to be appointed by the Speaker of the House of Representatives.

SEC. 20. Republic Act No. 9184 is hereby amended by inserting a new section designated as Section 71-A to read as follows:

“Section 71-A. Blacklisting. – THE BLACKLISTING OF NON-COMPLIANT SUPPLIERS, CONTRACTORS, AND CONSULTANTS SHALL BE ALLOWED UPON RELEASE OF THE GUIDELINES BY THE GPPB. THEY SHALL NOT BE ALLOWED TO PARTICIPATE IN THE BIDDING OF ALL GOVERNMENT PROJECTS DURING THE PERIOD OF DISQUALIFICATION.

A JOINT VENTURE OR CONSORTIUM WHICH IS BLACKLISTED OR WHICH HAS BLACKLISTED MEMBER(S) AND/OR PARTNER(S), AS WELL AS A PERSON/ENTITY WHO IS A MEMBER OF A BLACKLISTED JOINT VENTURE OR CONSORTIUM, ARE, LIKEWISE, NOT ALLOWED TO PARTICIPATE IN ANY GOVERNMENT PROCUREMENT DURING THE PERIOD OF DISQUALIFICATION.

IN THE CASE OF CORPORATIONS, A SINGLE STOCKHOLDER, TOGETHER WITH HIS/HER RELATIVES UP TO THE THIRD (3RD) CIVIL DEGREE OF CONSANGUINITY OR AFFINITY, AND THEIR ASSIGNEES, HOLDING AT LEAST TWENTY PERCENT (20%) OF THE SHARES THEREIN, ITS CHAIRMAN OR PRESIDENT REGARDLESS OF THE NUMBER OF SHARES THEY HOLD IN SUCH CORPORATION OF WHICH THEY ARE CHAIRMAN OR PRESIDENT, SHALL BE BLACKLISTED AFTER THEY HAVE BEEN DETERMINED TO HOLD THE SAME CONTROLLING INTEREST IN ANOTHER BLACKLISTED CORPORATION. THE CORPORATIONS OF WHICH THEY ARE PART OF SHALL ALSO BE BLACKLISTED.

BIDDERS BLACKLISTED OR BARRED FROM BIDDING BY OTHER FOREIGN GOVERNMENT/FOREIGN OR INTERNATIONAL FINANCING INSTITUTIONS ARE ALSO NOT ALLOWED TO PARTICIPATE IN THE BIDDING OF ALL GOVERNMENT PROJECTS, PROGRAMS AND SERVICES.

SEC. 21. Renumbering of Affected Articles and Sections. — Articles and Sections of Republic Act No. 9184 affected by the amendments made herein shall be renumbered accordingly.

SEC. 22. Appropriations. — The amount necessary for the implementation of this Act shall be included in the annual General Appropriations Act.

590 **SEC. 23. *Implementing Rules and Regulations.*** — Within sixty (60) days from the
591 promulgation of this Act, the GPPB shall formulate the necessary rules and regulations for its
592 effective implementation.

593 **SEC. 24. *Transitory Provision.*** — Procurement transactions commenced before the
594 effectivity of this Act shall be governed by Republic Act No. 9184

595 **SEC. 25. *Separability Clause.*** — Any portion or provisions of this Act that may be
596 declared unconstitutional or invalid shall not have the effect of nullifying other portions or
597 provisions hereof as long as such remaining portions or provisions can still subsist and be given
598 effect in their entirety.

599 **SEC. 26. *Repealing Clause.*** — All laws, presidential decrees, executive orders,
600 memoranda, circulars, and other issuances, or parts thereof, which are inconsistent with the
601 Act, are hereby repealed or modified accordingly.

602 **SEC. 27. *Effectivity.*** — This Act shall take effect fifteen (15) days from the date of its
603 publication in the Official Gazette or a website provided for by law.

Approved,