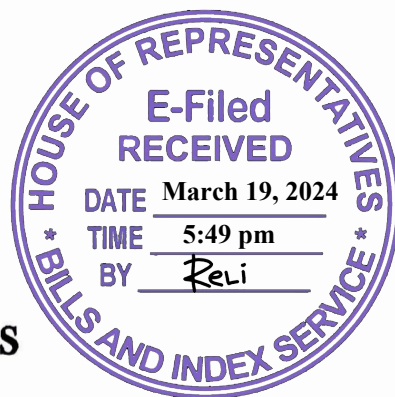




Republic of the Philippines
HOUSE OF REPRESENTATIVES
Quezon City

NINETEENTH CONGRESS
Second Regular Session

HOUSE BILL No. 10190

Introduced by REPRESENTATIVE GLORIA MACAPAGAL-ARROYO

AN ACT AMENDING REPUBLIC ACT No. 8182 AS AMENDED BY REPUBLIC ACT No. 8555 TO AUTHORIZE THE AWARD OF A PROJECT TO THE BIDDER IN CASES WHERE THERE IS ONLY A SINGLE BIDDER, AND FOR OTHER PURPOSES

EXPLANATORY NOTE

The paucity of domestic financial resources to fund our developmental programs has led us to turn to foreign sources to implement identified programs and projects most urgently needed for our country's sustainable economic growth and development.

Official Development Assistance (ODA), as defined by Republic Act No. 8182 as amended by Republic Act 8555, is foreign-funded loan or loan and grant administered for the country's sustainable social and economic development, contracted between the Philippine government and a foreign government or entity, subject to certain conditions as agreed upon by the contracting parties.

The Commission on Audit (COA) Report of June 2023 indicates that 82 loans still have unavailed commitments, totaling over Php 824 billion as of year-end 2022. Among the reasons for low absorption is the delayed /slow implementation of ODA-funded programs or projects. Of the 106 active ODA loans as of end December, 2022 as recorded by the National Economic Development Authority (NEDA), it is reported that, based on the physical status reports of implementing agencies, 38 projects are behind schedule or have incomplete outputs. Cited among the causes of delay is the lack of competing bidders which results in the project not being awarded. Bidding is declared a failure when only one bidder bids for a project opened for bidding.

Re-opening the bidding process to new bidders renders the process more costly and sets back the completion of the project. The delay caused by repeated biddings may even render a project eventually ineffective if the said project is time-bound.

There is a need to make the bidding process more efficient by reducing, if not totally eliminating, unnecessary or redundant procedures that are bottlenecks in the bidding process to optimize the utilization of these ODA loans and grants.

This bill seeks to improve the absorption capacity of ODA grants and loans and fast-track the implementation of any ODA-funded project with only a single bidder by reducing the procedures in bidding. Awarding the project to the lone bidder who satisfies certain requirements is one sure way of cutting down redundant procedures. The requirements serve as safeguards to prevent unscrupulous individuals from exploiting the simplified process.

In view of the urgent need to make the bidding process for ODA projects more efficient, the passage of this bill is immediately sought.



GLORIA MACAPAGAL-ARROYO
Representative, 2nd District of Pampanga



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

Section 1. Republic Act No. 8182 as amended by Republic Act No. 8555 is hereby amended to include new sections as follows:

Section 5. In cases where only a single bidder bids for a project, said project will be awarded to said sole bidder, provided that the project is certified by the agency as extremely urgent and provided further that the sole bidder satisfies the minimum requirements for bidders of the particular project.

The National Economic and Development Authority (NEDA) shall draw up the criteria for bidders prior to opening a project for bidding.

Section 5. a. Whenever applicable, the terms and conditions provided under Section 2 of Republic Act No. 7718 may be used for any ODA-funded project with only a single bidder.

Section 5.b. Unsolicited proposals. Section 4-A of Republic Act No. 7718 may apply to any ODA-funded project with a single bidder, provided that the unsolicited proposal constitutes merely a component of the project and provided further that all the conditions contained in Section 4-A are fulfilled.

Section 2. Applicability. This Act covers all loans and loans and grants funded by Official Development Assistance as defined by Republic Act No. 8182 and contracted after this Act is approved.

Sec. 3. Effectivity. – This Act shall take effect after five (5) days from its publication in the Official Gazette or in at least two (2) national newspapers of general circulation whichever date comes first.

Approved.