



REPUBLIC OF THE PHILIPPINES
HOUSE OF REPRESENTATIVES
Quezon City

Seventeenth Congress
Second Regular Session

H. NO. **6059**

Introduced by Rep. AURELIO "DONG" D. GONZALES, JR.

EXPLANATORY NOTE

It is unfortunate that the procurement activities on government infrastructure projects are invariably characterized by delays. Some of which are caused by loopholes in the law — which are likewise exploited by the concerned officials of the procuring entity. Thus, resulting sometimes in the reversion of the funds for the projects.

In view of the Build Build policy the administration and likewise of the 2017 State of the Nation Address, the amendments mentioned in this house bill focus on the two reasons. Firstly, to improve the infrastructure facilities of the country under the GAA of 2018. Secondly, to expedite procurement process for government infrastructure contracts.

It is only fair and just that these amendments will be considered as the government allocates huge amount for infrastructure projects which are intended primarily to alleviate poverty by accelerating and giving impetus to economic activities only through accelerated and increased spending.


REP. AURELIO "DONG" D. GONZALES, JR.
3rd District, Pampanga



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AN ACT AMENDING SECTIONS 37 AND 38 OF REPUBLIC ACT NO. 9184, OTHERWISE KNOWN AS GOVERNMENT PROCUREMENT REFORM ACT AND PROVIDING FOR ADDITIONAL PROVISIONS NOT PRESENTLY INCLUDED IN THE LAW

1. Section 37. Notice and Execution of Award is hereby amended as follows:

Within a period not exceeding **seven (7)** calendar days from the determination and declaration by the BAC of the Lowest Calculated Responsive Bid or Highest Rated Responsive Bid and the recommendation of the award, the Head of the Procuring Entity or his duly authorized representative shall approve or disapprove the said recommendation. In case of approval, the Head of the Procuring Entity or his duly authorized representative shall immediately issue the Notice of Award to the Bidder with the Lowest Calculated Responsive Bid or the Highest Rated Responsive Bid.

In case the Head of the Procuring Entity disapproves the recommendation of the BAC to award the contract to the bidder with the Lowest Calculated Responsive Bid or the Highest Rated Responsive Bid, the Head of the Procuring Entity shall state the specific reasons for the disapproval and return the same to the BAC immediately on the day of the disapproval.

Within **five (5) calendar days** from receipt of the Notice of Award, the winning bidder shall formally enter into contract with the Procuring Entity. When further approval of higher authority is required, the approving authority for the contract shall be given a maximum of **five (5) calendar days** to approve or disapprove it, **otherwise the contract shall be deemed approved by the Head of the Procuring Entity or his authorized representative.**

2. **In case the Head of the Procuring Entity disapproves the contract, the reason or reasons for the disapproval shall be stated in clear and unmistakable terms and the disapproved contract shall be returned immediately on the day the contract is**

disapproved to the implementing unit of the project which shall take action thereon within two (2) days from its receipt of the disapproved contract.

3. The Head of the Procuring Entity or his authorized representative shall issue the Notice to Proceed to the winning bidder on the day immediately following the approval of the contract and shall cause the service of the Notice to Proceed through the fastest means of communication recognized as valid mode of service of notice under existing law.
4. Section 38. Period of Action on Procurement Activities is hereby amended as follows:

The procurement process, starting from the date of the publication of the invitation to bid, which shall be published only once in a newspaper of national circulation for projects costing fifteen million pesos and above up to the issuance of the Notice to Proceed shall not exceed three (3) months or a shorter period as may be warranted for justifiable cause to be determined by the Head of the Procuring Entity.

For contracts wherein there is only one bidder, the procurement process starting from the date of submission and opening of bids up to issuance of the Notice to Commence/ Proceed shall not exceed fifteen (15) days.

5. No project shall be included for funding in the General Appropriations Act unless the detailed plans and specifications therefor have been duly completed and approved by the Head of the Procuring Entity and the right-of-way or site for the project have been acquired by the Procuring Entity either through negotiated sale or by expropriation.
6. The Chairman of the Bids and Awards Committee, its members and the members of the Secretariat and/or Technical Working Group shall give first priority to the discharge of their duties and functions as BAC members and members of the Secretariat and/or Technical Working Group, to ensure that the timelines for procurement activities are attained.
7. Repealing Clause – All provisions of existing laws, rules and regulations contrary to inconsistent with the foregoing are hereby repealed or amended accordingly.
8. Separability of Provisions – If any part, section or provision of the foregoing amendments shall be held invalid or unconstitutional, no other parts, section or provision hereof shall be affected thereby.
9. Effectivity – These amendments shall take effect after fifteen (15) days from their publication in the Official Gazette or in a newspaper of national circulation.