

APPROVING AMENDMENT TO SECTION 23.11.2 NO. 3 OF THE IMPLEMENTING RULES AND REGULATIONS PART A (IRR-A) OF REPUBLIC ACT NO.9184, OTHERWISE KNOWN AS THE GOVERNMENT PROCUREMENT REFO...

MEMORANDUM ORDER NO. 171, May 19, 2005

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WHEREAS, Republic Act (RA) No.9184 otherwise known as the Government Procurement Act was signed into law on January 10, 2003;

WHEREAS, pursuant to Section 75 of R.A. No.9184, the Government Procurement Policy Board (GPPB), jointly with the members of the Joint Congressional Oversight Committee formulated the Implementing Rules and Regulations Part A (IRR-A) of R.A. 9184 which was approved by the President of the Philippines on July 11, 2003;

WHEREAS, the joint participation of the Congressional Oversight Committee in the formulation of implementing rules and regulations has recently been declared unconstitutional by the Supreme Court in *Macalintal vs. Comelec*, G.R. No. 157013, July 2003;

WHEREAS, there is a need to amend Section 23.11.2 No.3 of IRR-A of R.A. No.9184, to provide for Allowable Ranges of Contract Costs (ARCC) in relation to a prospective bidder's largest single completed contract;

WHEREAS, pursuant to Section 75, Article XXV of R.A. No.9184, the GPPB-Technical Support Office formulated and proposed the foregoing amendment which was favorably endorsed by GPPB per its Resolution No. 013-2004 dated August 20, 2004;

NOW, THEREFORE, I, GLORIA MACAPAGAL-ARROYO, President of the Republic of the Philippines, by virtue of the powers vested in me by law, hereby approve the amendment of the Implementing Rules and Regulations - Part A (IRR-A) of R.A. No. 9184 as follows:

SECTION 1. Section 23.11.2 of the IRR-A is hereby amended to read as follows:

"3. The value of the prospective bidder's largest single completed contract, adjusted to current prices using the National Statistics Office consumer price indices available at the G-EPS website, and similar to the contract to be bid, must be at least fifty percent (50%) of the approved budget for the contract to be bid: Provided, however, That in case of a contractor under Small A and Small B categories without similar experience on the contract to be bid, he may be allowed to bid if the cost of such contract is more than fifty percent (50%) of the Allowable Ranges Contract Cost (ARCC) of his registration. For this purpose, the classification of contractors vis-a-vis the ARCC shall be based on the Guidelines as prescribed by the Philippine Contractors Accreditation Board (PCAB)."

SECTION 2. All other provisions of the IRR-A of R.A. 9184 shall remain unchanged.

SECTION 3. This amendment shall take effect immediately.

Adopted: 19 May 2005

(SGD.) GLORIA MACAPAGAL-ARROYO

By the President:

(SGD.) EDUARDO R. ERMITA

Executive Secretary

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