

Harmonized Rules for Foreign Funded Procurement

**Presented by
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**On the Occasion of the
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Harmonized Rules for Foreign-funded Procurement

RA 9184

“world-class law”

IRR-A

on domestically funded procurement activities

IRR-B

on foreign funded procurement activities

*world-class
procurement system*

Moving Towards IRR-B

Recent Controversies and Developments

Senate Investigation



SB No. 1793 – Sen.Mar Roxas

- Amends Sec. 4, R.A. 9184
- Competitive bidding shall govern procurement in relation to executive agreements with foreign nations
- Any doubt shall be construed in favor of competitive bidding



SB No. 1794

- Amends RA 8182 (ODA Law)
- If ODA Project does not go through competitive bidding pursuant to R.A. 9184, then it must be ratified by two-thirds of the Senate

Moving Towards IRR-B

House Bills



HB No. 2203 – Rep. Abaya

- Amends Sec. 4, R.A. 9184
- Only Treaties, International and Executive Agreements before passage of RA 9184 shall be observed



HB No. 2201 – Rep. Mandanas

- Amends Sec. 43, R.A. 9184
- When international treaties and agreements require that suppliers come from the funding country, these suppliers shall be subject to principles and pertinent provisions of RA 9184

Moving Towards IRR-B

IRR-A of R.A 9184

Section 1. Purpose and General Coverage

“This IRR-A shall cover all fully domestically-funded procurement activities...”

“The IRR-B for foreign-funded procurement activities shall be the subject of a subsequent issuance”

***R.A. 9184 is a significant step in the right direction
Let's not change it***

Moving Towards IRR-B

Sec. 4, R.A. 9184

“This Act shall apply to the Procurement of Infrastructure Projects, Goods, and Consulting Services, regardless of source of funds, whether local or foreign, by all branches and instrumentalities of government. . .”

“Any treaty or international or executive agreement affecting the subject matter of this Act to which the Philippine government is a signatory shall be observed.”

IRR-B shall govern foreign funded procurement

Moving Towards IRR-B

GPPB's Position:

1. **Consistent with PDF 2007 action plan to draft IRR-B ASAP**
2. **GPPB to work with Joint Congressional Oversight Committee to formulate IRR for foreign funded procurement activities of government**

IRR-B is our key to efficient and effective procurement using foreign assistance

Moving Towards IRR-B

Preparing the draft of IRR-B:

- **GPPB**
- **Joint Congressional Oversight Committee**
- **Development Partners**

In the spirit of Harmonization, the government is bent on completing IRR-B within one year

Moving Towards IRR-B

Governing Principles on Government Procurement (Sec 3 RA 9184):

- ✓ **Transparency in the procurement process**
- ✓ **Competitiveness by extending equal opportunity**
- ✓ **Streamlined procurement process that will apply to all government procurement**
- ✓ **System of accountability**
- ✓ **Public monitoring of the procurement process**

Moving Towards IRR-B

Next Steps



- **Participative Process between GPPB and:**
 - **Development Partners including Civil Society**
 - **Oversight Committee**
- **Draft IRR-B ASAP \leq 1 year**
 - **Development partners to form a committee (representative of multilaterals and bilaterals) which shall participate in the dialogue with GPPB.**

THANK YOU...