

Republic of the Philippines  
**HOUSE OF REPRESENTATIVES**  
Quezon City

**NINETEENTH CONGRESS**  
First Regular Session

**HOUSE BILL NO. 2682**



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**Introduced by Representative Hon. Christopher “Toff” V.P. de Venecia**

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**AN ACT  
ESTABLISHING GUIDELINES FOR DESIGN PROCUREMENT, AMENDING FOR  
THE PURPOSE CERTAIN PROVISIONS OF REPUBLIC ACT NO 9184 OTHERWISE  
KNOWN AS THE “GOVERNMENT PROCUREMENT REFORM ACT”**

**EXPLANATORY NOTE**

The Government Procurement Reform Act was intended to create a more equal opportunity among potential suppliers of goods and services. It was also meant to cover items that were fungible or capable of substitution. However, what the GPRA misses out on is the fact that products borne out of creative processes are not easily replaceable. Current tendency is to sacrifice design and aesthetic for lower costs. In effect, many infrastructures lose their identity as buildings, due to a lack of attention to design in its procurement stage. The amendments proposed will require introduction of design plans among the bidding documents to be at par with the industry standard.

Similarly, the amendments produced also mandates the prioritization of procuring local goods and services, over its foreign counterparts when able, a deviation from the current rule which is merely suggestive.

These changes will boost the design industry and will allow them bigger participation in the procurement processes, and make the procurement market more competitive.

A handwritten signature in black ink, appearing to read 'Toff de Venecia', written in a cursive style.

**HON. CHRISTOPHER “TOFF” V.P. DE VENECIA**  
*Fourth District, Pangasinan*

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

**SECTION 1.** This Act shall be known as the “Design Procurement Act”

**SECTION 2.** Section 7 of Republic Act No. 9184, otherwise known as the “Government Procurement Reform Act”, is hereby amended to read as follows:

“SEC. 7. Procurement Planning and Budgeting Linkage. – 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 to be specified in the IRR.

No government Procurement shall be undertaken unless it is in accordance with the approved Annual Procurement Plan of the Procuring Entity. The Annual Procurement Plan shall be approved by the Head of the Procuring Entity and must be consistent with its duly approved yearly budget. The Annual Procurement Plan shall be formulated and revised only in accordance with the guidelines set forth in the IRR. In the case of Infrastructure Projects, the Plan shall include engineering design, **DESIGN PARAMETERS**, and acquisition of right-of-way.”

**SECTION 2.** Section 17 of the same Act is hereby amended to read as follows:

SEC. 17. Form and Contents of Bidding Documents. – The Bidding Documents shall be prepared by the Procuring Entity following the standard forms and manuals prescribed by the GPPB. The Bidding Documents shall include the following:

- (a) Approved Budget for the Contract;
- (b) Instructions to Bidders, including criteria for eligibility, bid evaluation and post qualification, as well as the date, time and place of the pre-bid Conference (where applicable), submission of bids and opening of bids;
- (c) Terms of Reference;
- (d) Eligibility Requirements;
- (e) Plans and Technical Specifications;
- (f) Form of Bid, Price Form, and List of Goods or Bill of Quantities;
- (g) Delivery Time or Completion Schedule;
- (h) Form and Amount of Bid Security;
- (i) Form and Amount of Performance Security and Warranty; and,
- (j) Form of Contract, and General and Special Conditions of Contract.

***PROVIDED, IN THE CASE OF INFRASTRUCTURE PROJECTS, THE FOLLOWING ARE ADDITIONAL REQUIREMENTS TO BE INCLUDED THE BIDDING DOCUMENTS:***

**(K) DESIGN PARAMETERS;**

**(L) SITE INFORMATION, WHICH INCLUDES THE LOT PLAN, TOPOGRAPHY, SOIL TEST, AND HYDROLOGY REPORT;**

**(M) SPACE REQUIREMENTS;**

**(N) BUDGET PROJECTION; AND**

**(O) WHETHER OR NOT CONSTRUCTION SUPERVISION IS PART OF THE SCOPE.**

The Procuring Entity may require additional document requirements or specifications necessary to complete the information required for the bidders to prepare and submit their respective bids

**SECTION 3.** Section 43 of the same Act is hereby amended to read as follows:

SEC. 43. Procurement of Domestic and Foreign Goods. – Consistent with the country’s obligations under international treaties or agreements, Goods may be obtained from domestic or foreign sources and the procurement thereof shall be open to all eligible suppliers, manufacturers and distributors. However, in the interest of availability, efficiency and timely delivery of Goods, the Procuring Entity **MUST** [may] give preference to the purchase of domestically-produced and manufactured goods, supplies and materials that meet the specified or desired quality. **ONLY IN THE CASE OF NON-AVAILABILITY OR INEFFICIENCY OF DOMESTICALLY-PRODUCED AND MANUFACTURED GOODS, SUPPLIES, AND MATERIALS MAY THE PROCURING ENTITY RESORT TO FOREIGN SUPPLIERS.**

**SECTION 4. *Repealing Clause.*** — All other laws, decrees, orders, issuances, rules and regulations which are inconsistent with the provisions of this Act are hereby repealed, amended, or modified accordingly.

**SECTION 5. *Effectivity.*** — This Act shall take effect fifteen (15) days after publication in the Official Gazette and a newspaper of national circulation.

*Approved,*