



MALACAÑAN PALACE
MANILA

BY THE PRESIDENT OF THE PHILIPPINES

EXECUTIVE ORDER NO. 34

FURTHER AMENDING EXECUTIVE ORDER NO. 423 (S. 2005), AS AMENDED, PRESCRIBING THE RULES AND PROCEDURES ON THE REVIEW AND APPROVAL OF ALL GOVERNMENT CONTRACTS, PURSUANT TO REPUBLIC ACT NO. 9184, OTHERWISE KNOWN AS THE "GOVERNMENT PROCUREMENT REFORM ACT OF 2003"

WHEREAS, Section 4 of Executive Order (EO) No. 423 (s. 2005), as amended by EO No. 645 (s. 2007), provides that for government contracts amounting to at least ₱500 Million, the Head of the Procuring Entity, before resorting to any of the alternative methods of procurement, is required to obtain the approval of the Government Procurement Policy Board (GPPB) that the proposed procurement undertaking falls within the exceptions from public bidding and that the proposed specific alternative mode of procurement is appropriate;

WHEREAS, under Republic Act (RA) No. 9184, otherwise known as the "Government Procurement Reform Act of 2003," and its revised Implementing Rules and Regulations (IRR), the authority to approve or disapprove the use of alternative modes of procurement, regardless of the amount of the Approved Budget for the Contract (ABC), lies with the Head of Procuring Entity or his duly authorized representative, who shall be accountable for determining whether all the required conditions are present for the use of the proposed alternative method of procurement;

WHEREAS, in the course of the implementation of EO No. 423, as amended, the Head of Procuring Entity or his duly authorized representative remains accountable in ensuring that government contracts have been executed in faithful compliance with all applicable laws, rules and regulations;

WHEREAS, the requirement of GPPB determination and approval as to the appropriateness of the alternative method of procurement to be adopted adds to the total procurement process and timeline, and defeats the very purpose of resorting to alternative methods of procurement, which is to promote economy and efficiency; and

WHEREAS, it has now become necessary to further amend Section 4 of EO 423, as amended, to streamline, expedite, and make more efficient the current procurement procedures in order to achieve a more optimal and expedient procurement system, pursuant to the provisions of RA 9184 and its IRR.

THE PRESIDENT OF THE PHILIPPINES

NOW, THEREFORE, I, RODRIGO ROA DUTERTE, President of the Republic of the Philippines, by virtue of the powers vested in me by the Constitution and existing laws, do hereby order:

SECTION 1. Section 4 of EO No. 423, as amended, is hereby further amended to read as follows:

“SECTION 4. Approval of Government Contracts Entered Into Through Alternative Methods of Procurement. Where the Head of the Procuring Entity has made a determination that a Government contract, including Government contracts required by law to be acted upon and/or approved by the President, regardless of amount, falls under any of the exceptions from public bidding described in Section 3 hereof, the Head of the Procuring Entity may proceed with the alternative methods of procurement according to the law and applicable rules and regulations; Provided, that for Government contracts involving an amount of at least ₱500 Million, the Head of the Procuring Entity issues a certification under oath that the contract falls within the exceptions from public bidding, is being entered into in faithful compliance with all applicable laws, rules and regulations, and is advantageous to the government.

Except for Government contracts required by law to be acted upon and/or approved by the President, the Head of the Procuring Entity shall have full authority to give final approval and/or enter into said Government contracts through alternative methods of procurement allowed by law and applicable rules and regulations upon issuing the certificates mentioned in the immediately preceding paragraph, when applicable.

The Head of the Procuring Entity may delegate in writing this full authority to give final approval and/or to enter into Government contracts, through alternative methods of procurement allowed by law, involving such amount or threshold as he may deem appropriate, as circumstances may warrant, subject to existing laws and such limitations imposed by the Head of the Procuring Entity concerned (Section 5(j), Republic Act No. 9184). However, the Head of the Procuring Entity may not delegate the authority to certify under oath that the contract falls within the exceptions from public bidding, is being entered into in faithful compliance with all applicable laws, rules and regulations, and is advantageous to the government.”

SECTION 2. Section 6(b) of the same EO is also hereby amended to read as follows:

“SECTION 6. Government Contracts Requiring Presidential Action and/or Approval.

x x x x

- b. All Government contracts required by law to be acted upon and/or approved by the President, and any subsequent amendments or supplements thereto, shall be submitted with complete documentation to NEDA, through its Director-



General, within seven (7) days from approval by the Head of Procuring Entity concerned or his duly authorized representative, as the case may be, for NEDA's review and evaluation.

Government contracts submitted hereunder shall be accompanied by a complete execution copy of the contract, related agreements, annexes, other approvals and permits, including a detailed summary of the pertinent laws, rules and regulations governing the processing and award of the contract, and accompanied by the requirements of Section 4 hereof where alternative methods of procurement were resorted to."

SECTION 3. Except for the foregoing amendments, all other provisions of EO No. 423, as amended, shall remain unchanged.

SECTION 4. This Executive Order shall take effect immediately upon its publication in a national newspaper of general circulation.

DONE, in the City of Manila this 17th day of July in the year of Our Lord, Two Thousand and Seventeen.



By the President:



SALVADOR C. MEDIALDEA
Executive Secretary 



REPUBLIC OF THE PHILIPPINES
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