



REPUBLIC OF THE PHILIPPINES

Department of Budget and Management
Malacañang, Manila

LEGAL OPINION NO. N-M-2001-01

SUBJECT : Government Procurement

ISSUE : Guidelines on procurement of Information Technology (I.T.) resources

FACTS : The Rules and Regulations to Implement the amendments to E.O. No. 302, series of 1996, and E.O. No. 201, series of 2000, pursuant to E.O. No. 262, series of 2000, to government procurement of goods and supplies by the National Government in general was published on 10 October 2000 in the Official Gazette, and took effect on 25 October 2000.

Prior thereto, the NCC had issued MC No. 99-02, which specifically governs the acquisition of I.T. resources by the government.

E.O. No. 40 dated 08 October 2001 was recently issued to consolidate procurement rules and regulations for all national government agencies, government-owned or controlled corporations and government financial institutions. This Order shall apply to the procurement of goods, supplies, materials and related services; civil works; and consulting services and shall cover the procurement process from the pre-procurement conference up to the award of contract.

OPINION : E.O. No. 40 expressly provides a single set of rules that embodies a streamlined procurement process applicable to all government procurement of goods, civil works and consulting services. However, the Implementing Rules and Regulations that would provide the policies, rules, regulations and procedures to execute this Order is presently being crafted by the Procurement and Policy Board, and the Committee on Infrastructure of the National Economic and Development Authority.

Accordingly, E.O. No. 40 now governs the procurement of information and communication technology projects, subject, however, to additional guidelines that may be prescribed by the Information Technology and E-Commerce Council

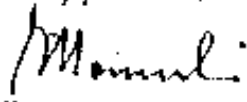
(ITECC) and to the other requirements and qualifications under MCC MK No. 99-02 which are not otherwise inconsistent with the above cited FCO.

REFERENCE: Letter dated 13 November 2001 to Atty. Francisco S. De Guzman

Recommended:


JANET B. ABUEL
Director, LLS

Approved:


EMILIA T. BONCODIN
Secretary