

EXECUTIVE ORDER NO. 188

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CREATING AN INTER-AGENCY COMMITTEE COMPOSED OF A MOTHER COMMITTEE, A SUB-COMMITTEE AND A TECHNICAL WORKING GROUP TO PREPARE THE BID AND TENDER DOCUMENTS AND CONDUCT AN INTERNATIONAL PUBLIC BIDDING TO SELECT A PRE-SHIPMENT INSPECTION AND OTHER RELATED SERVICES CONTRACTOR

WHEREAS, pursuant to the country's accession to the GATT-WTO, the shift to transaction value must be fully implemented by January 01, 2000;

WHEREAS, the contract between the Societe Generale de Surveillance (SGS) and the Republic of the Philippines will expire on December 31, 1999;

WHEREAS, there is a need to engage a contractor to provide pre-shipment inspection and assist the Bureau of Customs in its modernization thrust;

WHEREAS, the most transparent process to select the contractor is through international public bidding.

NOW, THEREFOR, I, PRESIDENT JOSEPH EJERCITO ESTRADA, by virtue of my continuing powers to reorganize the Executive Department under the Constitution and the Administrative Code of 1987 do hereby order the following:

Section 1. Creation. There is hereby created an Inter-Agency Committee composed of a Mother Committee, a Sub-Committee and a Technical Working Group as hereinafter provided.

Section 2. Composition.

(A) The Mother Committee shall be composed of the Secretary of Finance, Secretary of Socio-Economic Planning (NEDA), Secretary of Trade and Industry, the Governor of the Bangko Sentral ng Pilipinas, and the Chief Presidential Legal Counsel. The Secretary of Finance shall act as Chairman of the Mother Committee.

(B) The Sub-Committee shall be composed of the Commissioner of Customs who shall likewise represent the Department of Finance, and one representative each from the NEDA, Department of Trade and Industry, the Bangko Sentral ng Pilipinas, and the Office of the Chief Presidential Legal Counsel. Their respective heads of agencies shall designate these representatives. The Commissioner of Customs shall act as Chairman and shall represent the Sub-Committee in all its activities.

(C) The Secretary of Finance shall designate the members of the Technical Working Group upon consultation with other members of the Mother Committee.



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Section 3. Objectives. The Inter-Agency Committee shall conduct an international public bidding to select a contractor for to achieve the objectives of this Order.

Section 4. Powers, Duties and Functions.

(A) The Mother Committee shall, through the Secretary of Finance, exercise overall supervision and control over the activities of the Inter-Agency Committee. It shall, as a collegial body, exercise the following powers, duties and functions:

Instruct the Sub-Committee to prepare the bid and tender documents for its approval;

- 2) Approve the evaluation results of each stage of the international public bidding;

Award the Contract;

Consider, decide or approve such other matters in the conduct of the international public bidding that the Mother Committee will require the Sub-Committee to submit for its consideration, decision or approval or which the Secretary of Finance will submit to the Mother Committee; and

Perform such other powers, duties and functions as may be necessary to implement this Executive Order.

(B) The Sub-Committee shall exercise direct supervision and control over the Technical Working Group and shall have the following powers, duties and functions:

Prepare the necessary bid and tender documents for the conduct of an international public bidding and submit the same for the approval of the Mother Committee;

Review and approve for submission to the Mother Committee the results of the international public bidding;

- 3) Perform such other powers, duties and functions as may be assigned by the Mother Committee or the Secretary of Finance to carry out the mandate of this Executive Order; and

Perform such other powers, duties and functions as may necessary to implement this Executive Order.

All matters that require the approval of the Mother Committee shall be approved by the Sub-Committee as a collegial body.

The Technical Working Group shall have the following powers, duties and functions:



- 1) Act as the Secretariat of the Mother Committee and the Sub-Committee and shall prepare the minutes of the meetings of the Mother Committee and Sub-Committee;
- 2) Prepare the bid and tender documents for submission by the Sub-Committee to the Mother Committee;
- 3) Conduct the bidding process until final award of the contract provided that one representative from the Commission on Audit and one representative from the Philippine Chamber of Commerce and Industry shall be invited to attend the pre-bid conference and opening of bids as non-voting members;
- 4) Perform such other powers, duties and functions as may be assigned by the Mother Committee or the Secretary of Finance or the Sub-Committee to carry out the mandate of this Executive Order; and
- 5) Perform such other powers, duties and functions as may be necessary to implement this Executive Order.

Section 5. Term. The Committee, Sub-Committee and the Technical Working Group shall exist until it has accomplished the purpose of this Order.

Section 6. Funding. Subject to the usual auditing rules and regulations, the Committee shall be provided with a budget as may be approved by the Commissioner of Customs from the proceeds of sale of forfeited articles by the Bureau of Customs.

The Bureau of Customs shall provide the necessary workplace, facilities and equipment for the Inter-Agency Committee.

The Department of Budget shall incorporate the necessary budget in the annual General Appropriations Act for the services of the contractor engaged pursuant to this Executive Order.

Section 7 Effectivity This Administrative Order shall take effect immediately.

DONE in the City of Manila, this 20th day of December in the year of our Lord, Nineteen Hundred and Ninety-Nine.


JOSEPH EJERCITO ESTRADA

DEC 23 1999

By the President



RONALDO B. ZAMORA

