



Republic of the Philippines
Province of Pangasinan
MUNICIPALITY OF BAYAMBANG

OFFICE OF THE MUNICIPAL MAYOR

EXECUTIVE ORDER NO. 117

AN ORDER PRESCRIBING THE INTERNAL DELEGATION OF PROCESSING AND CONDUCT OF PROCUREMENT ACTIVITIES FOR CERTAIN ALTERNATIVE MODES OF PROCUREMENT, AND FOR OTHER PURPOSES

WHEREAS, the Municipality of Bayambang, Pangasinan shall ensure that all procurement activities are conducted in accordance with the New Government Procurement Act and its Implementing Rules and Regulations (IRR), including the mandate that procurement be undertaken under an appropriate mode and under the Fit-for-Purpose approach;

WHEREAS, the Bids and Awards Committee (BAC) is mandated to, among others, recommend to the Head of the Procuring Entity (HoPE) the use of any mode of procurement and recommend the award of contracts to the HoPE or the duly authorized representative, and the HoPE (or duly authorized representative) approves or disapproves such recommendations and issues the Notice of Award upon approval, consistent with the IRR of Republic Act No. 12009 (2025);

WHEREAS, for modes other than Competitive Bidding, Limited Source Bidding, Competitive Dialogue, and Unsolicited Offer with Bid Matching, the IRR allows the BAC to delegate the conduct of procurement activities to the End-User or Implementing Unit, or the Procurement Unit of the Procuring Entity IRR of Republic Act No. 12009 (2025);

WHEREAS, the Municipality of Bayambang, Pangasinan intends **only** to delegate the processing and conduct of procurement steps (e.g., preparation of technical requirements and supporting documents, canvass/requests for quotation, negotiations when allowed, and completion of procurement documentation), without delegating the BAC's statutory functions or the HoPE's authority to approve, award, and execute contracts;

WHEREAS, strict adherence to mandatory procurement procedures—including when resorting to alternative modes—is necessary to avoid administrative and audit liabilities, and to ensure transparency, competition when applicable, and value for money, as emphasized in jurisprudence involving improper resort to alternative methods and non-compliance with procurement requirements (*Avanceña, et al. v. Commission on Audit, et al.*, G.R. No. 254337, 2024; *Field Investigation Office, Office of the Ombudsman v. Yuzon, et al.*, G.R. No. 215985, 2021) *Avanceña, et al. v. Commission on Audit, et al.* (2024), *Field Investigation Office, Office of the Ombudsman v. Yuzon, et al.* (2021);

NOW, THEREFORE, I, MARY CLARE JUDITH PHYLLIS JOSE-QUIAMBAO, Head of the Procuring Entity (HoPE) of the Municipality of Bayambang, Pangasinan, by virtue of the powers vested in me by law, do hereby order:

SECTION 1. Purpose and Scope.

This Executive Order (EO) establishes an internal delegation framework for the processing and conduct of procurement activities for certain modes of procurement allowed under the IRR, for

"Baley ko, Pawilen ko, Aroen ko, tan Tulungan ko"



THE LONGEST BARBEQUE
8.016 KILOMETERS
April 4, 2014
Bayambang, Pangasinan, Philippines



THE TALLEST BAMBOO SCULPTURE (Supported)
50.23M
April 8, 2019
St. Vincent Ferrer Prayer Park
Barangay San, Bayambang
Pangasinan, Philippines

OFFICE OF THE MAYOR
Municipal Hall, Roxas St. Zone II,
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the purpose of improving efficiency and timeliness while maintaining BAC and HoPE functions required by law.

This EO applies to procurement of Goods, Infrastructure Projects, and Consulting Services undertaken by the Municipality of Bayambang, Pangasinan, subject to the applicable thresholds, conditions, documentary requirements, and procedures under the IRR and the manual/issuances of the Government Procurement Policy Board (GPPB), as applicable.

SECTION 2. Guiding Rules; No Delegation of Award or Approval.

- a. **No award authority delegated.** Nothing in this EO shall be construed as delegating to any office or official (including any End-User/Department Head, BAC Secretariat, or Procurement Unit) the HoPE's authority to:
 1. Approve the use of an alternative mode of procurement where prior HoPE approval is required;
 2. Approve BAC recommendations for award; or
 3. Issue the Notice of Award and enter into/execute contracts, except as may be expressly and lawfully exercised by the HoPE's duly authorized representative in accordance with the IRR IRR of Republic Act No. 12009 (2025).
- b. **BAC's functions preserved.** This EO shall not diminish the BAC's authority and responsibility to:
 1. Recommend to the HoPE the use of any mode of procurement, as applicable;
 2. Recommend award of contracts to the HoPE or the duly authorized representative; and
 3. Ensure that the Procuring Entity abides by the standards set by the procurement law and IRR, consistent with the IRR IRR of Republic Act No. 12009 (2025).
- c. **Delegation limited to "conduct of procurement activities."** Delegation under this EO is limited to the conduct/processing of procurement activities allowed to be delegated under the IRR for modes other than Competitive Bidding, Limited Source Bidding, Competitive Dialogue, and Unsolicited Offer with Bid Matching IRR of Republic Act No. 12009 (2025).

SECTION 3. Delegation of the Conduct/Processing of Procurement Activities.

Pursuant to the IRR, and for the modes of procurement where delegation is allowed, the BAC may delegate the conduct of procurement activities to:

- a. The End-User or Implementing Unit (through the Department Head or duly designated End-User representative); and/or
- b. The Procurement Unit of the Procuring Entity.

For avoidance of doubt, the BAC Secretariat shall act only as support to the BAC and/or as part of the Procurement Unit if organizationally designated as such; in either case, its participation under this EO shall be limited to processing, documentation, coordination, and other support functions consistent with law and BAC directives.

Delegation under this Section shall be evidenced by an appropriate BAC action (e.g., directive or resolution), identifying: (i) the procurement project; (ii) the mode; (iii) the delegated activities; (iv) timelines; and (v) the responsible office/personnel.

Legal basis: The foregoing delegation is consistent with the IRR provision allowing the BAC to delegate the conduct of procurement activities for modes other than the stated excluded modes to the End-User/Implementing Unit or the Procurement Unit [IRR of Republic Act No. 12009 (2025)].

SECTION 4. Specific Rules per Mode (Processing Delegations Only).

4.1 Small Value Procurement (SVP).

- a. **End-User/Implementing Unit responsibilities (processing):**
The End-User/Implementing Unit shall prepare and submit to the BAC/Procurement Unit, as applicable:
 1. the Purchase Request and technical specifications/Scope of Work/Terms of Reference;
 2. an estimate of costs and supporting market data; and
 3. other documents required by the IRR and applicable GPPB rules.
- b. **Procurement Unit responsibilities (processing):**
Upon BAC delegation, the Procurement Unit may facilitate and conduct SVP processing steps (e.g., issuance and receipt of Requests for Quotation/Proposal, canvass support, documentation, and preparation of draft abstract and BAC resolutions for BAC consideration), without exercising BAC discretion or award authority.
- c. **BAC and HoPE actions preserved:**
The BAC shall recommend to the HoPE the award of the SVP contract, and upon approval, the HoPE shall enter into contract with the winning supplier/contractor/consultant, consistent with the IRR of Republic Act No. 12009 (2025).

4.2 Negotiated Procurement — Two Failed Biddings (and other non-emergency instances, as applicable).

- a. The BAC shall perform the mandatory review and related functions provided under the IRR, and may be assisted by its Secretariat, TWG, and End-User/Implementing Unit [IRR of Republic Act No. 12009 (2025) (#L1.76)].
- b. Any processing support by the End-User/Procurement Unit shall be limited to preparing supporting documents, technical inputs, and facilitating meetings/communications, as directed by the BAC.
- c. **Reminder on prior authority/approval:** Procurement officials shall ensure that any shift or resort to Negotiated Procurement complies with the required approvals and procedures; unauthorized resort to Negotiated Procurement and other deviations from required approvals may result in administrative liability, consistent with jurisprudence *Field Investigation Office, Office of the Ombudsman v. Yuzon, et al.* (2021).

4.3 Negotiated Procurement — Emergency Cases.

- a. **Delegation to negotiate.** In Emergency Cases, the HoPE may delegate the authority to directly negotiate to the BAC, the End-User/Implementing Unit, or any other appropriate bureau, committee, support, or procuring unit, consistent with the IRR of Republic Act No. 12009 (2025).

- b. **Request and documentation.** The End-User/Implementing Unit or duly authorized official/personnel shall submit the request and appropriate supporting documents identifying the emergency and the required Goods/Infrastructure/Consulting Services IRR of Republic Act No. 12009 (2025).
- c. **APP revision recommendation (when needed).** The BAC/End-User/authorized unit shall recommend to the HoPE necessary revisions of the APP to cover the project, subject to validation of fund availability by the appropriate office IRR of Republic Act No. 12009 (2025).
- d. **Award remains with HoPE.** After negotiations, the HoPE, **upon recommendation** of the BAC or other authorized unit, shall immediately award the contract [IRR of Republic Act No. 12009 (2025)]

4.4 Other Negotiated Procurement Instances where the IRR provides BAC negotiation and HoPE award.

Where the IRR provides that the BAC undertakes negotiation and recommends award to the HoPE (e.g., specific cases such as media documentation, or individual highly technical consultants), the BAC shall retain the negotiation/recommendation role, and the HoPE retains award authority IRR of Republic Act No. 12009 (2025).

SECTION 5. Controls, Documentation, and Accountability.

- a. **Complete paper trail.** All delegated processing shall result in a complete procurement dossier to be submitted to the BAC for its action and to the HoPE for approval/award as required, including the BAC Resolution recommending award and supporting documents required for approval of award [IRR of Republic Act No. 12009 (2025)].
- b. **BAC oversight and confirmation.** Where processing steps are delegated, the BAC shall exercise oversight by requiring submission of outputs for BAC confirmation/action before any recommendation for award is elevated to the HoPE, consistent with the BAC's functions and responsibilities [IRR of Republic Act No. 12009 (2025)].
- c. **Compliance reminder; liability risk.** All concerned officials and personnel are directed to strictly comply with mandatory procurement rules and procedures. Improper resort to alternative methods and other material deviations may expose officials to administrative and audit liabilities, as recognized by the Supreme Court in cases involving BAC responsibility and procurement irregularities [Avanceña, et al. v. Commission on Audit, et al. (2024), Field Investigation Office, Office of the Ombudsman v. Yuzon, et al. (2021)].

SECTION 6. Non-Exclusivity; Coordination.

Delegation under this EO is non-exclusive. The BAC may, depending on the procurement project's complexity, decide to (i) conduct the procurement activities itself; (ii) delegate specific processing steps; or (iii) require the End-User/Implementing Unit and Procurement Unit to jointly perform defined tasks, consistent with the IRR of Republic Act No. 12009 (2025).

All offices shall coordinate to ensure that procurement timelines are met and that BAC and HoPE actions are supported by complete, accurate, and timely documentation.

SECTION 7. Separability Clause.

If any provision of this EO is declared invalid, the remaining provisions not affected thereby shall remain in full force and effect.

SECTION 8. Repealing Clause.

All executive orders, office orders, memoranda, and other issuances, or parts thereof, inconsistent with this EO are hereby modified or repealed accordingly.

SECTION 9. Effectivity.

This EO shall take effect immediately upon signing and shall remain in force until amended or revoked.

DONE in the Municipality of Bayambang, Province of Pangasinan, this 27th day of July 2026.

MARY CLARE JUDITH PHYLLIS JOSE-QUIAMBAO
Municipal Mayor
Head of the Procuring Entity (HoPE)



ANNEX "A" (Recommended): Delegable Processing Steps (Non-Award; Non-Approval)

- d. Preparation of PR, technical specifications, TOR/SOW, and cost estimates (End-User).
- e. Market scoping/canvass support and compilation of quotations (End-User/Procurement Unit).
- f. Drafting and routing of procurement forms and checklists for BAC action.
- g. Facilitation of meetings/negotiations **only when allowed by the IRR** (e.g., Emergency Cases under Negotiated Procurement upon HoPE delegation) [IRR of Republic Act No. 12009 (2025)]
- h. Dossier completion and submission to BAC for recommendation and to HoPE for approval/award consistent with the IRR of Republic Act No. 12009 (2025).

Note: BAC recommendations and HoPE approvals/award remain non-delegated by this EO, except insofar as exercised by a duly authorized representative as recognized under the IRR of Republic Act No. 12009 (2025).