

## BAC-C RESOLUTION NO. BC2020-020

### PROCUREMENT AND DELEGATION THROUGH SMALL VALUE PROCUREMENT

#### CONSULTING SERVICES FOR THE HIRING OF A TAX CONSULTANT

**WHEREAS**, BCDA is mandated under Republic Act (RA) No. 7227, as amended by RA 7917 to accelerate the sound and balanced conversion into alternative productive uses of the military reservations and their extensions, including the former Clark Air Base in Angeles, Pampanga. Likewise, BCDA is tasked to dispose Metro Manila Camps to finance the development of former military camps and the construction of support infrastructure projects in partnership with the private sector;

**WHEREAS**, BCDA needs to hire a CONSULTANT to provide advice on possible tax risk and exposure which may arise from the implementation of these big ticket projects under the Build, Build, Build program of the Duterte Administration mostly funded under the General Appropriation Act (GAA). The advice of the CONSULTANT will help mitigate the risks involved in the projects and aid Top Management in its decision making. BCDA currently does not have an in-house tax expert ;

**WHEREAS**, BCDA had previously engaged Isla Lipana & Co., a tax consultant, pursuant to the Consultancy Contract executed on 20 August 2019 which covers twelve (12) months from the effective date. The services provided primarily involved provision of advice on probable risk and exposure to tax which may arise during the implementation of numerous BCDA projects involving the “Build Build Build Infrastructure Program”;

**WHEREAS**, in a memorandum dated 26 August 2020, EVP Aileen An. R. Zosa approved the procurement of the three-year consulting services of a Tax Consultant with a proposed budget for the services of Nine Hundred Ninety Thousand Pesos (Php990,000.00), since the services are crucial in addressing issues, mitigating the risks and meeting BCDA’s compliance obligations associated with taxes for ongoing BCDA business contracts, asset dispositions and infrastructure projects;

**WHEREAS**, in a memorandum dated 01 September 2020, the Accounting and Comptrollership Department (ACD) of BCDA endorsed to the Bids and Awards Committee for Consulting Services (BAC-C), the requirements for the procurement of the services of a Tax Consultant through Alternative Method of Procurement under Small Value Procurement in accordance with Section 53.9 of the Revised IRR of Republic Act No. 9184;

**WHEREAS**, the approved budget for the abovementioned consulting services is Pesos: Nine Hundred Ninety Thousand Pesos (Php 990,000.00), inclusive of all applicable taxes and fees;

**WHEREAS**, Section 53.9 of the Revised IRR of RA 9184 allows the procuring entity to resort to Alternative Methods of Procurement, specifically Small Value Procurement where the procurement does not fall under Shopping of Section 52 of the Revised IRR and the amount involved does not exceed the thresholds prescribed in Annex "H" (Consolidated Guidelines for the Alternative Methods of Procurement) of the Revised IRR in the amount of One Million Pesos (Php1,000,000.00) for NGAs, GOCCs, GFIs, SUCs and Autonomous Regional Government;

**WHEREAS**, the Revised IRR, Annex H, Section J, Delegation of Authority states that, "the conduct of Shopping and Negotiated Procurement under Emergency Cases, Small Value Procurement and Lease of Real Property and Venue may be delegated to the End-user unit or any other appropriate bureau, committee, or support unit duly authorized by the BAC through a Resolution approved by the HOPE."

**NOW, THEREFORE**, the BAC-C resolve, as it is hereby resolved:

1. To proceed with the procurement of the services of a Tax Consultant;
2. To delegate the procurement of said consulting services to ACD, pursuant to Annex H, Section J of the Revised IRR under Delegation of Authority;
3. To direct the end user to ensure that the Certificate of Funds Availability (CFA) for the procurement will be issued prior to the award of the contract;
4. To direct the end-user to furnish the BAC-C Secretariat copies of the duly signed Notice of Award and Notice to Proceed as well as the executed contract, and all supporting documents pursuant to the procurement; and
5. To direct the end-user to report to the BAC-C the result of the procurement process within 10 days in the event that the procurement of said consulting services fails.

Done in Taguig City this 21st day of September 2020.

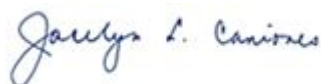
**BIDS AND AWARDS COMMITTEE FOR CONSULTING SERVICES**



**JOSHUA M. BINGCANG**  
Chairperson



**JOANNA EILEEN M. CAPONES**  
Vice-Chairperson



**JOCELYN L. CANIONES**  
Member



**VIRGIL M. ALVAREZ**  
Member



**MADONNA M. CINCO**  
Member

Approved by:

 10-06-2020  
**AILEEN ANUNCIACION R. ZOSA**  
Executive Vice President

**BACC2020-0121**