



REPUBLIC OF THE PHILIPPINES  
**COURT OF TAX APPEALS**  
QUEZON CITY

**CTA BIDS AND AWARDS COMMITTEE 2**  
**RESOLUTION NO. 1-2021**

**RECOMMENDATION TO AMEND MODE OF PROCUREMENT FOR THE  
PROVISION FOR THE CONSTRUCTION OF CTA BUILDING III**

**WHEREAS**, the Court of Tax Appeals (CTA) has a procurement project entitled "**Provision for the Construction of CTA Building III**" in its Annual Procurement Plan (APP), FY 2021, which was approved by the Head of Procuring Entity (HoPE) on January 20, 2021;

**WHEREAS**, the mode of procurement for the "Provision for the Construction of CTA Building III" in the aforementioned APP is Public Bidding;

**WHEREAS**, on November 10, 2021, the **2<sup>nd</sup> Executive Committee** issued its **Resolution No. 2 Series of 2021** (Annex A) wherein it resolved that the construction of CTA Building III be implemented via Agency-to-Agency Arrangement with Department of Public Works and Highways – National Capital Region (DPWH-NCR) thru a Memorandum of Agreement (MOA);

**WHEREAS**, the **2<sup>nd</sup> Executive Committee** resolved further, among others, that the MOA with the DPWH-NCR shall provide that "the approved budget for the Project is 343.5 million *per* 2019 BOQ and Final DUPA, inclusive of the three and half percent (3.5%) Engineering and Administrative Overhead (EAO) to be charged by the DPWH-NCR, subject to adjustment or escalation *via* supplemental MOA upon the final determination of DPWH-NCR;

**WHEREAS**, Sec. V.D.5.c in the specific guidelines of Annex H of "The 2016 Revised Implementing Rules and Regulations of Republic Act No. 9184, Otherwise Known as the Government Procurement Reform Act", as amended, provides that "**based on the assessment and recommendation of the End-User unit**, the BAC shall issue a Resolution recommending the use of Agency-to-Agency Agreement to the HOPE";

**WHEREAS**, considering the **Resolution No. 2 Series of 2021** of the **2<sup>nd</sup> Executive Committee**, as the implementing unit, prescribing that the mode of procurement for the construction of CTA Building III shall be the alternative mode of Negotiated Procurement thru an Agency-to-Agency Arrangement with the DPWH-NCR to be covered by a MOA which, with

suggested revisions, was approved by the Court *En Banc* in an *En Banc* Session held on November 24, 2021 (Annex B);

**NOW, THEREFORE**, the Bids and Awards Committee 2 (BAC 2) **RESOLVES**, as it is hereby **RESOLVED**, TO RECOMMEND TO THE HoPE, HON. ROMAN G. DEL ROSARIO, PRESIDING JUSTICE, a change in the mode of procurement for the procurement project entitled "Provision for the Construction of CTA Building III" from Public Bidding to an Agency-to-Agency Arrangement under the alternative mode of Negotiated Procurement.

**IN WITNESS WHEREOF**, the members of the Bids and Awards Committee 2 hereby affixed their signatures this 25<sup>th</sup> day of November 2021.

  
**DANILO B. FERNANDO**  
Chairperson

(On Leave)  
**MARGARETTE Y. GUZMAN**  
Vice-Chairperson

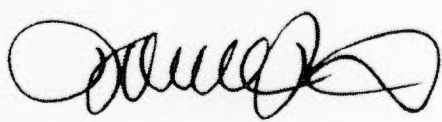
  
**CHRISTINE C. MAZA-GUARIN**  
Regular Member

  
**THERESA G. CINCO-BACTAT**  
Provisional Member

  
**CLIFFORD P. TORRALBA**  
Provisional Member

  
**ELSIE R. TIAUZON-FORTEZA**  
Provisional Member

**APPROVED:**

  
**ROMAN G. DEL ROSARIO**  
Presiding Justice