



**MEMORANDUM**

29 SEP 2021

**FOR/TO** : **All Regional Directors**  
**All PENROs**  
**All CENROs**  
  
**All Bureau Directors**  
  
**All Heads of Attached Agencies**

**FROM** : **The Undersecretary**  
Legal, Administration, Human Resources and Legislative Affairs

**SUBJECT** : **COMPLIANCE WITH EXECUTIVE ORDER (EO) NO. 423 S. 2005**

This refers to the Letter dated 9 September 2021 from the OIC-Undersecretary for Investment Programming of National Economic and Development Authority (NEDA) addressed to the undersigned regarding Compliance to Executive Order (EO) No. 423 S. 2005.

EO 423 s. 2005, as amended,<sup>1</sup> was issued to prescribe the rules and regulations on the review and approval of all Government Contracts to conform with the provisions of Republic Act (RA) No. 9184

Hence, under EO 423, the following Government Contracts must be submitted to NEDA for processing and/or appropriate action:

- a. Government Contracts, regardless of amount, requiring Presidential Action/Approval (Draft)<sup>2</sup>; and
- b. Government Contracts costing at least PhP300 Million (Signed).<sup>3</sup>

For government contracts belonging to the latter category, please see Attachment 1 for the schedule of online submission to regulate the expected inflow of documents.

For the process of online submission in compliance to EO 423, please refer to the Attachment 2. However, to facilitate the compliance and online submission, you are hereby directed, as follows:

- a. PENROs and CENROs to submit to its Regional Offices **not later than 5 October 2021**;
- b. Regional Offices, Bureaus and Attached Agencies to submit to the DENR Central Office through the Administrative Service thru Property and Supply Management Division-Procurement Management Section through its email at [denrcprocurement2020@gmail.com](mailto:denrcprocurement2020@gmail.com) **not later than 8 October 2021**.

Further, for monitoring purposes and to ensure the Department's compliance, this is to respectfully request you to send us your focal person and their contact details for the above mentioned requirements.

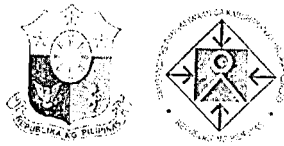
For information and strict compliance.

ATTY. ERNESTO B. ADOBO, JR., *CESO I*

<sup>1</sup> Section 1, EO 423, s. 2005, repealing EO 109-A (2003), entitled "Amending EO 109 dated 27 May 2002 Prescribing the Rules and Procedures on the Review and Approval of All Government Contracts to Conform with the GPRA."  
A copy of the EO may be downloaded at: [https://gppb.gov.ph/laws/laws/EO\\_423-2005.pdf](https://gppb.gov.ph/laws/laws/EO_423-2005.pdf).

<sup>2</sup> Under Section 6 of EO 423, "All government contracts required by Law to be acted upon and/or approved by the President, and any subsequent amendments or supplements thereto, shall be submitted with complete documentation to NEDA, through its Director-General, within seven (7) days from the approval by the Head of the Procuring Entity concerned or his/her duly authorized official, as the case may be, for NEDA's review and evaluation."

<sup>3</sup> Under Section 10 of EO 423, all government contracts involving an amount of at least PhP300 Million are required to be submitted to NEDA for repository purposes.



REPUBLIC OF THE PHILIPPINES

NATIONAL ECONOMIC AND DEVELOPMENT AUTHORITY

9 September 2021

**ERNESTO D. ADOBO JR.**

Undersecretary

Department of Environment and Natural Resources (DENR)  
Visayas Avenue, Diliman, Quezon City 1104

**SUBJECT: Compliance with Executive Order (EO) No. 423 S. 2005**

Dear Undersecretary Adobo:

EO 423 s. 2005, as amended,<sup>1</sup> was issued to prescribe the rules and regulations on the review and approval of all Government Contracts to conform with the provisions of RA 9184. The EO requires full compliance from GPH's Departments, Bureaus, Offices and Agencies of the Government, including Government-Owned and/or -Controlled Corporations (GOCCs) and their subsidiaries.

Under EO 423, the following Government Contracts must be submitted to NEDA for processing and/or appropriate action:

- a. Government Contracts, regardless of amount, requiring Presidential Action/Approval (Draft)<sup>2</sup>; and
- b. Government Contracts costing at least PhP300 Million (Signed).<sup>3</sup>

<sup>1</sup> EO 423, s. 2005, repealing EO 109-A (2003), entitled "Amending EO 109 dated 27 May 2002 Prescribing the Rules and Procedures on the Review and Approval of All Government Contracts to Conform with the GPRA."

A copy of the EO may be downloaded at: <[https://gppb.gov.ph/laws/laws/EO\\_423-2005.pdf](https://gppb.gov.ph/laws/laws/EO_423-2005.pdf)>.

<sup>2</sup> Under Section 6 of EO 423, "All government contracts required by Law to be acted upon and/or approved by the President, and any subsequent amendments or supplements thereto, shall be submitted with complete documentation to NEDA, through its Director-General, within seven (7) days from the approval by the Head of the Procuring Entity concerned or his/her duly authorized official, as the case may be, for NEDA's review and evaluation."

<sup>3</sup> Under Section 10 of EO 423, all government contracts involving an amount of at least PhP300 Million are required to be submitted to NEDA for repository purposes.

Compliance with Executive Order (EO) No. 423 S. 2005

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For the continued observance of the above duties, we remind you and your attached agencies' full compliance with the provisions of EO 423.

For government contracts belonging to the latter category, please see **Attachment 1** for the schedule of online submission to regulate the expected inflow of documents.

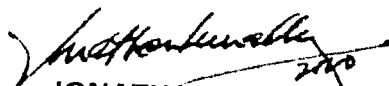
Kindly refer to the **Attachment 2** for the process of online submission in compliance to EO 423. May we request the contact details of the focal unit or the designated technical personnel authorized to upload the agency's contracts electronically.

For queries, your staff may contact the NEDA Contract Review Committee (CRC) Secretariat through e-mail at [crc-pppgroup@neda.gov.ph](mailto:crc-pppgroup@neda.gov.ph).

We would appreciate your prompt compliance.

Thank you.

Very truly yours,

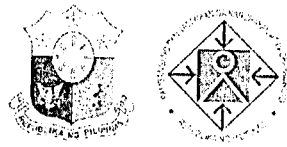


JONATHAN L. UY

OIC-Undersecretary

Investment Programming Group

- Attachments :
1. Schedule of submission of signed contracts
  2. Process of online submission



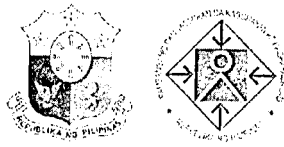
REPUBLIC OF THE PHILIPPINES  
NATIONAL ECONOMIC AND DEVELOPMENT AUTHORITY

**Compliance to Executive Order No. 423 S. 2005  
SCHEDULE OF ONLINE SUBMISSION FOR SIGNED/EXECUTED GOVERNMENT  
CONTRACTS COSTING AT LEAST PHP300 MILLION<sup>1</sup>**

To regulate the expected inflow of documents, below is the schedule of online submission for signed/executed government contracts:

Date of Contract Effectivity	Date of Submission
January 2021 to Present ✓	September 2021 onwards
September to December 2020 ✓	October 2021
May to August 2020 ✓	November 2021
January to April 2020 ✓	December 2021

<sup>1</sup> Under Section 10 of EO 423, all government contracts involving an amount of at least Php300 Million are required to be submitted to NEDA for repository purposes.



REPUBLIC OF THE PHILIPPINES

# NATIONAL ECONOMIC AND DEVELOPMENT AUTHORITY

## Compliance to Executive Order No. 423 S. 2005 PROCESS OF ONLINE SUBMISSION

1. Under EO 423, all covered Government Agencies<sup>1</sup> shall be required to submit the following Government Contracts must be submitted to NEDA for processing and/or appropriate action:
  - a. **For Contract Review.** Draft Government Contracts, regardless of amount, requiring Presidential Action/Approval (***Section 6 of EO 423***); and
  - b. **For Contract Repository.** Signed/Executed Government Contracts costing at least PhP300 Million (***Section 10 of EO 423***).
2. For Executive Departments or other covered Government Agencies which have Attached Agencies (i.e., DOTr, DPWH, DOH, among others), we are requesting that the contracts of all relevant Attached Agencies be gathered and submitted online by the assigned focal of the concerned Department/Mother Agency for ease of coordination.
3. Each Government Contract to be submitted under EO 423 shall be accompanied with a complete copy of its related agreements, annexes, other approvals and permits, and a detailed summary of the pertinent laws, rules and regulations governing the processing and award of the contract. For reference, below is a guide list of requisite documents for the contract repository mandate of NEDA under EO 423:<sup>2</sup>

<sup>1</sup> Section 1, EO 423, par.2. "Government Agency shall refer to the various units of the Government, including a department, bureau, office, instrumentality, government-owned and/or controlled corporation or its subsidiary, or state college or university"

<sup>2</sup> Other relevant documents considered may include: Obligation Request and Status (ORS); Post-Qualification Report; Technical Proposal Documents; Financial Proposal Documents; Eligibility Documents; Notification to the losing bidder that the project is awarded to the winning bidder; Department's Reply to Motion of Reconsideration; Notice of Single Calculated Responsive Bid; Notice of Single Calculated Bid; Summary of Agreements (SOA)/BAC Meeting Minutes; and Supplemental Bid Bulletins.

No.	Document	Legal Bases
1.	Certificate that due diligence was undertaken	EO 423 (Section 2)
2.	Signed Contract	GPRA IRR (Section 37.4.1)
3.	Matrix of Activities	GPRA IRR (Section 21.1.d/g/h)
4.	Bid or Tender Documents	GPRA IRR (Section 17.1)
5.	Abstract of Bid	GPRA IRR (Section 32.3/37.1.1.b)
6.	Bid/Proposal Evaluation Report	GPRA IRR (Section 12.7)
7.	Summary of Ratings ( <i>for consultancy contracts</i> )	GPRA IRR (Section 33.2.4)
8.	BAC Resolution recommending award of contract	GPRA (Section 12)
9.	Board Resolution approving the award of contract ( <i>for GOCCs</i> )	GPRA IRR (Section 37.3)
10.	Certificate of Availability of Funds	GPPB Circular No. 02-2008
11.	Performance Security	GPRA (Section 39)
12.	Notice of Award (NOA)	GPRA (Section 37)
13.	Notice to Proceed (NTP)	GPRA (Section 37)

4. Online submission/uploading of the contracts shall be made from 8:00 AM to 5:00 PM, Mondays to Thursdays<sup>3</sup> at:

➤ <https://tinyurl.com/EO423Compliance>

5. There should be one entry/online submission via *Google Forms* for every Government Contract to be submitted. Each contract and all related documents shall be submitted **preferably in a single file**. The uploaded file must be in **searchable .PDF formats (OCR)** and **must not exceed 100MB per file**, otherwise, the system will reject the submission.
6. To emphasize, while we recommend that contracts be submitted in single file, the system allows the uploading of up to 10 separate files/ documents. Nonetheless, please kindly ensure that **each file does not exceed the 100MB file size**.

<sup>3</sup> May vary depending on certain circumstances.

7. In the event that the file size will exceed the limit, and for any other concerns, please send an email to [crc-pppgroup@neda.gov.ph](mailto:crc-pppgroup@neda.gov.ph) to assist in submitting the documents.