



CITY ORDINANCE NO. 316

December 5, 2002

**AN ORDINANCE REQUIRING THE SUBMISSION OF A SWORN STATEMENT OF NON-INTEREST OR RELATIONSHIP, AS ADDITIONAL REQUIREMENT FOR THE PRE-QUALIFICATION, BIDDING AND CONTRACT AWARD REQUIREMENTS OF THE CITY OF BACOLOD'S PREQUALIFICATION, BIDDING AND AWARDS COMMITTEE (PBAC) AND LOCAL AWARDS COMMITTEE.**

Be it ordained by the Sangguniang Panlungsod of Bacolod City, that:

**Section 1. TITLE**

This Ordinance shall be known as the "Ordinance requiring the submission of the Sworn Statement of Non-Interest or Relationship, as additional requirement for the Prequalification, Bidding and Contract Award requirements of the City of Bacolod's Prequalification, Bidding and Awards Committee (PBAC) and Local Awards Committee."

**Section 2. STATEMENT OF POLICY**

1. It is a policy of the state as well as that of the City of Bacolod to promote high standards of ethics in public service whereby public officials and employees are accountable to the people and discharge their duties with utmost responsibility, competence and integrity, upholding public interest over personal interest at all times.

2. The City of Bacolod realizes that one area in which such high ethical standards should be set is in its property and supply management, including negotiation of city contracts, so as not only to avoid wastage and/or misuse of government funds, but also to prevent public officials and employees from using their office/position for their own personal economic aggrandizement.

3. The City of Bacolod, in order to ensure good governance and the observance of such high ethical standards deemed it appropriate to require additional requirements for the pre-qualification, bidding, and award of contracts by the Local Awards Committee and the PBAC.

**Section 3. DEFINITION OF TERMS**

1. Committee on Awards - It is a committee created by virtue of R.A. 7160 in every Local Government Unit to decide on the winning bids and questions of awards on procurement of supplies and disposal of property.

2. Supplies - It includes everything, except real property, which may be needed in the transaction of public business or in the pursuit of any undertaking, project or activity, whether in the nature of equipment, furniture, stationary materials for construction or personal property of any sort, including non-personal or contractual services such as the repair and maintenance of equipment and furniture, as well as trucking, hauling, janitorial, security, and related services.

3. Pre-qualification, Bidding & Awards Committee (PBAC) - It is a committee created by Republic Act 7160 in every Local Government Unit which shall be primarily responsible for the conduct of prequalification of contractors, bidding, evaluation of bids, and the recommendation of awards concerning local infrastructure projects.

**Section 4. SWORN STATEMENT OF NON-INTEREST OR RELATIONSHIP**

No bidder, supplier or contractor shall be prequalified or no contract or purchase order can be awarded or released by the Local Awards Committee, the PBAC, or the Office of the City Mayor and/or the General Services Office, without the Sworn Statement of Non-Interest or Relationship to be submitted by the bidder, supplier or contractor doing or intending to do business with the City of Bacolod.

**Section 5. PRO-FORMA SWORN STATEMENT**

The Committee on Awards thru the General Services Office and/or the Prequalification, Bidding & Awards Committee (PBAC) thru the City Planning & Development Office, as secretariat of the PBAC, shall prepare the pro-forma Sworn Statement and the same shall be distributed as part of the documents and/or requirements for the pre-qualification of bidders, suppliers and/or contractors.

**Section 6. CONTENTS OF THE SWORN STATEMENT**

The sworn statement shall be executed by the bidder, supplier, contractor, or such other natural or juridical person doing business or intending to do business with the City Government of Bacolod, to the effect, that:

To the best of his/her knowledge or belief:

- a) That his/her person, association, partnership firm, or corporation whom he/she represents, does not have for a business partner, officer, director or stockholder; any Bacolod City Government official or employee whose office position or work is directly involved in the processing and approval of any city government transaction, contract or purchase, of which they are a concerned party thereto; and,
- b) That his/her person, or the manager, officer(s), director(s), or stockholder(s) of the sole proprietorship, partnership firm, or corporation whom he/she represents, are not related either by affinity or consanguinity within the fourth (4th) civil degree to any such city official or employee.

**Section 7. NON-SUBMISSION OF SWORN STATEMENT OF NON-INTEREST OR RELATIONSHIP**

Failure to submit the said Sworn Statement despite a written demand to submit the same shall cause the disqualification of the bidder, supplier or contractor and the cancellation of the purchase order or award of contract, as well as the scrapping/blacklisting of the name of the erring bidder, supplier or contractor from the City's list of prequalified suppliers and contractors.

The City official or employee who is found to be related by relationship or has a business/financial interest with the erring bidder, supplier or contractor, as provided for under this Ordinance, shall, after due process, and if the evidence would so warrant, be instituted with administrative, and/or criminal charges as provided by existing civil service, penal and anti-graft laws. Provided however, that if it is proven that the city official or employee was/is in connivance or conspiracy with the erring supplier, bidder, or contractor, they shall also be liable for penal and anti-graft violations pursuant to existing laws.

**Section 8. APPLICABILITY CLAUSE**

This Ordinance shall cover all modes of procurement as provided for under Republic Act 7160 and other pertinent laws.

**Section 9. DATE OF EFFECTIVITY**

This ordinance shall take effect immediately upon passage and/or approval thereof.

**CARRIED BY THE VOTE OF:**

Affirmative:

Councilors: Archie S. Baribar, Roberto M. Rojas, Jude Thaddeus A. Sayson, Ana Marie V. Palermo, Celia Matea R. Fior, Jose H. Gabuat, Lyndon P. Caña, Elmer T. Sy, Bobbie S. Lucasan, Greg G. Gasataya, Reynold I. Iledan, Sonya M. Verdeflor, Arturo V. Parreño, Marx Louie S. de la Rosa.

Negative : None.

Absent : None.

Author : Councilor Ana Marie V. Palermo.

Co-Author : Councilors Archie S. Baribar, Roberto M. Rojas and Elmer T. Sy.

Passed : December 5, 2002 (75th Regular Session).

Comments: P a s s e d .

**RAMIRO L. GARCIA, JR.**

Vice Mayor  
Presiding Officer *12/11/02*

ATTESTED:

**ATTY. NILO T. ALEJANDRINO**

Secretary to the Sanggunian

By:

*[Signature]*

**HELEN P. LEGASPI**

Board Secretary IV



APPROVED: December 70, 2002.

**LUZVIMINDA S. VALDEZ**

City Mayor