

PROCUREMENT TRANSPARENCY GROUP

IMPLEMENTING GUIDELINES OF EXECUTIVE ORDER NO. 662, AS AMENDED BY EXECUTIVE ORDER NO. 662-A, ENTITLED “ENHANCING THE TRANSPARENCY MEASURES UNDER REPUBLIC ACT NO. 9184 AND CREATING THE PROCUREMENT TRANSPARENCY GROUP”

These Implementing Guidelines are issued pursuant to the authority of the Procurement Transparency Group, under Section 9 of Executive Order No. (E.O.) 662, as amended, to issue guidelines in the implementation of its monitoring functions.

RULE I Enhancing Transparency

Section 1. Procurement Reports

- 1.1 All national government agencies, government owned and controlled corporations, government financial institutions, state universities and colleges, and local government units (hereinafter, the Procuring Entities), through their Bids and Awards Committees (BAC) or BAC Secretariats, shall post or cause to be posted the following:
 - 1.1.1 **Annual Procurement Plan (APP).** The APP reflects the entirety of the procurement activities that will be undertaken by the Procuring Entity within the calendar year. It contains the following information (i) name of the project/procurement; (ii) project management office or end-user unit; (iii) general description of the project/procurement; (iv) procurement methods to be adopted; (v) time schedule for each procurement activity; (vi) source of funds; and (vii) budgetary estimate.
 - 1.1.2 **Procurement Monitoring Report (PMR).** The PMR is a semestral report on procurement activities specified in the APP, whether ongoing and completed. The PMR shall cover major activities from the holding of the pre-procurement conference to the issuance of notice of award, the approval of the contract, delivery/completion, and acceptance/turnover, including the standard and actual time for each major procurement activity.
 - 1.1.3 **List of Non-Governmental Organizations (NGOs), Civil Society Organizations (CSOs), or Professional Associations invited as observers.** Under Section 13 of Republic Act No. (R.A.) 9184 and its IRR-A, the BAC shall, in all stages of the procurement process, invite at least two observers to sit in its proceedings. This reportorial requirement shall enumerate the NGOs, CSOs or professional associations invited as observers in compliance with said provision of law. Observers must receive the formal invitation at least two (2) days before the scheduled procurement activity.

- 1.1.4 **Blacklisting and Delisting Orders against Suppliers, Constructors, and Consultants.** Blacklisting is an administrative penalty disqualifying for cause a person or an entity from participating in any government procurement for a given period. Delisting is the lapse of the period for the penalty. Under Section 9.1 of the Government Procurement Policy Board (GPPB) Resolution No. 09-2004, the procuring entity shall submit to the GPPB, within seven (7) calendar days after its release, all Blacklisting or Delisting Orders issued in accord with GPPB Resolution No. 09-2004.
- 1.2 The BAC, through its Secretariat, shall post or cause to be posted the APP, the PMR, and the List of Observers on the procuring entity's own website and the On-Line Monitoring Evaluation System (OMES) of the GPPB.
 - 1.2.1 The BAC shall prepare, update, or finalize the foregoing procurement reports following the template prescribed in Annexes "A", "B" and "C" and using spreadsheet application (e.g. Microsoft Office Excel or OpenOffice Calc). Electronic copies of these templates may be downloaded from www.gppb.gov.ph.
 - 1.2.2 The BAC shall then designate the accountable officer or employee from its Secretariat who shall be in charge of posting or causing to be posted the foregoing reports including any updates thereto (*the focal person*).
 - 1.2.3 For procuring entities maintaining a website, the focal person shall post or cause to be posted the foregoing procurement reports on the procuring entity's own website. After said posting, the focal person shall notify and submit electronic copies of said reports to the GPPB Technical Support Office via e-mail with address monitoring@gppb.gov.ph.
 - 1.2.4 For Procuring Entities without existing websites or those whose websites are being maintained by the National Computer Center, the focal person shall submit electronic copies of said reports and notify the GPPB Technical Support Office of its difficulty to comply with the posting requirement.
 - 1.2.5 In either case, the GPPB Technical Support Office shall initially guide the focal person on how to register and post the reports on the OMES of the GPPB.
 - 1.2.6 An updated APP must be posted every quarter or at an earlier period as may be determined by the BAC using the same procedure prescribed in Sections 1.2.1 to 1.2.4. The PMR and List of Observers must be likewise submitted and posted every semester
- 1.3 Posting of the Blacklisting and Delisting Orders shall be made on the GPPB website. Procuring Entities, through their BACs, are directed to submit to the GPPB, within seven (7) calendar days after their issuance, all Blacklisting or Delisting Orders in accord with Section 9.1 of GPPB Resolution No. 09-2004.

Section 2. Posting in the Philippine Government Electronic Procurement System (PhilGEPS)

- 2.1 All Procuring Entities are directed, through its BAC Secretariat, to post all their procurement opportunities, results thereof, and other related information in the PhilGEPS Bulletin Board, as required under Section 8.2.1 of the Implementing Rules and Regulations Part A (IRR-A) of Republic Act (R.A.) No. 9184.

- 2.2 All Procuring Entities are likewise mandated, through its BAC Secretariat, to attach an electronic copy of any proposed and concluded public sector contracts, regardless of amount involved, in the PhilGEPS.
- 2.3 Non-compliance with the foregoing posting obligations shall render the accountable officials liable for dereliction of duty and conduct grossly prejudicial to the best interest of the service, without prejudice to other charges, whether administrative, civil or criminal that may be filed under appropriate laws and regulations.

RULE II

Procurement Transparency Group

Section 3. Composition and Operation

- 3.1 The Procurement Transparency Group (PTG) shall be composed of eleven (11) members, as follows:
 - 3.1.1 Government Procurement Policy Board (GPPB), as Chair;
 - 3.1.2 Presidential Anti-Graft Commission (PAGC);
 - 3.1.3 National Economic and Development Authority (NEDA);
 - 3.1.4 Department of Justice (DOJ);
 - 3.1.5 Department of Budget and Management (DBM);
 - 3.1.6 Department of Interior and Local Government (DILG);
 - 3.1.7 Five (5) NGOs/CSOs duly designated by the network of CSOs involved in training procurement observers and/or procurement reforms.
- 3.2 The heads of the foregoing government agencies and NGOs/CSOs shall, by special written authority, designate their duly authorized permanent representatives to the PTG. Said authority shall remain valid and effective until duly revoked.
- 3.3 The PTG shall meet regularly every two (2) month/s or as often as may be required. Special meetings may be held in emergency cases. In the interim, the GPPB Technical Support Office shall act as Secretariat of the PTG.
- 3.4 In all issues brought before the PTG for resolution, the Group shall exert best efforts to achieve a consensus. If not practicable, the PTG shall decide by majority of those present and the Chair shall only vote in case of a tie. The PTG may also issue resolutions by referendum, in which case the written approval of majority of all members of the PTG is required.

Section 4. Role and Participation of PTG Members

4.1 Role and Participation of Government Agencies.

- 4.1.1 GPPB shall provide overall direction to the PTG. It shall render technical assistance and policy guidance on all procurement issues encountered during the monitoring of projects.
- 4.1.2 PAGC shall assist in identifying cases of graft and corruption. It shall act on and investigate reported anomalies and irregularities during the monitoring of projects and findings of non-compliance to directives of the PTG.
- 4.1.3 NEDA and DBM shall be responsible for providing the necessary information on status of projects, funding, and other details that may be required in the selection and monitoring of projects.
- 4.1.4 DOJ shall be tasked to provide legal support and expertise on relevant procurement contracts and other issues that may arise in the monitoring of projects.
- 4.1.5 DILG shall be responsible for maintaining a network consisting of local governments and assisting the PTG in securing information regarding projects being implemented by local governments.
- 4.1.6 PTG may coordinate with other government agencies to attend its meeting if the agenda warrants inputs from said government agencies.

4.2 Role and Participation of NGOs/CSOs.

- 4.2.1 Member NGOs/CSOs shall be responsible for the deployment of observers to selected projects and in ensuring that the corresponding observers' reports are submitted. They shall, if necessary, be responsible for reviewing relevant documents and contracts.
- 4.2.2 Member NGOs/CSOs shall be responsible in maintaining the database of information culled from observers' reports.

Section 5. Functions and Responsibilities

The PTG shall monitor procurement activities of selected government projects. If necessary, it shall evaluate or comment on the status and progress of selected procurement activities with the objective of ensuring that these projects are completed within the least period of time and in compliance with R.A. No. 9184 and its IRR-A. In the exercise of its functions, the PTG shall:

- 5.1 Select and draw up a list of government projects it intends to monitor based on mode of procurement, amount of budget, volume, susceptibility to problems or anomalies, and importance of the project to the developmental objectives of the country.

- 5.2 It shall strategically deploy trained observers to the BACs of Procuring Entities which are in charge of procurement of the selected government projects.
- 5.3 It may, upon request, deputize the personnel or utilize the facilities of its member government agencies and NGOs/CSOs. It may, on its own initiative, consult or partner with experts, local communities, government or non-government entities in order to strengthen its monitoring functions.
- 5.4 If problems are noted in said procurement activities, it shall call the attention of agency heads on potential non-compliance with R.A. 9184 and its IRR-A.
- 5.5 It shall regularly discuss and address issues and concerns gathered from procurement monitoring activities of observers.
- 5.6 Based on its findings, it shall formally recommend measures to the GPPB that will enhance transparency and streamline the procurement process.
- 5.7 It shall furnish copies of its recommendations and findings to the GPPB, the Office of the President, the Office of the Executive Secretary, heads of agencies concerned, and such other agencies or offices as it may determine.
- 5.8 It shall perform such other functions needed to further enhance its monitoring capability and strengthen the accountability of the Procuring Entities.

Section 6. Disclosure Policy

All Procuring Entities, through their BACs, are directed to cooperate and extend assistance to the deployed observers and the PTG.

In furtherance of the objectives of E.O. 662, as amended, all Procuring Entities are hereby directed to make available on a timely basis to the PTG, and the general public, all procurement related information, except those which are legally and judicially restricted.

A set of guidelines covering the disclosure policy may be issued separately.

Section 7. Non-Compliance.

In case of non-compliance by BACs or their Secretariats to the directives of the PTG, it shall recommend to PAGC the imposition of sanctions, implementation of remedial measures, and the filing of criminal, civil and/or administrative charges.

**RULE III
Miscellaneous Provisions**

Section 8. Application to Existing Contracts

These Implementing guidelines shall not affect nor modify existing functions of NGAs, GOCCs, GFIs, SUCs, and LGUs relative to the processing, awarding, approval and review of procurement contracts except as herein specifically provided.

Section 9. Amendatory Guidelines

The PTG shall, if necessary, amend these Implementing Guidelines, subject to approval of nine (9) members.

Section 10. Separability

If any provision in this implementing guidelines, or application of such provision to any circumstances, is declared invalid or unconstitutional, the other provisions not affected thereby shall remain valid and subsisting.

Section 11. Effectivity

These Implementing Guidelines shall take effect a day after its publication.

(Sgd.)

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