



RESOLUTION NO. 12-2012

APPROVING THE GUIDELINES FOR THE USE OF THE GOVERNMENT OF THE PHILIPPINES-OFFICIAL MERCHANTS REGISTRY (GOP-OMR) AND THE PROPOSED AMENDMENTS TO THE IMPLEMENTING RULES AND REGULATIONS OF REPUBLIC ACT NO. 9184

WHEREAS, Section 8 of Republic Act (RA) No. 9184 provides that, to promote transparency and efficiency, information and communications technology shall be utilized in the conduct of procurement procedures; the Government Electronic Procurement System (G-EPS) shall serve as the primary and definitive source of information on government procurement opportunities; and, the Government Procurement Policy Board (GPPB) is authorized to approve changes in the procurement process to adapt to improvements in modern technology, *provided*, that such modifications are consistent with the provisions of Section 3 of RA 9184;

WHEREAS, Section 8.2.2(a) of the Revised Implementing Rules and Regulations (IRR) provides that the Philippine Government Electronic Procurement System (PhilGEPS, the former G-EPS) shall have a centralized electronic database of all manufacturers, suppliers, distributors, contractors, and consultants registered under the system;

WHEREAS, Sections 23.4 and 24.4.3 of the IRR provide that, to facilitate determination of eligibility of bidders, the Bids and Awards Committee (BAC) of a procuring entity may maintain a registry system using the PhilGEPS or its own manual or electronic system that allows submission and/or recording/entry of eligibility requirements simultaneously with registration;

WHEREAS, Section 8.5.1 provides that all procuring entities already maintaining an electronic registry upon the effectivity of the IRR shall integrate the same with that of the PhilGEPS;

WHEREAS, Section 8.5.1 of the IRR also provides that, to ensure the widest dissemination of the Invitation to Bid/Request for Expression of Interest, manufacturers, suppliers, distributors, contractors, and/or consultants shall register with the PhilGEPS; and that they may then participate in procurement activities, *provided*, that they maintain their registration current and updated in accordance with the provisions of the IRR, and their registration is proper and relevant to the particular type of procurement;

WHEREAS, Section 8.5.2 of the IRR provides that eligibility requirements may be sent electronically to a procuring entity through the PhilGEPS; *provided*, however, that the prospective bidder concerned shall submit a certification to the BAC at least seven (7) calendar days before the deadline for the submission and opening of the technical and financial envelopes that the documents submitted are complete and authentic copies of the original, and all statements and information provided therein are true and correct;

WHEREAS, Sections 23.4.2 and 24.4.3.2 of the IRR provide that the BAC shall issue to a bidder who maintains current and updated files of his Class “A” documents a certification to that effect, which may then be submitted to the procuring entity concerned in lieu of the Class “A” documents;

WHEREAS, Sections 27.2 and 39.2 provide for the posting of bid and performance securities, respectively, in the form of, among others, cash, cashier’s/manager’s check, bank draft/guarantee, or irrevocable letter of credit issued by a Universal or Commercial Bank;

WHEREAS, Section 62.2.3.3 provides for the posting of a warranty security in the form of, among others, cash or letter of credit issued, or bank guarantee confirmed by a Universal or Commercial Bank;

WHEREAS, Section 8.2.2(c) of the IRR provides that one of the requirements for registration in the centralized electronic database mentioned in Section 8.2.2(a) is an account number with a bank duly licensed by the *Bangko Sentral ng Pilipinas* (BSP) to facilitate payment as well as the posting of bid and performance security, when applicable;

WHEREAS, on 29 January 2012, the GPPB instructed the PhilGEPS to develop implementation plans for the use of the Expanded Supplier Registry; thereafter, the PhilGEPS and GPPB-Technical Support Office (GPPB-TSO) drafted the guidelines on the use of what is now known as the Government of the Philippines-Official Merchants Registry (GOP-OMR);

WHEREAS, on 18 May 2012, the Inter-Agency Technical Working Group discussed the draft guidelines prepared by the PhilGEPS and GPPB-TSO, and proposed the following:

(a) the “bank” mentioned in Section 8.2.2(c) of the IRR shall be construed to refer to any bank duly licensed by the BSP to receive payment of fees and other charges, if any, in relation to registration in the GOP-OMR; however, it shall refer and be limited to Universal or Commercial Banks for the purpose of posting bid, performance, and warranty securities per Sections 27.2, 39.2, and 62.2.3.3; and

(b) the use of the GOP-OMR as the centralized database of merchants shall be mandated for all procuring entities, entailing the shutdown of similar existing registries and the strong encouragement to use the GOP-OMR among those entities which have not shifted as yet to the use of an electronic registry;

WHEREAS, the preparation of the Guidelines for the Use of the GOP-OMR in accordance with the provisions of the IRR pointed to the necessity of amending Sections 8.5.2, 23.4, and 24.4.3 of the IRR to eliminate confusion and seeming redundancy regarding the certification requirement;

WHEREAS, the proposed amendments aim to simplify the certification requirements in the relevant sections by requiring from a merchant seeking registration in the GOP-OMR a certification stating that the documents submitted are complete and authentic copies of the original, and all statements and information provided therein are true and correct; and, thereafter, the PhilGEPS shall issue a Certificate of Registration and Membership that can then be used for purposes of Sections 23.4 and 24.4.3;

WHEREAS, the proposed Guidelines for the Use of the GOP-OMR and the amendments to Sections 8.5.2, 23.4, and 24.4.3 of the IRR resulting from the preparation of the Guidelines were thoroughly and carefully reviewed, deliberated, and approved by the Members of the Board during the 5th Meeting of the GPPB on 01 June 2012;

NOW, THEREFORE, for and in consideration of the foregoing, **WE**, the Members of the **GOVERNMENT PROCUREMENT POLICY BOARD**, by virtue of the powers vested on **US** by law, hereby **RESOLVE** to confirm, adopt, and approve, as **WE** hereby confirm, adopt, and approve the following:

- 1) Issuance of the Guidelines for the Use of the Government of the Philippines - Official Merchants Registry. A copy of the said Guidelines is hereto attached as **Annex "A"** and made an integral part hereof; and,
- 2) Sections 8.5.2, 23.4, and 24.4.3 of the IRR of RA 9184 are respectively amended to read as follows:

Section 8.5.2. Eligibility requirements may be sent electronically or manually to the PhilGEPS. When a manufacturer, supplier, distributor, contractor, or consultant registers with PhilGEPS, it shall submit along with the requirements a certification stating that the documents submitted are complete and authentic copies of the original, and all statements and information provided therein are true and correct. Upon confirmation, validation, and verification of the documents submitted, PhilGEPS may issue, in favor of the registered entity, a Certificate of Registration and Membership that contains the certification mentioned in the preceding sentence.

Section 23.4. To facilitate determination of eligibility, the BAC of a procuring entity may use the contents of the PhilGEPS electronic registry of manufacturers, suppliers, distributors, contractors, and/or consultants.

23.4.1. The PhilGEPS registry system shall contain the foregoing Class "A" documents, which should be maintained current and updated by the bidder concerned at least once a year or more frequently as may be necessary.

23.4.2. A bidder who maintains a current and updated file of his Class "A" Documents may submit to the procuring entity, in lieu of the said documents, the Certificate of Registration and Membership issued by PhilGEPS pursuant to Section 8.5.2.

Section 24.4.3. To facilitate determination of eligibility, the BAC of a procuring entity may use the contents of the PhilGEPS electronic registry of manufacturers, suppliers, distributors, contractors, and/or consultants.

24.4.3.1. The PhilGEPS registry system shall contain the foregoing Class "A" documents, which should be maintained

current and updated by the bidder concerned at least once a year or more frequently as may be necessary.

24.4.3.2. A bidder who maintains a current and updated file of his Class "A" Documents may submit to the procuring entity, in lieu of the said documents, the Certificate of Registration and Membership issued by PhilGEPS pursuant to Section 8.5.2.

This resolution shall take effect immediately.

APPROVED this 1st day of June 2012 at Pasig City, Philippines

(Sgd.)

**DEPARTMENT OF BUDGET AND
MANAGEMENT**

(Sgd.)

**NATIONAL ECONOMIC AND
DEVELOPMENT AUTHORITY**

(Sgd.)

DEPARTMENT OF EDUCATION

(Sgd.)

DEPARTMENT OF ENERGY

(Sgd.)

DEPARTMENT OF FINANCE

(Sgd.)

DEPARTMENT OF HEALTH

(Sgd.)

**DEPARTMENT OF PUBLIC WORKS AND
HIGHWAYS**

(Sgd.)

**DEPARTMENT OF SCIENCE AND
TECHNOLOGY**

(Sgd.)

**DEPARTMENT OF TRADE AND
INDUSTRY**

(Sgd.)

**DEPARTMENT OF TRANSPORTATION
AND COMMUNICATIONS**

(Sgd.)

**DEPARTMENT OF THE INTERIOR AND
LOCAL GOVERNMENT**

(Sgd.)

**DEPARTMENT OF NATIONAL
DEFENSE**

(Sgd.)

PRIVATE SECTOR REPRESENTATIVE

Attested by:

(Sgd.)

DENNIS S. SANTIAGO
Board Secretary, GPPB
Executive Director, GPPB-TSO

**GUIDELINES FOR THE USE OF THE
GOVERNMENT OF THE PHILIPPINES - OFFICIAL MERCHANTS REGISTRY
(GoP-OMR)**

1. POLICY STATEMENT

To promote transparency and efficiency, information and communications technology shall be utilized in the conduct of procurement procedures. Accordingly, there shall be a single portal that shall serve as the primary source of information on all government procurement. (*Section 8, Republic Act No. 9184 (R.A. 9184); Section 8.1.1, Rule III, Revised Implementing Rules and Regulations (Revised IRR)*)

The Philippine Government Electronic Procurement System (PhilGEPS) shall serve as the primary and definitive source of information on government procurement. (*Sec. 8.1.1, Rule III, Revised IRR*)

2. SCOPE AND PURPOSE

These Guidelines shall govern the general procedures for the use of the Government of the Philippines-Official Merchants Registry (“GOP-OMR”), the electronic database developed and maintained by PhilGEPS pursuant to Section 8.2.2 of the Revised IRR of R.A. 9184.

3. DEFINITION OF TERMS

3.1. For purposes of these Guidelines, the following terms, or words and phrases shall mean or be understood as follows:

3.1.1. **Government of the Philippines-Official Merchants Registry (GOP-OMR)** – refers to the centralized electronic database of manufacturers, suppliers, distributors, contractors, and consultants developed and maintained by the PhilGEPS office pursuant to Section 8.2.2 of the Revised IRR of R.A. 9184.

3.1.2. **Merchant** – refers to manufacturers, suppliers, distributors, contractors, and consultants already registered or still applying for registration in the GOP-OMR.

- 3.2. Terms, words, and phrases used in these Guidelines shall have the same meaning as those that are defined in R.A. 9184 and its Revised Implementing Rules and Regulations.

4. GENERAL PROVISIONS

- 4.1. The GOP-OMR shall be the centralized electronic database of merchants for purposes of government electronic procurement.

Subject to Sections 7 to 9 herein, all existing registries of merchants, electronic or manual, used and maintained by procuring entities for government procurement shall be integrated with the GOP-OMR.

- 4.2. The PhilGEPS office shall not determine the eligibility of merchants. The PhilGEPS office's evaluation of the eligibility requirements shall be for the sole purpose of determining the approval or disapproval of the merchant's application for registration.
- 4.3. A merchant's registration and membership in the GOP-OMR is neither contract-specific nor understood to be tantamount to a finding of eligibility. Neither shall the merchant's successful registration in the GOP-OMR be relied upon to claim eligibility for the purpose of participation in any public bidding.
- 4.4. The determination of the eligibility of merchants, whether registered with the GOP-OMR or not, shall remain with the Bids and Awards Committee (BAC). The BAC's determination of validity of the eligibility requirements shall be conclusive to enable the merchant to participate in the public bidding process.

5. REGISTRATION AND MEMBERSHIP OF MERCHANTS

- 5.1. The PhilGEPS office shall develop and implement the necessary procedures for the registration and membership of merchants in the GOP-OMR.

- 5.2. Subject to Section 6, the procedures for registration of merchants shall prescribe the following requirements:

- 5.2.1. duly accomplished PhilGEPS Registration Form;
- 5.2.2. an account number with a bank duly licensed by the *Bangko Sentral ng Pilipinas* (BSP), which shall be used to facilitate financial transactions such as, but not limited to, the payment of fees; charges; bid, performance, and warranty securities; and similar costs;
- 5.2.3. a secure e-mail address, which shall be used for all communications between the BAC and the PE;
- 5.2.4. a digital certificate secured from the government-accredited certification authority, once such facility becomes available.

- 5.2.5. eligibility requirements as provided in R.A. 9184 and its Revised IRR; and,
 - 5.2.6. a certification, stating that (a) the eligibility requirements filed in connection with registration in the GOP-OMR, are authentic copies of the original; (b) the same requirements are complete; and (c) all statements and information provided in these are true and correct.
- 5.3. Merchants shall submit their registration documents either by sending electronic copies of the requirements using the PhilGEPS website; or by sending printed copies to the PhilGEPS office.

Failure to submit the registration requirements prescribed in Section 5.2 herein shall result in the disapproval of the application for registration.

- 5.4. The PhilGEPS office shall receive and process all applications for registration, and shall have the sole power to approve or disapprove any application in accordance with its registration procedures, subject to existing laws, rules and regulations, and these Guidelines.
- 5.5. Approval of the application shall amount to the registration of the merchant in the GOP-OMR. Disapproval shall prevent the registration of the merchant in the GOP-OMR until such time that it satisfactorily complies with the requirements.
- 5.6. The PhilGEPS office shall deny registration to or exclude from the GOP-OMR any merchant (a) that is found to have willfully misrepresented any of the information provided in the application for registration, or (b) that is in the “blacklist” of a PE. For this purpose, exclusion from the registry shall result in the cancellation of the merchant’s account in the PhilGEPS website.
- 5.6.1. This exclusionary rule also applies to any merchant that has been subjected to the blacklisting rules of foreign governments, and foreign or international financing institutions, if such rules have been recognized by the Government Procurement Policy Board (GPPB).
 - 5.6.2. The PE shall immediately notify the PhilGEPS office and the GPPB regarding its “blacklisting” of a merchant by forwarding a copy of the Blacklisting Order to PhilGEPS and GPPB. Upon receipt of the Blacklisting Order, the PhilGEPS office shall exclude the merchant from the GOP-OMR.

6. MEMBERSHIP CLASSIFICATION

- 6.1. The PhilGEPS office shall develop a merchants’ membership classification that will define the extent of a merchant’s access to and use of the PhilGEPS website, and include the rules and procedures for acquiring, maintaining,

relinquishing, changing, or renewing a membership status in the registration procedure mentioned in Section 5.1 hereof.

- 6.2. Merchants shall have the option to choose its membership classification based on the categories provided by the PhilGEPS office. Merchants shall be entitled to a Certificate of Registration and Membership depending on the chosen classification and payment of the corresponding membership fee determined by the PhilGEPS office.
- 6.3. A Certificate of Registration and Membership shall be valid and effective for a period of one (1) year from the date of issuance as indicated therein. This Certificate may be renewed; *provided*, that the merchant maintains its records in the GOP-OMR current and updated at least once a year or more frequently as may be necessary; *provided further*, that the merchant's failure to maintain its records current and updated shall result in the downgrading of the merchant's membership classification in accordance with the procedures of the PhilGEPS office, notwithstanding the fact that the one-year validity of the Certificate of Membership has not yet expired.

7. INTEGRATION OF EXISTING ELECTRONIC REGISTRIES

The following rules shall apply only to electronic registries that simultaneously allow submission and/or recording/entry of eligibility requirements with registration:

- 7.1. All existing electronic merchant registries used and maintained by PEs shall be integrated into the GOP-OMR. Upon integration, the PE shall henceforth use the GOP-OMR for government procurement purposes, and shall cease using the prior registry.
- 7.2. The PE shall coordinate with the PhilGEPS office to determine whether the existing registry is compatible with the GOP-OMR.
- 7.3. After a finding of compatibility, the PE shall integrate its registry with the GOP-OMR.

If the registries are incompatible, the PE shall cease using its registry and use the GOP-OMR. The PE shall be given sufficient amount of time to effect the shutdown of its electronic registry and the shift to the use of the GOP-OMR. The PE and the PhilGEPS office shall coordinate with each other for this purpose.

8. REGISTRIES WITH OTHER FUNCTIONALITIES

If a PE uses and maintains an electronic registry with functionalities aside from submission and/or recording of eligibility requirements, it shall use the GOP-OMR as its merchant registry but may be allowed to continue using the other functionalities of its system.

9. MANUAL REGISTRIES

PEs that maintain manual registries shall be encouraged to shift to the use of the GOP-OMR. If the PE decides to retain the use of its manual registry, it may do so; *provided*, however, that when the PE shifts to an electronic registry, it shall use the facilities of the GOP-OMR. After the shift, the PE shall henceforth use the GOP-OMR for government procurement purposes.

10. AMENDMENTS

In the implementation of these Guidelines, the Government Procurement Policy Board (GPPB) may introduce modifications through the amendment of its provisions as the need arises.

11. EFFECTIVITY

These Guidelines shall take effect fifteen (15) days after its publication in the Official Gazette or in a newspaper of general nationwide circulation, and upon filing with the University of the Philippines Law Center of three (3) certified copies of these guidelines.