



RESOLUTION NO. 30-2013

APPROVING AMENDMENTS TO SECTIONS 34.2 AND 54 OF THE REVISED IMPLEMENTING RULES AND REGULATIONS OF REPUBLIC ACT NO. 9184 WITH RESPECT TO THE PHILGEPSS REGISTRATION REQUIREMENT FOR PUBLIC BIDDING AND THE ALTERNATIVE METHODS OF PROCUREMENT

WHEREAS, Republic Act (RA) No. 9184, otherwise known as the “Government Procurement Reform Act” and its revised Implementing Rules and Regulations (IRR) took effect on 26 January 2003 and 2 September 2009, respectively;

WHEREAS, Section 63(a) of RA 9184 mandates the Government Procurement Policy Board (GPPB) to protect national interest in all matters affecting public procurement;

WHEREAS, Section 63(b) of RA 9184 mandates the GPPB to formulate and amend, whenever necessary, the Implementing Rules and Regulations (IRR) and the corresponding standard forms for Procurement;

WHEREAS, Section 3(a) of RA 9184 requires that all procurements of the national government, its departments, bureaus, offices and agencies, including state universities and colleges, government-owned and/or controlled corporations, government financial institutions and local government units shall in all cases, be governed by the principle of transparency in the procurement process and in the implementation of procurement contracts;

WHEREAS, Section 8.5.1 of the revised IRR of RA 9184 requires that “[t]o 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. All Procuring Entities already maintaining an electronic registry upon the effectivity of this IRR shall integrate the same with that of the PhilGEPS. A manufacturer, supplier, distributor, contractor and/or consultant duly registered with the PhilGEPS may participate in a procurement undertaken by any procuring entity, provided that the said manufacturer, supplier, distributor, contractor or consultant maintains its registration current and updated in accordance with the provisions of this IRR and its registration is proper and relevant to the particular type of procurement.”;

WHEREAS, the IRR Part A¹ of RA 9184 requires bidders to submit a Certificate of PhilGEPS Registration as an eligibility requirement before bid opening, thus compelling bidders to register with PhilGEPS and submit their Certificate of PhilGEPS Registration before bid opening;

WHEREAS, the revised IRR of RA 9184 requires a bidder with the Lowest Calculated Bid to submit, among other post-qualification documentary requirements, a Certificate of PhilGEPS Registration within three (3) calendar days from notice issued by the Bids and Awards Committee (BAC), such that failure to submit any of the post-qualification

¹ Approved by Her Excellency President Gloria Macapagal-Arroyo through Memorandum Order No. 119, dated 18 September 2003, and published on 23 September 2003 in two (2) newspapers of general nationwide circulation; Section 23.6 Eligibility Check for the Procurement of Goods and Infrastructure Projects; Section 24.7 Eligibility Check for the Procurement of Consulting Services.

documentary requirements within the three (3) calendar day period or a finding against the veracity of such shall be a ground for the forfeiture of the bid security and the disqualification of the bidder for award;

WHEREAS, although the submission of the Certificate of PhilGEPS Registration is now required under the revised IRR of RA 9184 during the post-qualification stage of the procurement process, the purpose of PhilGEPS registration is still meant to ensure widest dissemination of the procurement activity;

WHEREAS, PhilGEPS registration, prior to bid opening or procurement activity, shall ensure widest dissemination of information to prospective bidders and market participants;

WHEREAS, there is no provision in Rule XVI (Alternative Methods of Procurement), except in Limited Source Bidding, which expressly requires PhilGEPS registration for manufacturers, suppliers, distributors, contractors, and consultants that were selected by the procuring entity through any of the alternative modes of procurement;

WHEREAS, registration with PhilGEPS is still required for procurements through alternative methods in order to ensure the widest dissemination of the procurement activity;

WHEREAS, there is a need to identify alternative methods of procurement where registration with PhilGEPS would be impractical and/or unnecessary;

WHEREAS, during the 5th Inter-Agency Technical Working Group (IATWG) Meeting held on 16 August 2013, the IATWG agreed to the following:

- i. Require bidders to be registered with the PhilGEPS prior to bid opening; and
- ii. Approve the issuance of a Resolution amending the revised IRR of RA 9184 to mandate manufacturers, suppliers, distributors, contractors and/or consultants to register with PhilGEPS and provide a PhilGEPS Registration Number in the following alternative methods of procurement:
 - a) Section 49 Limited Source Bidding
 - b) Section 50 Direct Contracting
 - c) Section 51 Repeat Order
 - d) Section 52.1 (b) Shopping of Ordinary Office Use Supplies and Equipment not available in the Procurement Service
 - e) Section 53.1 Two-Failed Bidding
 - f) Section 53.3 Take-Over of Contracts
 - g) Section 53.4 Adjacent and Contiguous
 - h) Section 53.7 Highly Technical Consultants
 - i) Section 53.9 Small Value Procurement
 - j) Section 53.10 Lease of Real Property
 - k) Section 53.11 NGO Participation

EXCEPT for the following:

- a) Section 52.1 (a) Shopping under Unforeseen Contingency

- b) Section 53.2 Emergency Cases
- c) Section 53.5 Agency to Agency Agreements
- d) Section 53.6 Procurement Agent (except private procurement agents)
- e) Section 53.8 Defense Cooperation Agreement
- f) Section 53.12 Community Participation
- g) Section 53.13 United Nations Agencies

WHEREAS, during the 6th Regular Government Procurement Policy Board (GPPB) Meeting held on 30 August 2013, the GPPB agreed to defer the matter and discuss it again in the next GPPB Meeting with the following positions:

- i. Require registration with PhilGEPS prior to bid opening;
- ii. Retain the Certificate of PhilGEPS Registration as post-qualification document under Section 34.2 of the revised IRR of RA 9184; and
- iii. Require suppliers, manufacturers, contractors, and consultants to submit their PhilGEPS Registration numbers during bid opening in case of public bidding and alternative methods of procurement where registration is necessary, in order to ensure the widest dissemination of procurement information pursuant to Section 8.5.1 of the revised IRR of RA 9184;

WHEREAS, during the 7th Regular GPPB Meeting held on 25 October 2013, the GPPB deliberated and discussed on the PhilGEPS registration requirement;

WHEREAS, after careful and judicious deliberations on the matter, the GPPB agreed to adopt the recommendation of the IATWG but with the exclusion of Section 53.7 (Highly Technical Consultants) as among those requiring PhilGEPS registration.

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

1. **AMEND** Section 34.2 of the revised Implementing Rules and Regulations (IRR) of Republic Act (RA) No. 9184, as follows:

“Within three (3) calendar days from receipt by the bidder of the notice from the BAC that the bidder has the Lowest Calculated Bid or Highest Rated Bid, the bidder shall submit the following documentary requirements to the BAC:

- a) Tax clearance;
- b) Latest income tax returns;
- c) Certificate of PhilGEPS Registration, provided that participating bidders should register with the PhilGEPS prior to bid opening; and
- d) Other licenses and permits required by law and stated in the Bidding Documents.

Failure to submit the above requirements on time or a finding against the veracity of such shall be ground for the forfeiture of the bid security and disqualify the bidder for award.”;

2. **INLCUDE** a new provision relative to the requirement of PhilGEPS Registration in Alternative Methods of Procurement under Section 54.6 of the IRR of RA 9184 as follows:

“Manufacturers, suppliers, distributors, contractors, and/or consultants are mandated to register with PhilGEPS and provide a PhilGEPS Registration number in the following alternative methods of procurement as a condition for award of the contract:

- (a) Section 49 Limited Source Bidding
- (b) Section 50 Direct Contracting
- (c) Section 51 Repeat Order
- (d) Section 52.1 (b) Shopping for Ordinary Office Supplies and Equipment not available in the Procurement Service
- (e) Section 53.1 Two Failed Bidding
- (f) Section 53.3 Take Over of Contracts
- (g) Section 53.4 Adjacent and Contiguous
- (h) Section 53.9 Small Value Procurement
- (i) Section 53.10 Lease of Real Property
- (j) Section 53.11 NGO Participation

EXCEPT for the following:

- (a) Section 52.1 (a) Shopping under Unforeseen Contingency
- (b) Section 53.2 Emergency Cases
- (c) Section 53.5 Agency to Agency Agreements
- (d) Section 63.6 Procurement Agent (except private procurement agents)
- (e) Section 53.7 Highly Technical Consultants
- (f) Section 53.8 Defense Cooperation Agreement
- (g) Section 53.12 Community Participation
- (h) Section 53.13 United Nations Agency”

This Resolution shall take effect immediately.

APPROVED this 25th day of October 2013 at Pasig City, Philippines.

(Sgd.)

**DEPARTMENT OF BUDGET AND
MANAGEMENT**

**NATIONAL ECONOMIC AND
DEVELOPMENT AUTHORITY**

(Sgd.)

DEPARTMENT OF EDUCATION

(Sgd.)

DEPARTMENT OF ENERGY

DEPARTMENT OF FINANCE

DEPARTMENT OF HEALTH

(Sgd.)

**DEPARTMENT OF THE INTERIOR
AND LOCAL GOVERNMENT**

**DEPARTMENT OF NATIONAL
DEFENSE**

**DEPARTMENT OF PUBLIC WORKS
AND HIGHWAYS**

**DEPARTMENT OF SCIENCE AND
TECHNOLOGY**

**DEPARTMENT OF TRADE AND
INDUSTRY**

(Sgd.)

**DEPARTMENT OF TRANSPORTATION
AND COMMUNICATIONS**

(Sgd.)

PRIVATE SECTOR REPRESENTATIVE

Attested by:

(Sgd.)

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