



RESOLUTION NO. 21-2021

APPROVING THE PROPOSED ELECTRONIC BIDDING GUIDELINES OF THE MODERNIZED PHILIPPINE GOVERNMENT ELECTRONIC PROCUREMENT SYSTEM

WHEREAS, Republic Act (RA) No. 9184, otherwise known as the “Government Procurement Reform Act”, took effect on 26 January 2003, while its 2016 revised Implementing Rules and Regulations (IRR) took effect on 28 October 2016;

WHEREAS, Section 3 (c) of RA No. 9184 and its 2016 revised IRR mandate that all procurement shall be governed by the principle, among others, of having a “[s]treamlined procurement process that will uniformly apply to all government procurement. The procurement process shall be simple and made adaptable to advances in modern technology in order to ensure an effective and efficient method;”

WHEREAS, Section 63 of RA No. 9184 directs the Government Procurement Policy Board (GPPB) to protect national interest in all matters affecting public procurement;

WHEREAS, Section 8.1.1 of the 2016 revised IRR of RA No. 9184 provides that the Philippine Government Electronic Procurement System (PhilGEPS) shall serve as the primary and definitive source of information on government procurement. For this purpose, the Electronic Procurement System, established in accordance with Executive Order (EO) No. 322, s. 2000, and EO No. 40, s. 2001, shall continue to be managed by the Procurement Service (PS) under the supervision of the GPPB, in accordance with the IRR;

WHEREAS, Section 8.2.4.3 of the 2016 revised IRR of RA No. 9184 provides that “[t]he PhilGEPS may support the implementation of e-Bid submission processes, which includes the creation of electronic bid forms, creation of bid box, delivery of bid submissions, notification to the supplier of receipt of bids, bid receiving and electronic bid evaluation;”

WHEREAS, the PhilGEPS was tasked to draft the Guidelines on Electronic Bidding (E-Bidding) to support its implementation and to promote transparency and efficiency, alongside the use of information and communications technology in the conduct of procurement;

WHEREAS, the GPPB issued Resolution No. 23-2013 approving the Guidelines for E-Bidding on 30 July 2013, with the PhilGEPS conducting a pilot test of the E-Bidding platform with the PS and the Department of Public Works and Highways (DPWH). However, based on the results of the pilot testing, the full implementation was halted as the platform was found to be not fully functional as it would require a change in the system;

WHEREAS, the PhilGEPS continued with its modernization efforts to expand its current functionalities so that the government may finally have a fully electronic government procurement system with functionalities for each stage of the procurement process, from procurement planning to contract implementation;

WHEREAS, during the 1st GPPB Meeting on 09 February 2017, the PhilGEPS modernization was discussed again, and the Board approved the additional functionalities to be included in the Modernized Government Electronic Procurement System, which are the E-Reverse Auction, Support for Framework Agreement, and E-Catalogue.

WHEREAS, on 13 August 2020, during the 7th Inter-Agency Technical Working Group (IATWG) Meeting, the PhilGEPS presented its proposed E-Bidding Guidelines, and on 22

October 2020, during the 12th GPPB Meeting, the PhilGEPS submitted to the Board the proposed conduct of pilot testing of the E-Bidding facility from October to December 2020, and the agencies to be included therein;

WHEREAS, the GPPB, through Resolution No. 21-2020, approved the creation of a Technical Working Group (TWG) that will review the proposed E-Bidding Guidelines, and the conduct of the pilot testing of the E-Bidding facility and other functionalities of the Modernized PhilGEPS (mPhilGEPS); and directed the PhilGEPS to submit its proposed Implementation Plan for the mPhilGEPS, including all the functionalities to be rolled out during the implementation of the E-Bidding facility and submit the revised Guidelines prior to 31 March 2021;

WHEREAS, in December 2020, the following agencies participated in the training and the pilot testing: (i) PS-Department of Budget and Management (DBM); (ii) GPPB-Technical Support Office (TSO); (iii) University of the Philippines (UP); (iv) Polytechnic University of the Philippines (PUP); (v) Department of Health; (vi) Department of Information and Communications Technology; and (vii) *Bangko Sentral ng Pilipinas* (BSP);

WHEREAS, upon request of the PhilGEPS to provide it time to test the system and correct any changes *vis-a-vis* the existing provisions of the 2016 revised IRR of RA No. 9184, the GPPB, through Resolution No. 07-2021, approved the following on 25 March 2021: (i) extension of the deadline for TWG review of the proposed E-Bidding Guidelines to not later than the end of July 2021; (ii) inclusion of a transition mechanism in the said Guidelines to give time for the stakeholders to make the necessary adjustments and be familiar with the E-Bidding functionality in the mPhilGEPS; (iii) conduct of training by the PhilGEPS for the pilot agencies, contractors, manufacturers, suppliers, distributors consultants, and Observers after approval of the E-Bidding Guidelines by August 2021; and (iv) pilot implementation of the mPhilGEPS from October to December 2021;

WHEREAS, last 11 June 2021, the GPPB-TSO and the PhilGEPS representatives met to discuss the transition provision in the draft Guidelines and activities moving forward. The PhilGEPS was also reminded to submit the revised draft Guidelines and the Implementation Plan;

WHEREAS, on 14 June 2021, the GPPB-TSO received the link to the 'unofficial' draft Guidelines from the PhilGEPS, pending the official submission of the said draft as well as the Implementation Plan. The GPPB-TSO then reviewed the unofficial draft in preparation for the scheduled TWG meeting;

WHEREAS, as requested by the PhilGEPS, the GPPB, through Resolution No. 13-2021, approved the following on 12 August 2021: (i) extension of the deadline for TWG review of the proposed E-Bidding Guidelines to not later than the end of November 2021; (ii) submission of the revised E-Bidding Guidelines by the PhilGEPS on/before 31 August 2021; and (iii) submission of the Full Implementation Plan by the PhilGEPS on/before 31 August 2021;

WHEREAS, on 31 August 2021, the PhilGEPS provided the advance copy of the E-Bidding Guidelines with inputs from the small TWG and the Full Implementation Plan of the mPhilGEPS, pending the approval of the Office of the Executive Director of the PS;

WHEREAS, on 03 September 2021, the PhilGEPS submitted the proposed E-Bidding Guidelines of the mPhilGEPS, and on 08 October 2021, the PhilGEPS submitted the revised mPhilGEPS Full Implementation Plan, as approved by the PS Executive Director. The GPPB-TSO then reviewed the proposed E-Bidding Guidelines and provided recommendations;

WHEREAS, during the meeting of the small TWG on 22 October 2021, it was agreed that the members will submit their comments on the proposed E-Bidding Guidelines. Then the

GPPB-TSO took note of the comments and recommendations received for presentation in the next IATWG meeting;

WHEREAS, on 09 November 2021, the GPPB-TSO conducted a line-by-line review of the proposed E-Bidding Guidelines and accordingly revised the proposed E-Bidding Guidelines;

WHEREAS, during the 4th IATWG Meeting on 18 November 2021, the GPPB-TSO requested the IATWG to give their comments on the proposed E-Bidding Guidelines;

WHEREAS, during the 10th GPPB Meeting on 02 December 2021, the GPPB-TSO presented the proposed E-Bidding Guidelines as well as the issues and concerns raised by the TSO and some of the members of the small TWG and the IATWG, as follows: (i) changes in the participants of the pilot implementation; (ii) coverage of the pilot implementation, specifically, allowing pilot agencies to select Procurement Projects that will use the E-Bidding facility under the mPhilGEPS, as well as the inclusion of Early Procurement Activities (EPA); (iii) inclusion of the transition mechanism in the Guidelines to provide time for the stakeholders to make the necessary adjustments and be familiar with the E-Bidding functionality in the mPhilGEPS; (iv) system-related issues raised by the National Economic and Development Authority (NEDA) in the procurement of consulting services; (v) lumping of foreign-funded procurement with shopping; (vi) removal of entries on Procurement Service-Purchase Request; (vii) unavailability of the online payment facility in the mPhilGEPS and ongoing discussions of the PhilGEPS with the Land Bank of the Philippines on this matter; (viii) BSP concern on the inapplicability of the Unified Accounts Code Structure in some of its financial transactions; (ix) mandatory nature of the use of the mPhilGEPS facility after the pilot implementation; and (x) extent of access to Observers.

WHEREAS, in the same meeting, the GPPB-TSO recommended to the Board the following:

1. Approval of the Revised E-Bidding Guidelines incorporating the comments of the GPPB-TSO, the small TWG, and the IATWG for the pilot implementation of the E-Bidding facility under the mPhilGEPS;
2. Inclusion of additional pilot agencies, namely: the PUP and the municipality of Bayambang, Pangasinan, as recommended by the PhilGEPS. Thus, the pilot implementation of the E-Bidding facility under the mPhilGEPS shall include the following procuring entities (PEs):
 - a. DBM;
 - b. DPWH;
 - c. GPPB-TSO;
 - d. PS-DBM;
 - e. PUP;
 - f. City of Pasig; and
 - g. Municipality of Bayambang, Pangasinan;
3. Direct the PhilGEPS to:
 - a. Address the technical issues raised by the NEDA;
 - b. Separate "Foreign Funded Procurement" from "Shopping-Others" and request the PhilGEPS to clarify in its materials that "Shopping-Others" for foreign-funded procurement may be used before the pilot implementation;
 - c. Remove the entries on PS-Purchase Request;

- d. Add a qualifier ("once it is available") in the Revised E-Bidding Guidelines for payment through the mPhilGEPS and request the PhilGEPS to report on this after discussing with the DBM and other issues to the Board;
 - e. Add a provision on the reporting responsibilities of the pilot agencies to be provided by the PhilGEPS;
 - f. Update the submitted Implementation Plan to be consistent with the Board discussion and submit the same to the GPPB-TSO prior to the full implementation of the mPhilGEPS; and
 - g. Expand the Observers' online access during pilot implementation consistent with Administrative Order (AO) No. 34, series of 2020 requiring the PhilGEPS to provide a facility for the Observers to monitor the procurement proceedings online;
4. Give the pilot agencies the discretion to select which Procurement Projects will be covered in its pilot implementation of the E-Bidding facility under the mPhilGEPS, including whether to use the same for EPA. For this purpose, the pilot agencies shall clearly indicate in the bidding documents of the Procurement Project/s that it will utilize the E-Bidding facility under the mPhilGEPS;
 5. Direct the PhilGEPS to submit its report to the Board within two (2) weeks after the pilot implementation of the E-Bidding facility under the mPhilGEPS, with its proposed amendments to the E-Bidding Guidelines as well as its recommended transition plan for the full implementation of the E-Bidding facility under the mPhilGEPS to provide time for all the stakeholders to make the necessary adjustments and familiarize themselves with the E-Bidding facility;
 6. Direct the PhilGEPS to conduct an in-depth training of the pilot agencies, contractors, manufacturers, suppliers, distributors, consultants, and Observers after the approval of the E-Bidding Guidelines by December 2021; and
 7. Direct the PhilGEPS to oversee the training and capacity development interventions for the PEs, Observers, and bidders and to develop the appropriate mechanism to ensure the efficient and timely implementation of the mPhilGEPS.

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. **APPROVE** the Revised E-Bidding Guidelines incorporating the comments of the GPPB-TSO, the small TWG, and the IATWG for the pilot implementation of the E-Bidding facility under the mPhilGEPS;
2. **APPROVE** the inclusion of the PUP and the Municipality of Bayambang, Pangasinan as additional pilot agencies, as recommended by the PhilGEPS. Thus, the pilot implementation of the E-Bidding facility under the mPhilGEPS shall include the following PEs:
 - a. DBM;
 - b. DPWH;
 - c. GPPB-TSO;
 - d. PS-DBM;
 - e. PUP;
 - f. City of Pasig; and
 - g. Municipality of Bayambang, Pangasinan;

3. **DIRECT** the PhilGEPS to:
 - a. Address the technical issues raised by the NEDA;
 - b. Separate "Foreign Funded Procurement" from "Shopping-Others" and request the PhilGEPS to clarify in its materials that "Shopping-Others" for foreign-funded procurement may be used before the pilot implementation;
 - c. Remove the entries on PS-Purchase Request;
 - d. Add a qualifier ("once it is available") in the Revised E-Bidding Guidelines for payment through the mPhilGEPS and request the PhilGEPS to report on this after discussing with the DBM and other issues to the Board;
 - e. Add a provision on the reporting responsibilities of the pilot agencies to be provided by the PhilGEPS;
 - f. Update the submitted Implementation Plan to be consistent with the Board discussion and submit the same to the GPPB-TSO prior to the full implementation of the mPhilGEPS; and
 - g. Expand the Observers' online access during pilot implementation consistent with AO No. 34, s. 2020 requiring the PhilGEPS to provide a facility for the Observers to monitor the procurement proceedings online;
4. **GIVE** the pilot agencies the discretion to select which Procurement Projects will be covered in its pilot implementation of the E-Bidding facility under the mPhilGEPS, including whether to use the same for EPA. For this purpose, the pilot agencies shall clearly indicate in the bidding documents of the Procurement Project/s that it will utilize the E-Bidding facility under the mPhilGEPS;
5. **DIRECT** the PhilGEPS to submit its report to the Board within two (2) weeks after the pilot implementation of the E-Bidding facility under the mPhilGEPS, with its proposed amendments to the E-Bidding Guidelines as well as its recommended transition plan for the full implementation of the E-Bidding facility under the mPhilGEPS to provide time for all the stakeholders to make the necessary adjustments and familiarize themselves with the E-Bidding facility;
6. **DIRECT** the PhilGEPS to conduct the in-depth training of the selected pilot agencies, contractors, manufacturers, suppliers, distributors, consultants, and Observers after the approval of the E-Bidding Guidelines by December 2021; and
7. **DIRECT** the PhilGEPS to oversee the training and capacity development interventions for the PEs, Observers, and bidders and to develop the appropriate mechanism to ensure the efficient and timely implementation of the mPhilGEPS.

This Resolution shall take effect immediately.

APPROVED this 2nd day of December 2021 at Pasig City, Philippines.

Sgd.

TINA ROSE MARIE L. CANDA
GPPB, *Chairperson*
**DEPARTMENT OF BUDGET AND
MANAGEMENT**

Sgd.

ROLANDO U. TOLEDO
GPPB, *Alternate to the Chairperson*
**DEPARTMENT OF BUDGET AND
MANAGEMENT**

**NATIONAL ECONOMIC AND
DEVELOPMENT AUTHORITY**

DEPARTMENT OF EDUCATION

Sgd.

DEPARTMENT OF ENERGY

DEPARTMENT OF FINANCE

Sgd.

DEPARTMENT OF HEALTH

Sgd.

**DEPARTMENT OF INTERIOR AND LOCAL
GOVERNMENT**

Sgd.

**DEPARTMENT OF NATIONAL
DEFENSE**

**DEPARTMENT OF PUBLIC WORKS AND
HIGHWAYS**

Sgd.

**DEPARTMENT OF SCIENCE AND
TECHNOLOGY**

Sgd.

DEPARTMENT OF TRADE AND INDUSTRY

Sgd.

DEPARTMENT OF TRANSPORTATION

**DEPARTMENT OF INFORMATION AND
COMMUNICATION TECHNOLOGY**

Sgd.

PHILIPPINE SPACE AGENCY

Sgd.

PRIVATE SECTOR REPRESENTATIVE

REVISED GUIDELINES ON ELECTRONIC BIDDING

1.0 LEGAL BASIS

The Guidelines on Electronic Bidding (E-Bidding), hereinafter referred to as the "Guidelines," shall govern the use of the E-Bidding Facility of the Modernized Philippine Government Electronic Procurement System (mPhilGEPS) mandated under Section 8 of Republic Act No. 9184, otherwise known as the "Government Procurement Reform Act," and its 2016 revised Implementing Rules and Regulations, which provides that the Philippine Government Electronic Procurement System (PhilGEPS) shall be the primary source and repository of information on government procurement.

2.0 OBJECTIVE

- 2.1. The Guidelines is formulated to institutionalize the use of the mPhilGEPS online web-based facility that covers the end-to-end procurement activities undertaken from Annual Procurement Plan (APP) Preparation to Contract Award.
- 2.2. The Guidelines also aims to streamline the procurement process through the utilization of information and communications technology to make procurement processes efficient, responsive, agile, and effective.
- 2.3. The Guidelines shall provide guidance for the pilot and the full implementation of the mPhilGEPS, subject to the feedback of the pilot agencies.

3.0 SCOPE AND COVERAGE

- 3.1. The Guidelines shall apply to all procurement of any branch, agency, department, bureau, office, or instrumentality of the Government of the Philippines, including government-owned and/or controlled corporations, government financial institutions, state universities and colleges, and local government units.

Furthermore, the Guidelines shall cover the procurement for Goods, Infrastructure Projects and Consulting Services undertaken through Competitive Bidding and Alternative Methods of Procurement.

- 3.2. The Guidelines shall also apply to the conduct of the end-to-end procurement activities, including the Preparation of the APP and Purchase Request, Pre-Bid Conference, Invitation to Bid, Receipt and Submission of Bids, Post-Qualification, Award of Contract and Contract Implementation.

Likewise, the Guidelines shall cover Early Procurement Activities (EPA). RA No. 9184, its 2016 revised IRR, and associated issuances shall govern the mPhilGEPS. These shall be supplemented by the Guidelines insofar as E-Bidding is concerned.

- 3.3. The Pilot Agencies for the E-Bidding facility under the mPhilGEPS shall consist of the Department of Budget and Management (DBM), the Department of Public Works and Highways, the Government Procurement Policy Board-Technical Support Office, the Procurement Service-DBM, the Polytechnic University of the Philippines, City of Pasig, and the Municipality of Bayambang, Pangasinan.
- 3.4. The Pilot Implementation will include the following: posting of advisory for merchants that the Pilot Agencies will use the mPhilGEPS for their requirements, uploading of the indicative APP by the Pilot Agencies, the monitoring or follow-up activities of Pilot Agencies and merchants, preparation of an after activity report, and amendment of the E-Bidding Guidelines based on the Pilot Implementation Activity Report.
- 3.5. The Pilot Agencies shall have the discretion which Procurement Projects will be covered in the Pilot Implementation, including whether to use the Early Procurement Activities (EPA). In case only selected Procurement Projects will be used during the Pilot Implementation, the Pilot Agency shall maintain both PhilGEPS 1.5 and the mPhilGEPS.

4.0 DEFINITION OF TERMS

Terms, words, and phrases used in the Guidelines shall have the same meaning as stated below.

- 4.1. **Annual Procurement Plan Facility** - refers to the electronic system where the procuring entities (PEs) can input or upload their indicative, approved, and supplemental APP.
- 4.2. **Approver** – refers to the person designated to confirm the encoded data and uploaded documents.
- 4.3. **Bid Opener** – refers to the person designated to enable the opening and recording of all bid submissions, decrypting of electronic bids, and recording the results of bid evaluation and post-qualification in the mPhilGEPS.
- 4.4. **Bid Query Officer** – refers to the person designated to post answers to queries posted by the bidders in the mPhilGEPS.
- 4.5. **Creator** – refers to the person designated to create the APP, Bid Notices, Supplemental/Bid Bulletin, and Award Notices. This also refers to the person designated in the unit or division of the agency to create the Purchase Request or Job Order Request and Contract.
- 4.6. **Contract Administrator** – refers to the person designated to create, revise and update the online form of the Contract.
- 4.7. **Registered Merchant** – refers to the manufacturer, supplier, distributor, contractors, and consultant registered in the GOP-OMR, subject to the specific level of participation required by the procurement modality.

5.0 GENERAL GUIDELINES

5.1. Preparatory Activities

- 5.1.1. All PEs shall register with the mPhilGEPS and undertake measures in ensuring their access to the online network in order to facilitate open and efficient conveyance of electronic data messages or electronic documents.
- 5.1.2. PEs shall designate and Registered Merchants shall assign their Agency Coordinators and Merchant Coordinators, respectively, to create and administer the accounts.
- 5.1.3. The PhilGEPS office shall have a centralized customer support service which offers support functions (telephone-based service, live chat and email) to effectively and efficiently address system-related issues and concerns.
- 5.1.4. PEs shall ensure that authorized and capable personnel are designated to utilize the system by availing the training provided by the PhilGEPS.
- 5.1.5. The PE shall identify the Approver, Bid Opener, Bid Query Officer, Creator, and Contract Administrator, from the Bids and Awards Committee (BAC) Secretariat, the Technical Working Group, or the BAC and approved by the Head of the Procuring Entity (HoPE), as evidenced by an issuance for the purpose, subject to the internal rules of the PE.
- 5.1.6. Use of digital signature shall be allowed for all procurement-related documents during the implementation of the mPhilGEPS pursuant to Government Procurement Policy Board Resolution No. 16-2019.¹

5.2. Annual Procurement Plan

5.2.1. Procurement Planning

- a. No procurement shall be undertaken unless it is in accordance with the APP, including any approved changes thereto. The APP must be consistent with the duly approved yearly budget of the PE and shall bear the approval of the HoPE or a duly authorized official designated by the HoPE to act on his/her behalf. All procurement shall be within the approved budget of the PE and should be meticulously and judiciously planned by the PE such that only procurement projects considered crucial to the efficient discharge of the agency's mandate be pursued.
- b. Procurement Projects may be undertaken through EPA as long as the Indicative APP is uploaded in the mPhilGEPS. The posted Approved Budget for the Contract (ABC) may be higher than the approved budget as long as the contract price to be awarded is within the amount authorized in the General Appropriations Act, reenacted budget, appropriations ordinance, corporate budget, or loan agreement, as the case may be. The system shall automatically suspend or toll the

¹ Dated 17 July 2019.

period for the award of the contract if the budget has not yet been approved.

- c. For multi-year contracts, the Multi-Year Contracting Authority (MYCA) or an equivalent document shall be uploaded in the mPhilGEPS and the project cost reflected in the MYCA or equivalent document shall be the basis for ABC.

5.2.2. Online Preparation and Submission

- a. The PE shall convert its APP, Indicative APP, and Supplemental APP into web form.
- b. The PE shall download the APP template in Excel format and upload to the APP facility. It can also input the information on the web via the APP facility.
- c. The APP template as approved by the Board shall include all the necessary information of the items to be procured.
- d. The PE may modify or update the uploaded APP through the issuance of a Supplemental APP, subject to the confirmation of the Approver.

5.3. Purchase Request

- 5.3.1. Using the PR Facility, PEs shall prepare the PR consistent with the APP or the Indicative APP, whichever is applicable. Such PR shall be used for the creation of the Bid Notice or the Award Notice, depending on the mode of procurement.
- 5.3.2. Each PR corresponds to one line item in the APP and the associated budget thereto.

6.0 SPECIFIC GUIDELINES

6.1. Competitive Bidding

6.1.1. Preparation of Bidding Documents

a. Invitation to Bid/Request for Expression of Interest

The PEs, through their respective Creators, shall create an electronic Invitation to Bid (IB) for Goods and Infrastructure Projects or an electronic Request for Expression of Interest (REI) for Consulting Services to provide prospective bidders sufficient information for the contract to be bid (Bid Notices) using the electronic bid facility under mPhilGEPS.

The PEs shall upload a complete set of Bidding Documents in the mPhilGEPS, which will be available from the time the Bid Notice is posted. The original format of the Bidding Document shall be downloadable by the prospective bidders until the deadline for the submission and receipt of bids.

The IB/REI shall clearly state whether the PE shall allow the submission of the bid manually or through electronic means. But in no instance shall a Bidder be allowed to submit electronically and manually at the same time.

Observers shall be notified regarding the dates of the procurement activities through email and through the Pending Task functionality of the mPhilGEPS upon publication of the Bid Notice.

b. Payment of Bidding Documents

For bids that require the payment of a Bid Document Fee, only bidders who paid the fee shall be allowed to participate in the E-Bidding activities and shall be allowed to submit a bid.

The Bid Document Fee may be paid in two ways: (i) through an online payment facility integrated in the mPhilGEPS, once it is available; or (ii) directly to the collecting officer of the PE.

6.1.2. Pre-Bid Conference

a. Online Pre-bid Conference

The BAC, the Secretariat, the unit or officials, including consultants hired by the PE, who prepared the Bidding Documents and the draft IB or REI may use the video conferencing platform of mPhilGEPS to conduct the electronic Pre-bid Conference.

In case the videoconferencing platform of mPhilGEPS is unavailable, the electronic Pre-Bid Conference may be conducted using a different online facility, as determined by the PE, through videoconferencing, webcasting, or similar technology capabilities provided that the prospective bidders have similar capabilities and facilities. Any intent to conduct the electronic Pre-bid Conference through videoconferencing shall be clearly indicated in the IB, Bidding Documents, or Supplemental/Bid Bulletins.

b. Requests for Clarification

Prospective bidders may send requests for clarification during the Pre-Bid Conference through the mPhilGEPS online facility or through email or other means in case the mPhilGEPS online facility is unavailable. The requests for clarifications shall be read during the meeting and shall form part of the minutes.

In case of consulting services, the PE may conduct a clarificatory meeting, through the mPhilGEPS, to discuss the eligibility requirements and the technical and financial components of the contract to be bid. The PE shall ensure that all interested bidders are electronically notified. During the clarificatory meeting, the PE must fully record the minutes of the meeting through the mPhilGEPS and make it available to the bidders. The PE shall also issue an electronic bid bulletin, containing the date, time, and place of the clarificatory meeting, and must be posted in the PhilGEPS and in the website of the PE.

c. **Recording of the Pre-bid Conference and Preparation of the Minutes of the Meeting**

The electronic Pre-bid Conference using the mPhilGEPS online facility shall be recorded as an audio recording (or a video recording, in case a different online facility is used) and will only be available to the PE. The minutes of the meeting prepared by the BAC Secretariat may be electronically available to all participating bidders through the Electronic Bulletin Board. The participating bidders may request for a copy of the recording from the PE.

d. **Clarifications Not Raised During the Pre-bid Conference**

Requests for clarification or interpretation not raised during the electronic pre-bid conference shall be submitted in writing to the BAC either through the mPhilGEPS or through electronic mail at least ten (10) calendar days before the deadline set for the submission and receipt of bids.

The BAC shall respond to the request for clarification or interpretation by issuing a Supplemental/Bid Bulletin, electronically signed by the BAC Chairperson, to be made available to all those who have properly secured the Bidding Documents.

e. **Supplemental/Bid Bulletins**

The Approve shall confirm the Supplemental/Bid Bulletins prepared by the BAC. The Supplemental/Bid Bulletins shall be posted in the mPhilGEPS, the website of the PE, and at any conspicuous place within the premises of the PE at least seven (7) calendar days before the deadline for the submission and receipt of bids. All prospective bidders who have downloaded the bidding documents shall be automatically notified by the mPhilGEPS.

6.1.3. **Submission and Receipt of Bids**

a. **Electronic Bid Submission**

The prospective bidders shall submit their eligibility requirements through the E-Bidding Facility of the mPhilGEPS.

The prospective bidders, including the primary partner in the case of Joint Ventures (JVs), shall electronically submit their bids before the deadline of submission as indicated in the IB or the Supplemental/Bid Bulletin. The prospective bidders are responsible for the electronic submission of their bids. Any corrupted files will be considered no submission.

In case of JVs, the secondary partner/s of the JV should confirm or accept the invitation sent by the primary partner through the mPhilGEPS before the PhilGEPS accepts any technical and financial proposals from the primary partner of the JV.

b. **Official Submission Time**

The actual time of electronic bid submission shall be based on the time indicated on the mPhilGEPS service when the prospective bidder submits its electronic bid as automatically recorded in the mPhilGEPS system. The mPhilGEPS shall automatically generate a printable bid receipt page upon submission. The time on the mPhilGEPS service shall be based on the Philippine Standard Time.

c. **Modification of Electronically Submitted Bid**

A prospective bidder may electronically modify its bid at any time before the closing date and time for the submission and receipt of bids.

Upon successful modification, the mPhilGEPS shall generate a new bid receipt reflecting the changes. The time indicated in the latest Bid receipt page generated shall be the official time of submission.

The bid submission status shall automatically change from "Submitted" to "Modified." Prospective bidders, who have submitted their bids electronically, shall not be allowed to submit modifications of bids manually.

d. **Electronic Withdrawal of Bids**

A prospective bidder may electronically withdraw its bid before the deadline for the submission and receipt of bids upon successful withdrawal, the bid submission status shall automatically change to "Withdrawn." In case of electronic withdrawal of bids, a letter of withdrawal is no longer required.

A bidder that withdraws its bid shall not be permitted to submit another bid, directly or indirectly, for the same contract, pursuant to Section 26.2 of the 2016 revised IRR of RA No. 9184.

e. **Late Submissions**

Electronic bid submissions after the lapse of the deadline shall not be accepted by the mPhilGEPS. The mPhilGEPS will notify the BAC through electronic mail in case there is any late submission of bids.

6.1.4. **Bid Security**

The Bids Securing Declaration shall be uploaded in the mPhilGEPS while for other forms of Bid Security, prospective bidders may pay the PEs in two ways: (i) through an online payment facility integrated in the mPhilGEPS, once it is available; or (ii) directly to the collecting officer of the PE.

In case the bid security is paid directly to the collecting officer of the PE, the prospective bidder shall prepare and upload a scanned copy of the receipt of cash payment or other forms of the Bid Security as stated in Section 27 of the 2016 revised IRR, together with the electronic bid.

The original bid security shall be electronically submitted to the BAC during post-qualification.

Failure to enclose the required bid security in the form and amount prescribed shall automatically disqualify the bid concerned.

6.1.5. Bid Opening

a. Confirmation of Bid Document Fee Payment

The Bid Opener shall initiate the opening of the bids in the mPhilGEPS and shall confirm the prospective bidder's payment of the Bid Document Fee to finalize the bidders list and proceed to the opening of bids.

In case there is a discrepancy between the uploaded proof of payment and the payment details in the record of the PE, the latter shall prevail.

b. Opening of Bids

The BAC shall open the bids immediately after the deadline for submission of bids. In case of technical problems during the conduct of E-Bidding and the grounds under Section 29 of the 2016 revised IRR of RA No. 9184, the BAC can postpone the opening of bids and to issue an electronic bid bulletin for the new opening schedule.

The Bidding Documents shall specify the time, date, and the opening of the bids through the mPhilGEPS.

The bidders or their duly authorized representatives may attend the opening of the bids through the mPhilGEPS.

In case of technical problems during the conduct of E-Bidding, the BAC may postpone the opening of bids and to issue an electronic bid bulletin for the new opening schedule.

c. Decryption of Electronic Bids

Prior to the decryption of electronic bids, the BAC and the Bid Opener must first login to mPhilGEPS and establish a BAC quorum.

Once the members of the BAC present and logged-in constitute a quorum, the Bid Opener shall input the keypair password to decrypt and open the submitted documents.

Bidding Documents which are not in compressed archive folders and are not password-protected shall be rejected. However, bid envelopes that are not properly compressed and password-protected, as required in the Bidding Documents, shall be accepted, provided that the bidder or its duly authorized representative shall provide a written acknowledgment of such condition of the bid as submitted. The BAC shall assume no responsibility for the improperly compressed or password-protected folder, or for its premature opening.

d. Opening of First Envelope for Electronically Submitted Bids

Upon decryption, the BAC, with the assistance of the Bid Opener, shall open and check the bid proposal of each prospective bidder's compliance.

In case of JVs, both eligibility proposals of primary and secondary partners shall be present.

e. Preliminary Opening of Bids

The Bid Opener will tag the prospective bidder as Pass/Fail accordingly after the BAC's preliminary examination of bids then record the result in the Preliminary Examination Report facility.

f. Opening of the Second Envelope for Electronically Submitted Bids

Immediately after the opening of the first envelope of the electronically submitted bids, the Bid Opener shall decrypt the electronic Second Bid Envelope of each prospective bidder whose first envelope has been rated "passed" to determine each bidder's compliance with the required financial documents.

The Bid Opener shall manually encode all results in the system for the reports to be generated in the mPhilGEPS

g. Rating of "Failed" by Virtue of Incompleteness, Patent Insufficiency or Patent Defect in the Submission, or Exceeding ABC

The BAC through the E-Bidding facility shall rate the bid as "failed" where one or more of the requirements in the first or second envelope of a particular bid is missing, incomplete or patently insufficient, and/or if the submitted total bid price exceeds the ABC and/or if there is a discrepancy between the bid price in the online form and bid price in the uploaded bid proposal.

h. Recording of Findings and Results

The Bid Opener shall input the findings and results into the mPhilGEPS Preliminary Examination Report facility. Only bids that are determined to contain all the bid requirements for both components shall be rated "passed" and shall be considered for electronic evaluation.

i. Automatic Notice of Bid Opening Results

All prospective bidders shall be automatically notified by the mPhilGEPS of the results of the electronic bid opening. Prospective bidders who failed in the preliminary examination of the first and/or second envelope shall be able to file a request for reconsideration in the mPhilGEPS.

6.1.6. **Extension of Bid Closing Date**

In case of system downtime, the period for the automatic extension of bid closing time shall depend on the duration of the system downtime, as provided in Annex 1 of the Guidelines.

The PhilGEPS shall publicly announce the system failure and automatic extension of bid closing date as specified in Annex 1 , through its social media pages, in the PhilGEPS website and through electronic mail to all the affected users.

6.1.7. **Bid Evaluation**

6.1.7.1 **Goods and Services and Infrastructure Projects**

a. **Bid Evaluation**

The BAC shall evaluate the electronically submitted bid using non-discretionary criteria in considering the completeness of the bid and arithmetical corrections including its financial documents. The calculated price shall be encoded into the mPhilGEPS by the Bid Opener.

After conducting the detailed evaluation of all bids using non-discretionary criterion, the Bid Opener shall input and record the results of the evaluation into the mPhilGEPS Evaluation Summary Report.

A bid submission shall be rated as “failed” in the mPhilGEPS if the calculated total bid price exceeds the ABC.

b. **Automatic Ranking and Generation of Abstract of Bids**

The bids shall be automatically ranked in ascending order based on their total calculated bid prices to identify the Lowest Calculated Bid (LCB) in the mPhilGEPS.

After all bids have been received, opened, examined, evaluated, and encoded into the system, the BAC shall generate the Abstract of Bids in the form of mPhilGEPS Evaluation Summary Report through the mPhilGEPS which will be electronically signed by the BAC.

c. **Resolution**

After the BAC has validated the Abstract of Bids, the BAC shall confirm the contents of the same and identify the Bidder with the LCB. The BAC, through its Secretariat, shall then prepare the Resolution based on the Abstract of Bids and upload the same in the mPhilGEPS. Once the BAC Resolution has been uploaded in the mPhilGEPS, an electronic mail shall be automatically sent to all prospective bidders informing them that the Abstract of Bids and the Resolution is available for downloading.

6.1.7.2. Consulting Services

a. **Criteria Score**

The BAC shall conduct a detailed evaluation of all bids to determine the Highest Rated Bid (HRB).

To identify the Short Listed Bidders and the HRB, the PE shall set up the criteria score equivalent to 100 and provide the minimum score during Bid Notice Creation under each section of Eligibility/Technical/ Financial.

b. **Eligibility Checking**

After the lapse of the deadline for the submission of the Expression of Interest, the BAC shall open and evaluate the submitted eligibility requirements in the mPhilGEPS.

c. **Shortlisting**

The Bid Opener shall record the actual rating score based on the criteria. The prospective bidders who fail to meet the minimum criteria score will be disqualified and will not be included to be part of the shortlisted bidders. The BAC shall draw up the short list of prospective bidders from those declared eligible using the detailed set of criteria and rating system. The BAC shall invite the shortlisted consultants to participate through a Notice of Eligibility and Short listing issued by the BAC.

d. **Pre-Bid Conference**

The BAC shall hold an online pre-bid conference to clarify and address the Consultants' questions on the technical and financial components. The minutes of the pre-bid conference shall be recorded and prepared. Upon the written request of the prospective bidders, the minutes shall be made available to them through electronic means. In case there are any amendments to any of the provisions of the bidding documents, the BAC shall prepare a Supplemental/Bid Bulletin reflecting the changes in the bidding documents.

The BAC must hold a pre-bid conference for contracts with ABCs of at least One Million Pesos (Php1,000,000.00). In case the ABC is less than Php1,000,000.00, the BAC may hold a Pre-Bid Conference, at its discretion. The BAC may also hold a pre-bid conference upon the written request of a prospective bidder.

e. **Opening and Evaluation (2nd Stage)**

After the lapse of the deadline for the submission and opening date, the BAC shall open the first envelope (Technical Proposal) and check the submitted documents of each bidder online using a non-discretionary "pass/fail"

criterion. The BAC shall prepare the minutes of the proceedings of the bid opening online and shall electronically sign the abstract of bids as read.

For the evaluation of the bids, the BAC shall use numerical ratings. In order to eliminate bias in evaluating the Bids, it is recommended that the highest and lowest scores for each Consultant for each criterion shall not be considered in determining the average scores of the Consultants, except when the evaluation is conducted in a collegial manner.

In case of complex or unique undertakings, such as those involving new concepts/technology or financial advisory services, the participating short listed consultants, through its Project Manager or head in case of consulting firms, shall make an oral presentation, at the option of the PE concerned.

After the BAC evaluates the Technical/Financial documents, the mPhilGEPS shall compute the total score and automatically rank the prospective bidders in descending order to identify the HRB. The BAC shall submit, through the mPhilGEPS, its recommendation to the HoPE as to the results of the evaluation.

Prospective bidders who do not meet the minimum criteria score shall be disqualified. The ABC shall furnish the results of the evaluation to all participating short-listed consultants after the approval by the HoPE of the ranking.

f. Negotiation

Once the HRB is identified, the BAC shall input the Negotiated Price and negotiation status (Pass/Fail) for the Quality Based Evaluation; or negotiation status (Pass/Fail) for the Quality-Cost Based Evaluation before it can proceed to the Post-Qualification stage.

The BAC shall upload all documents related to the negotiation in the mPhilGEPS.

g. Automatic Ranking and Generation of Abstract of Bids

The mPhilGEPS shall automatically rank the bidders in descending order based on the total score to identify the HRB. After all the bids have been received, opened, examined, evaluated, encoded, and ranked, the BAC shall generate the Abstract of Bids in the mPhilGEPS.

h. Resolution

After the BAC has signed the Abstract of Bids, the BAC shall confirm the Bidder with the HRB. The BAC, through its Secretariat, shall then prepare the Resolution based on the Abstract of Bids and upload the same in the mPhilGEPS. Once the BAC Resolution has been uploaded in the

mPhilGEPS, an electronic mail shall be automatically sent to all prospective bidders informing them that the Abstract of Bids and the Resolution is available for downloading.

6.1.8. **Post-Qualification**

a. **One Day Notification and Submission of Documents**

The LCB/HRB shall be notified by the BAC through electronic mail that it shall undergo post-qualification within one day after the approval of the Abstract of Bids.

The LCB/HRB shall upload the post-qualification requirements in the mPhilGEPS within five (5) calendar days from receipt of such notice.

For electronic documents submitted online, the BAC or its Bid Opener shall decrypt the documents and the results recorded automatically using the Record Post Qualification button.

b. **Declaration of SCRB or SRRB /LCRB/HRRB and Post-Disqualification**

Upon the determination of the BAC that the bidder with the LCB/HRB passes all the criteria for post-qualification, its bid shall be declared as the Lowest Calculated Responsive Bid (LCRB)/ Highest Rated Responsive Bid (HRRB), or a Single Calculated and Responsive Bid (SCRB) or a Single Rated and Responsive Bid (SRRB). The Bid Opener shall record and encode the post-qualification results in the mPhilGEPS.

The BAC shall prepare and upload the BAC Resolution declaring the bidder with the LCRB/HRRB in the mPhilGEPS. Thereafter, all the bidders that participated shall be immediately and electronically notified of its post-disqualification and the grounds thereof.

c. **Continuous Post-Qualification**

In case the BAC determines that the bidder with the LCB/HRB fails the criteria for post-qualification, it shall immediately notify the said bidder electronically of its post-disqualification and the grounds for it.

Immediately after the BAC has electronically notified the first bidder of its post-disqualification, and notwithstanding any pending request for reconsideration thereof, the BAC shall initiate and complete the same post-qualification process on the bidder with the second LCB/HRB.

If the second bidder passes the post-qualification, and provided that the request for reconsideration of the first bidder has been denied, the second bidder shall be declared as the bidder with the LCRB/HRRB or SCRБ or SRRB, as the case may be.

If the second bidder fails the post-qualification, the procedure for post-qualification shall be repeated for the bidder with the next LCB/HRB, and so on until the LCRB/HRRB or SCRБ or SRRB, as the case may

be, is determined for award, subject to Section 37 of 2016 revised IRR of RA No. 9184.

6.1.9. Award

Upon the approval of the HoPE of the recommendation of the BAC to award the contract to the bidder with the LCRB/HRRB or the Single Calculated/Rated Responsive Bid, the Creator shall prepare a Notice of Award in the mPhilGEPS. Once confirmed by the Approver, the Notice of Award shall be issued to the LCRB/HRRB provided that there is no request for reconsideration or protest received by, or inputted in the mPhilGE PS.

Upon the issuance of the NOA, the participating bidders shall be electronically notified of the results of the bidding process.

6.2. Alternative Methods of Procurement

6.2.1. In the case of Alternative Methods of Procurement, when the posting of the procurement opportunity is mandatory, the designated PR Creator and the PR Approver of the PE shall use the PR facility to create and post the Request for Quotation (RFQ) or Request for Proposal (RFP).

6.2.2. The PR facility shall also be used to create the Award Notice for procurement projects which only require creation and posting of award.

6.2.3. In all instances, the PE shall state in the RFQ or RFP whether the bid submission shall be online or manual.

7.0 REQUEST FOR RECONSIDERATION OR PROTEST

7.1. The mPhilGEPS shall provide a facility for bidders to file its Request for Reconsideration and Protest. The bidder shall select the Bid Notice and the bidding stage to initiate the filing of Request for Reconsideration or Protest.

7.2. The BAC and the Bid Opener shall be notified in the mPhilGEPS and through electronic mail in case the bidder files a Request for Reconsideration or Protest. The BAC shall grant or deny the Request for Reconsideration or Protest filed by the bidder.

7.3. The bidder who files a Request for Reconsideration or Protest shall be notified through the mPhilGEPS and through electronic mail regarding the decision of the BAC.

8.0 CONTRACT IMPLEMENTATION

8.1. Recording and Updating in the mPhilGEPS

8.1.1. The Creator shall record and update the following details in the mPhilGEPS, subject to the review and/or confirmation of the Approver: (i) Advance payment; (ii) Payment; (iii) Retention money; (iv) Goods received note; (v) Warranties; (vi) Suspension of delivery; and (vii) Liquidated damages imposed for late deliveries.

8.1.2. The winning bidder shall update the Statement of Work Accomplished in the mPhilGEPS, subject to the acceptance of the PE in order to generate an invoice for payment.

8.2. Creation, Amendment, and Updating of the Purchase Order/Contract in the mPhilGEPS

The Creator shall encode the necessary details in the mPhilGEPS, subject to the review and/or confirmation of the Approver: (i) Contract creation; (ii) Contract amendment; (iv) Extension of the contract; (v) Suspension of the contract; (vi) Termination of the contract; and (vii) Lifting of the Suspension Order.

9.0 REPORTING OF PILOT AGENCIES

The pilot agencies shall submit their official monthly report to the PhilGEPS and shall copy furnish the GPPB-TSO. This shall not preclude the agencies from reporting technical issues encountered in using the mPhilGEPS as often as needed for resolution. The technical issues should be logged in the mPhilGEPS e-ticketing system, access to it will be provided by PhilGEPS. The PhilGEPS shall submit its after-activity report to the GPPB relative to the use of the mPhilGEPS two-weeks after the end of the pilot implementation and shall provide its recommendation for the transition period and full implementation.

10.0 TRANSITION MECHANISM

10.1. After the pilot implementation of the mPhilGEPS, the PhilGEPS shall consolidate the after-activity report from the Pilot Agencies. The PhilGEPS shall review, update, and address the comments of the pilot agencies to improve and further enhance the mPhilGEPS within one (1) to ten (10) working days, as the case may be.

10.2. Within two (2) weeks after the end of the pilot implementation of the mPhilGEPS, the PhilGEPS shall likewise report to the GPPB the results of the pilot implementation, propose amendments to the Guidelines to the GPPB, and provide its recommendation for the transition period and full implementation of the mPhilGEPS. Upon approval of the GPPB, the PhilGEPS shall reflect the same in its updated full implementation plan and release an advisory requiring all PEs to use the mPhilGEPS and upload the APP in the mPhilGEPS. Once the indicative APP or APP is uploaded in the mPhilGEPS, the PEs will be mandated to use the mPhilGEPS.

11.0 CAPACITY DEVELOPMENT

11.1. The PhilGEPS shall be responsible in training and providing refresher courses to the pilot agencies as well as the bidders who will use the mPhilGEPS during its pilot implementation.

11.2. The PhilGEPS shall also oversee and provide the training and capacity development interventions for the PEs, Observers, and Bidders and shall develop the appropriate mechanism to ensure the efficient full utilization of the mPhilGEPS.

11.3. The PEs and bidders shall ensure that authorized and capable personnel are assigned to utilize the mPhilGEPS.

12.0 SECURITY MECHANISM

- 12.1. The PE and the bidders shall assign their authorized representatives who shall be responsible in ensuring the security, integrity, and confidentiality of their respective accounts and credentials to protect it against breach and other forms of security risk.
- 12.2. In case of hacking and other threats to cybersecurity of the mPhilGEPS, the Department of Information and Communications Technology, through the Cybercrime Investigation and Coordinating Center, shall assist and provide technical expertise in ensuring the protection of the users of the mPhilGEPS. The National Bureau of Investigation and the Philippine National Police shall assist in handling cybercrimes offenses and other offenses provided under RA No. 101752 in the use of the mPhilGEPS.

13.0 SYSTEM MAINTENANCE

The PhilGEPS shall be responsible for the administration and updating of the mPhilGEPS.

14.0 DATA ACCURACY

The authorized representatives of the PEs and the bidders shall be responsible in ensuring that the data encoded and documents uploaded in the mPhilGEPS using their respective accounts are true, correct, and free from any mistakes, typographical errors, and/or inaccurate statements.

15.0 DATA SECURITY

- 15.1. The PhilGEPS shall ensure that all personal information collected, used, shared, and stored in the mPhilGEPS from the PEs, Observers, and Bidders in relation to government procurement activities shall be kept safe and secured from unwarranted access.
- 15.2. Personal information shall be used and disclosed in accordance with existing laws and regulations such as RA No. 10173 or the Data Privacy Act of 2021.
- 15.3. Active E-Bidding records in the mPhilGEPS shall not be archived. Closed E-Bidding records will be archived in mPhilGEPS storage facility if it is beyond six (6) years from the Contract End Date.
- 15.4. Fully committed to the security and preservation of the stated data, any and all personal data obtained as encoded by the users are entered and stored within the organization's fully secure information and communications system which is only accessible by the duly authorized PhilGEPS office personnel.
- 15.5. The PhilGEPS office, with the use of the most appropriate standard recognized by the information and communications technology industry, shall institute strict and full secure organizational, technical and physical security measures to ensure the protection of its users' personal data.

16.0 THIRD PARTY AUDIT

The PhilGEPS shall engage the services of a Third Party Audit Team which shall assess and verify the effectiveness of the initiatives aimed at improving the quality of the operations of the mPhilGEPS.

17.0 RESPONSIBILITY OF PROCURING ENTITIES

PEs may institute their own internal implementing rules, guidelines, and/or procedures consistent with these Guidelines. The HoPE shall be held responsible for the proper implementation of the Guidelines.

18.0 UPDATING AND REVIEW OF GUIDELINES

The PhilGEPS may propose amendments on the Guidelines to the GPPB as the need arises.

19.0 SAVING CLAUSE

The provisions of RA No. 9184, its 2016 revised IRR of RA No. 9184, and other GPPB issuances shall apply to all matters not covered by the provisions of the Guidelines.

20.0 SEPARABILITY CLAUSE

If any part, section, or provision of these Guidelines is declared void, the other provisions not affected shall remain in full force and effect.

21.0 REPEALING CLAUSE

All guidelines and issuances or any part thereof that are inconsistent with the provisions of these guidelines are hereby repealed, amended, or modified accordingly.

22.0 EFFECTIVITY

This Guidelines shall take effect immediately upon publication in the Official Gazette or in a newspaper of general nationwide circulation.

Annex 1

System Downtime Coverage	Extension	Automatic Extension of Bid Closing Time
Less than 2 hours within 6 hours prior to bid closing time/date but not within 2 hours prior to bid closing time/date	No	None
Greater than 2 hours within 6 hours prior to bid closing time/date	Yes	24 hours after the mPhilGEPS system has been restored
Within 2 hours prior to bid closing time/date, regardless of duration of downtime	Yes	24 hours after the mPhilGEPS system has been restored
Greater than or equal to 24 hours but less than 48 hour prior to bid closing time	Yes	48 hours after the mPhilGEPS system has been restored
Greater than or equal to 48 hours prior to bid closing time	Yes	72 hours after the mPhilGEPS system has been restored