



APPROVAL OF THE USE OF VIDEOCONFERENCING, WEBCASTING AND SIMILAR TECHNOLOGY IN THE CONDUCT OF MEETINGS AND DETERMINATION OF QUORUM BY THE BIDS AND AWARDS COMMITTEE (BAC) AND AMENDING SECTIONS 12.3 AND 12.4 OF THE 2016 REVISED IRR OF RA NO. 9184, AND THE AFFECTED CLAUSES IN THE GENERIC PROCUREMENT MANUALS (GPM)

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 63 of RA No. 9184 and its 2016 revised IRR authorize the Government Procurement Policy Board (GPPB) to formulate public procurement policies, rules and regulations, and amend its IRR, whenever necessary;

WHEREAS, Section 3(c) of RA No. 9184 and its 2016 revised IRR mandates the adoption of a streamlined procurement process that will uniformly apply to all government procurement which shall be simple and made adaptable to advances in modern technology in order to ensure an effective and efficient method;

WHEREAS, Section 22.3 of the 2016 revised IRR of RA No. 9184 introduced the use of videoconferencing, webcasting and similar technology, or a combination thereof for pre-bid conference;

WHEREAS, the GPPB-Technical Support Office (TSO) has received informal proposals on the possibility of using videoconferencing or webcasting technology in the conduct of Bids and Awards Committee meetings as the use of such technology would address delays due to postponement of meetings attributed to lack of quorum;

WHEREAS, during the 5th Inter-Agency Technical Working Group (IATWG) Meeting, held on 15 November 2018, the GPPB-TSO presented to the IATWG, its proposal to allow the BAC to use videoconferencing for purposes of conducting its business and determining quorum and the proposed amendments to the 2016 revised IRR of RA No. 9184, thus:

1. Amendment to Section 12.3 to allow a member of the BAC to be present in person, face-to-face through videoconferencing, webcasting or similar technology for procuring entities with such technology, or a combination thereof for purposes of determining the presence of a quorum; and
2. Amendment to Section 12.4 to allow meetings of the BAC to be conducted electronically for procuring entities with such capabilities and to consider as valid and binding the decision of at least a majority of the members present, either in person, face-to-face through videoconferencing, webcasting or similar technology, or a combination thereof;

WHEREAS, the IATWG agreed to recommend to the GPPB the approval of the use of videoconferencing, webcasting or similar technology in the conduct of meetings and the determination of quorum by the BAC, including the amendments to the pertinent provisions of the 2016 revised IRR of RA No. 9184;

WHEREAS, during its 6th GPPB Regular Meeting held on 4 December 2018, the GPPB, after careful review and deliberation, resolved to adopt the recommendations of the IATWG to allow the use of videoconferencing, webcasting or similar technology in the conduct of meetings and the determination of quorum by the BAC, including the amendments of Sections 12.3 and 12.4 of the 2016 revised IRR of RA No. 9184, and the affected clauses in the Generic Procurement Manuals (GPM);

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 and other executive issuances, hereby **RESOLVE**, to confirm, adopt, and approve, as **WE** hereby confirm, adopt, and approve the use of videoconferencing, webcasting or similar technology in the conduct of meetings and the determination of quorum by the BAC, including the amendments of Sections 12.3 and 12.4 of the 2016 revised IRR of RA No. 9184, and the affected clauses in the GPM, a copy of which, is attached as Annex "A", and made an integral part hereof.

This Resolution shall take effect immediately.

APPROVED this 4th day of December 2018 at Pasig City, Philippines.

SGD

**DEPARTMENT OF BUDGET AND
MANAGEMENT**

**NATIONAL ECONOMIC AND
DEVELOPMENT AUTHORITY**

SGD

DEPARTMENT OF EDUCATION

DEPARTMENT OF ENERGY

SGD

DEPARTMENT OF FINANCE

DEPARTMENT OF HEALTH

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**DEPARTMENT OF INFORMATION AND
COMMUNICATION TECHNOLOGY**

**DEPARTMENT OF INTERIOR AND
LOCAL GOVERNMENT**

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**DEPARTMENT OF NATIONAL
DEFENSE**

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**DEPARTMENT OF PUBLIC WORKS AND
HIGHWAYS**

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**DEPARTMENT OF SCIENCE AND
TECHNOLOGY**

**DEPARTMENT OF TRADE AND
INDUSTRY**

SGD

DEPARTMENT OF TRANSPORTATION

PRIVATE SECTOR REPRESENTATIVE

**2016 REVISED IMPLEMENTING RULES AND REGULATIONS (IRR)
 OF REPUBLIC ACT (RA) NO. 9184**

ORIGINAL	AMENDED
<p>12.3. Quorum</p> <p>A majority of the total BAC composition as designated by the HoPE shall constitute a quorum for the transaction of business, provided that the presence of the Chairperson or Vice-Chairperson shall be required.</p>	<p>Section 12.3 Quorum</p> <p>A majority of the total BAC composition as designated by the HoPE shall constitute a quorum for the transaction of business, provided that the presence of the Chairperson or Vice-Chairperson shall be required.</p> <p><u>For purposes of determining a quorum, a member of the BAC, which include the Chairperson or the Vice-Chairperson, may be present, either in person or face-to-face through videoconferencing, webcasting or similar technology for procuring entities with such technology;</u></p>
<p>12.4. Meetings</p> <p>The Chairperson or, in his absence, the Vice-Chairperson, shall preside at all meetings of the BAC. The decision of at least a majority of those present at a meeting at which there is quorum shall be valid and binding as an act of the BAC: Provided, however, That the Chairperson or, in his absence, the Vice-Chairperson, shall vote only in case of a tie.</p>	<p>Section 12.4 Meetings</p> <p>The Chairperson or, in his absence, the Vice-Chairperson, shall preside at all meetings of the BAC. <u>Meetings of the BAC may be conducted electronically for procuring entities with videoconferencing, webcasting, or similar technology capability.</u> The decision of at least a majority of those present, <u>either in person, face-to-face through videoconferencing, webcasting or similar technology, or a combination thereof,</u> at a meeting at which there is quorum shall be valid and binding as an act of the BAC: xxx;</p>

GENERIC PROCUREMENT MANUAL VOLUME I
Guidelines on the Establishment of Procurement Systems and Organizations

<i>ORIGINAL</i>	<i>AMENDED</i>
<p>Legal Reference</p> <p>1. xxx</p> <p style="padding-left: 20px;">a. xxx</p> <p style="padding-left: 20px;">b. xxx</p> <p>2.xxx</p> <p style="padding-left: 20px;">a. xxx</p> <p style="padding-left: 20px;">b. Quorum</p> <p>The majority (one-half of membership plus one) of the BAC members shall constitute a quorum, provided that the Chairperson or the Vice-Chairperson should be present in all meetings and deliberations. The Chairperson or, in his absence, the Vice-Chairperson shall preside over the meetings. The Presiding Officer shall vote only in case of a tie.</p> <p>In case of resignation, retirement, separation, transfer, re-assignment, removal, death, leave or suspension, and no replacement has been identified yet by the HoPE, a majority of the remaining BAC members shall constitute a quorum for the transaction of business, provided that the presence of the Chairman and Vice-Chairman shall be required; and provided further, that, in no case shall the quorum be less than three (3) members.</p>	<p>Legal Reference</p> <p>1. xxx</p> <p style="padding-left: 20px;">a. xxx</p> <p style="padding-left: 20px;">b. xxx</p> <p>2.xxx</p> <p style="padding-left: 20px;">a. xxx</p> <p style="padding-left: 20px;">b. Quorum</p> <p>The majority (one-half of membership plus one) of the BAC members shall constitute a quorum, provided that the Chairperson or the Vice-Chairperson should be present in all meetings and deliberations. The Chairperson or, in his absence, the Vice-Chairperson shall preside over the meetings. The Presiding Officer shall vote only in case of a tie.</p> <p><u>For purposes of determining a quorum, a member of the BAC, which include the Chairperson or the Vice-Chairperson, may be present, either in person or face-to-face through videoconferencing, webcasting or similar technology for procuring entities with such technology;</u></p> <p>In case of resignation, retirement, separation, transfer, re-assignment, removal, death, leave or suspension, and no replacement has been identified yet by the HoPE, a majority of the remaining BAC members shall constitute a quorum for the transaction of business, provided that the presence of the Chairman and Vice-Chairman shall be required; and provided further, that, in no case shall the quorum be less than three (3) members.</p>

GENERIC PROCUREMENT MANUAL VOLUME II
Manual of Procedures for the Procurement of Goods and Services

ORIGINAL	AMENDED
Preparing for the Procurement of Goods	Preparing for the Procurement of Goods
xxx	xxx
xxx	xxx
xxx	xxx
xxx	xxx
<p>The pre-procurement conference is the forum where all officials of the Procuring Entity involved in the project meet to discuss all aspects of the said project to determine the readiness of the Procuring Entity to undertake the procurement. The conference focuses on the technical specifications, the ABC, the appropriateness and applicability of the recommended method of procurement, and the availability of appropriations and programmed budget for the contract, the procurement schedule, among others.</p>	<p>The pre-procurement conference is the forum where all officials of the Procuring Entity involved in the project meet to discuss, <u>either in person, face-to-face through videoconferencing, webcasting or similar technology, or a combination thereof</u>, all aspects of the said project to determine the readiness of the Procuring Entity to undertake the procurement. The conference focuses on the technical specifications, the ABC, the appropriateness and applicability of the recommended method of procurement, and the availability of appropriations and programmed budget for the contract, the procurement schedule, among others.</p>

GENERIC PROCUREMENT MANUAL VOLUME III
Manual of Procedures for the Procurement of Infrastructure Projects

ORIGINAL	AMENDED
<p>Methodology: How are the bids received, opened and preliminarily examined?</p> <p>The following steps are undertaken in the receipt, opening and preliminary examination of bids:</p> <p>1. xxx</p> <p>2. The BAC convenes on the Bid Opening Date. The presence of the majority of the BAC members shall constitute a quorum, provided that the</p>	<p>Methodology: How are the bids received, opened and preliminarily examined?</p> <p>The following steps are undertaken in the receipt, opening and preliminary examination of bids:</p> <p>1. xxx</p> <p>2. The BAC convenes on the Bid Opening Date. The presence of the majority of the BAC members shall constitute a quorum, provided that the</p>

<p>Chairperson and/or the Vice-Chairperson is present.</p>	<p>Chairperson and/or the Vice-Chairperson is present.</p> <p><u>For purposes of determining a quorum, a member of the BAC, which include the Chairperson or the Vice-Chairperson, may be present, either in person or face-to-face through videoconferencing, webcasting or similar technology for procuring entities with such technology;</u></p>
<p>Preparing for the Procurement of Goods</p> <p>xxx</p> <p>xxx</p> <p>xxx</p> <p>xxx</p> <p>The pre-procurement conference is the forum where all officials of the Procuring Entity involved in the project meet to discuss all aspects of the said project to determine the readiness of the Procuring Entity to undertake the procurement. The conference focuses on the technical specifications, the ABC, the appropriateness and applicability of the recommended method of procurement, and the availability of appropriations and programmed budget for the contract, the procurement schedule, among others.</p>	<p>Preparing for the Procurement of Goods</p> <p>xxx</p> <p>xxx</p> <p>xxx</p> <p>xxx</p> <p>The pre-procurement conference is the forum where all officials of the Procuring Entity involved in the project meet to discuss, <u>either in person, face-to-face through videoconferencing, webcasting or similar technology, or a combination thereof,</u> all aspects of the said project to determine the readiness of the Procuring Entity to undertake the procurement. The conference focuses on the technical specifications, the ABC, the appropriateness and applicability of the recommended method of procurement, and the availability of appropriations and programmed budget for the contract, the procurement schedule, among others.</p>
<p>Conduct of the Pre-Procurement Conference</p> <p>What is a Pre-procurement Conference? The pre-procurement conference is the forum where all officials involved in the procurement meet and discuss all aspects of a specific procurement activity, which includes the technical specifications, the ABC, the applicability and appropriateness of the</p>	<p>Conduct of the Pre-Procurement Conference</p> <p>What is a Pre-procurement Conference? The pre-procurement conference is the forum where all officials involved in the procurement meet and discuss, <u>in person, face-to-face through videoconferencing, webcasting or similar technology, or a combination thereof,</u> all aspects of a specific</p>

recommended method of procurement and the related milestones, the bidding documents, and availability of the pertinent budget release for the project.	procurement activity, which includes the technical specifications, the ABC, the applicability and appropriateness of the recommended method of procurement and the related milestones, the bidding documents, and availability of the pertinent budget release for the project.
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GENERIC PROCUREMENT MANUAL VOLUME IV
Manual of Procedures for the Procurement of Consulting Services

ORIGINAL	AMENDED
<p>Methodology: How are the bids received, opened and preliminarily examined?</p> <p>The following steps are undertaken in the receipt, opening and preliminary examination of bids:</p> <p>1. xxx</p> <p>2. The BAC convenes on the Bid Opening date and time. The presence of the majority of the BAC members and/or their alternates shall constitute a quorum, provided that the Chairperson or the Vice-Chairperson is present.</p>	<p>Methodology: How are the bids received, opened and preliminarily examined?</p> <p>The following steps are undertaken in the receipt, opening and preliminary examination of bids:</p> <p>1. xxx</p> <p>2. The BAC convenes on the Bid Opening Date. The presence of the majority of the BAC members shall constitute a quorum, provided that the Chairperson and/or the Vice-Chairperson is present.</p> <p><u>For purposes of determination of quorum, a member of the BAC, which include the Chairperson or the Vice-Chairperson, may be present in person or face-to-face through videoconferencing, webcasting or similar technology for procuring entities with such technology;</u></p>
<p>Preparing for the Procurement of Goods</p> <p>xxx</p> <p>xxx</p> <p>xxx</p> <p>xxx</p> <p>The pre-procurement conference is the forum where all officials of the Procuring Entity involved in the project meet to</p>	<p>Preparing for the Procurement of Goods</p> <p>xxx</p> <p>xxx</p> <p>xxx</p> <p>xxx</p> <p>The pre-procurement conference is the forum where all officials of the Procuring Entity involved in the project meet to</p>

<p>discuss all aspects of the said project to determine the readiness of the Procuring Entity to undertake the procurement. The conference focuses on the technical specifications, the ABC, the appropriateness and applicability of the recommended method of procurement, and the availability of appropriations and programmed budget for the contract, the procurement schedule, among others.</p>	<p>discuss, <u>either in person, face-to-face through videoconferencing, webcasting or similar technology, or a combination thereof,</u> all aspects of the said project to determine the readiness of the Procuring Entity to undertake the procurement. The conference focuses on the technical specifications, the ABC, the appropriateness and applicability of the recommended method of procurement, and the availability of appropriations and programmed budget for the contract, the procurement schedule, among others.</p>
<p>Conduct of the Pre-Procurement Conference</p> <p>What is a Pre-procurement Conference? The pre-procurement conference is the forum where all officials involved in the procurement meet and discuss all aspects of a specific procurement activity, which includes the technical specifications, the ABC, the applicability and appropriateness of the recommended method of procurement and the related milestones, the bidding documents, and availability of the pertinent budget release for the project.</p>	<p>Conduct of the Pre-Procurement Conference</p> <p>What is a Pre-procurement Conference? The pre-procurement conference is the forum where all officials involved in the procurement meet and discuss, <u>either in person, face-to-face through videoconferencing, webcasting or similar technology, or a combination thereof,</u> all aspects of a specific procurement activity, which includes the technical specifications, the ABC, the applicability and appropriateness of the recommended method of procurement and the related milestones, the bidding documents, and availability of the pertinent budget release for the project.</p>