

APPROVING THE ISSUANCE OF A CIRCULAR ON THE DEFERMENT OF THE IMPLEMENTATION OF THE MANDATORY SUBMISSION OF PHILIPPINE GOVERNMENT ELECTRONIC PROCUREMENT SYSTEM (PHILGEPS) CERTIFICATE OF REGISTRATION AND MEMBERSHIP IN COMPETITIVE BIDDING

WHEREAS, Republic Act (RA) No. 9184 entitled “An Act Providing for the Modernization, Standardization and Regulation of the Procurement Activities of the Government and for Other Purposes,” 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 9184 authorizes the Government Procurement Policy Board (GPPB) to formulate public procurement policies, rules and regulations, and amend, whenever necessary, its Implementing Rules and Regulations (IRR);

WHEREAS, Section 8.5.2 of the 2016 Revised IRR of RA 9184 mandates all bidders to upload in PhilGEPS and maintain current and updated the following Class “A” eligibility documents under Sections 23.1(a) and 24.1(a) of the same IRR, thus:

1. Registration Certificate;
2. Mayor’s/Business Permit or its Equivalent Document;
3. Tax Clearance;
4. Philippine Contractors Accreditation Board (PCAB) license and registration; and
5. Audited Financial Statements.

WHEREAS, Section 8.5.2 of the 2016 Revised IRR of RA 9184 requires that these documents to be uploaded in PhilGEPS shall be accompanied by a Sworn Statement, in a form prescribed by the GPPB, stating that the documents submitted are complete and authentic copies of the original, and all statements and information provided therein are true and correct;

WHEREAS, in lieu of the Class “A” eligibility documents, which were uploaded and maintained current and updated in PhilGEPS, bidders are required to submit their PhilGEPS Certificate of Registration (Platinum Membership) during bid submission, in the case of procurement of goods and infrastructure projects, or during eligibility check, in the case of procurement of consulting services, pursuant to Sections 25.2(a)(i) and (b)(i), and Section 24.4.3, respectively, of the 2016 Revised IRR of RA 9184;

WHEREAS, under Section 54.6 of the 2016 Revised IRR of RA 9184, for purposes of Limited Source Bidding under Section 49 and Two Failed Biddings under Section 53.1, the BAC shall require the submission of a certificate of PhilGEPS registration in accordance with Section 8.5.2 of the same IRR;

WHEREAS, under Section 54.6 of the 2016 Revised IRR of RA 9184 likewise provides that 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:

1. Section 50 - Direct Contracting;
2. Section 52.1 (b) - Shopping for Ordinary Office Supplies and Equipment not available in DBM-PS;
3. Section 53.3 - Take Over of Contracts (Only for New Bidders, if any);
4. Section 53.6 - Scientific, Scholarly, or Artistic Work, Exclusive Technology and Media Services;
5. Section 53.7 - Highly Technical Consultants;
6. Section 53.9 - Small Value Procurement;
7. Section 53.10 - Lease of Real Property and Venue; and
8. Section 53.11 - NGO Participation;

WHEREAS, during its 11th Regular Meeting on 27 October 2016, the GPPB, through Resolution No. 26-2016, approved the issuance of a Circular informing all procuring entities about the deferred implementation of the mandatory submission of PhilGEPS Certificate of Registration and Membership in Competitive Bidding under the 2016 Revised IRR of RA 9184 from 28 October 2016 until 30 April 2017 to allow ample time to all prospective bidders to register with PhilGEPS under the Platinum Membership category and provide a transitory period to all procuring entities;

WHEREAS, prior to the lapse of the transition period provided to the bidders the GPPB, during the 2nd GPPB and 3rd Inter-Agency Technical Working Group (IATWG) Joint Meeting on 10 April 2017, through Resolution No. 18-2017, approved the issuance of a Circular reminding all procuring entities about the proper implementation of the mandatory submission of PhilGEPS Certificate of Registration and Membership in Competitive Bidding under the 2016 Revised Implementing Rules and Regulations (IRR) of Republic Act (RA) No. 9184 effective 1 May 2017;

WHEREAS, the GPPB-TSO received several requests from bidders and procuring entities to allow prospective bidders, who are not yet registered with the PhilGEPS under the Platinum Membership Category, to submit the Class “A” eligibility documents required to be uploaded and maintained current and updated in PhilGEPS, in lieu of the PhilGEPS Certification of Registration and Membership under Platinum Category meantime that they are still processing or updating their registration;

WHEREAS, during the Merchants Registry Data Cleansing Workshop held on 12 July 2017, there was a suggestion from the participants for the GPPB to issue Circular on the following:

1. Reconsider the application of Section 8.5.2 of the 2016 Revised IRR to allow bidders to submit eligibility requirements under Section 23.1 or 24.1 of the 2016 Revised IRR of RA 9184 in case the PhilGEPS Platinum Certificate is not yet available; and
2. Remind procuring entities on the use of PhilGEPS Platinum Certificate, particularly its non-applicability to certain alternative methods of procurement

WHEREAS, as of 21 July 2017, there are only 14,058 bidders registered with the PhilGEPS Certificate of Registration and Membership under Platinum Category, which represents only 46% of the 30,634 total registered bidders as of 30 November 2016 under Blue and Platinum Category, leaving the remaining 16,576 bidders who are yet to upgrade their Membership from Blue to Platinum category;

WHEREAS, during the meeting held between the representatives of the GPPB-TSO and PS-PhilGEPS on 26 July 2017, PS-PhilGEPS relayed that the actual bidding for the PhilGEPS Modernization has not yet started;

WHEREAS, during the 4th Regular Meeting on 31 July 2017, the GPPB-TSO, acting on the request of bidders and procuring entities and taking into consideration the objective of providing the bidders with additional time to upgrade their PhilGEPS Certificate of Registration and Membership to Platinum Category and synchronizing the implementation of its mandatory submission with the implementation of PhilGEPS Modernization, recommended to the GPPB the issuance of a Circular reminding Procuring Entities of the following:

1. Deferment of the implementation of the mandatory submission of PhilGEPS Certificate of Registration and Membership under Platinum Category under the 2016 Revised IRR of RA 9184 until further notice; and
2. Clarifying the PhilGEPS Registration Requirement for Alternative Methods of Procurement;

WHEREAS, after careful review and due deliberation, the GPPB approved the recommendations of the GPPB-TSO;

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 issuance of a Circular, copy of which is attached, informing the Procuring Entities of the following:

1. Deferment of the implementation of the mandatory submission of PhilGEPS Certificate of Registration and Membership under Platinum Category under the 2016 Revised IRR of RA 9184 until further notice; and
2. Clarifying the PhilGEPS Registration Requirement for Alternative Methods of Procurement;

This Resolution shall take effect after fifteen (15) days following the publication in Official Gazette or a newspaper of general nationwide circulation and upon filing with the University of the Philippines Law Center of three (3) certified copies of this Resolution.

APPROVED this 31st day of July 2017 at the 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

(SGD)

**DEPARTMENT OF INFORMATION AND
COMMUNICATIONS TECHNOLOGY**

**DEPARTMENT OF THE INTERIOR
AND LOCAL GOVERNMENT**

(SGD)

**DEPARTMENT OF NATIONAL
DEFENSE**

(SGD)

**DEPARTMENT OF PUBLIC WORKS
AND HIGHWAYS**

(SGD)

**DEPARTMENT OF SCIENCE AND
TECHNOLOGY**

(SGD)

**DEPARTMENT OF TRADE AND
INDUSTRY**

DEPARTMENT OF TRANSPORTATION

PRIVATE SECTOR REPRESENTATIVE



CIRCULAR 07-2017

31 July 2017

TO : Heads of Departments, Bureaus, Offices and Agencies of the National Government, including State Universities and Colleges, Government Owned and/or Controlled Corporations, Government Financial Institutions, and Local Government Units

SUBJECT : Deferment of the Implementation of the Mandatory Submission of PhilGEPS Certificate of Registration and Membership

1.0 Purpose

This Circular is being issued to inform all procuring entities about the deferment of the implementation of mandatory submission of PhilGEPS Certificate of Registration and Membership under the 2016 Revised Implementing Rules and Regulations (IRR) of Republic Act (RA) No. 9184.

2.0 Coverage

All Departments, Bureaus, Offices and Agencies of the National Government, including State Universities and Colleges, Government-Owned and/or Controlled Corporations, Government Financial Institutions, and Local Government Units.

3.0 PhilGEPS Certificate of Registration and Membership

3.1 Pursuant to Section 8.5.2 of the 2016 Revised IRR of RA 9184, all bidders shall upload and maintain in PhilGEPS a current and updated file of the following Class “A” eligibility documents under Sections 23.1(a) and 24.1(a) of the same IRR:

1. Registration Certificate;
2. Mayor’s/Business Permit or its Equivalent Document;
3. Tax Clearance;
4. Philippine Contractors Accreditation Board (PCAB) license and registration;
and
5. Audited Financial Statements.

For Foreign Bidders, the foregoing documents may be substituted by the appropriate equivalent documents in English, if any, issued by the country of the bidder concerned. Otherwise, it must be accompanied by a translation of the documents in English issued by the relevant foreign government agency, the foreign government agency authorized to translate documents, or a registered translator in the foreign bidder's country; and shall be authenticated by the appropriate Philippine foreign service establishment/post or the equivalent office having jurisdiction over the foreign bidder's affairs in the Philippines.

These documents shall be accompanied by a Sworn Statement in a form prescribed by the GPPB 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 receipt of the said documents, the PhilGEPS shall process the same in accordance with the guidelines on the Government of the Philippines – Official Merchants Registry (GoP-OMR).

- 3.2 In lieu of the Class “A” eligibility documents uploaded and maintained current and updated in the PhilGEPS, bidders are required to submit their PhilGEPS Certificate of Registration (Platinum Membership) during bid submission, in the case of procurement of goods and infrastructure projects, or during eligibility check, in the case of procurement of consulting services, in accordance with Sections 25.2(a)(i) and (b)(i), and Section 24.4.3, respectively.
- 3.3 Pursuant to Sections 77 and 78 of the 2016 Revised IRR of RA 9184, the foregoing provisions, among others, shall be effective starting 28 October 2016, which means that for all procurement activities advertised and/or posted starting 28 October 2016, procuring entities shall only accept PhilGEPS Certificate of Registration of Membership during eligibility check or bid submission, as the case may be, in lieu of the Class “A” Documents required to be uploaded and maintained current and updated in the PhilGEPS pursuant to Section 8.5.2 of the 2016 Revised IRR of RA 9184.
- 3.4 On 27 October 2016, the Government Procurement Policy Board (GPPB) issued Resolution No. 26-2016 and Circular No. 03-2016 informing all procuring entities about the deferred implementation of the mandatory submission of PhilGEPS Certificate of Registration and Membership in Competitive Bidding under the 2016 Revised IRR of RA 9184 until 30 April 2017 to give ample time to all prospective bidders to register with PhilGEPS under the Platinum Membership category and provide a transitory period to all procuring entities.
- 3.5 During the 2nd GPPB and 3rd Inter-Agency Technical Working Group (IATWG) Joint Meeting on 10 April 2017, the GPPB, through Resolution No. 18-2017, approved the issuance of Circular No. 05-2017 reminding all procuring entities about the proper implementation of the mandatory submission of PhilGEPS Certificate of Registration and Membership in Competitive Bidding under the 2016 Revised Implementing Rules and Regulations (IRR) of Republic Act (RA) No. 9184 effective 1 May 2017.

4.0 Deferment of Mandatory Submission of PhilGEPS Certificate of Registration and Membership

4.1 To provide prospective bidders with additional time to register with PhilGEPS under the Platinum Membership category and to synchronize with the PhilGEPS Modernization, the Government Procurement Policy Board resolved to approved, by referendum, the deferment of the implementation of mandatory submission of PhilGEPS Certificate of Registration and Membership in Competitive Bidding under Section 8.5.2 of the 2016 Revised IRR of RA 9184, thus:

4.1.1 For all procurement projects advertised and/or posted after the effectivity of this Circular, bidders may still submit their Class “A” Eligibility Documents required to be uploaded and maintained current and updated in the PhilGEPS pursuant to Section 8.5.2 of the same IRR, or if already registered in the PhilGEPS under Platinum category, their Certificate of Registration and Membership in lieu of their uploaded file of Class “A” Documents, or a combination thereof. In case the bidder opted to submit their Class “A” Documents, the Certificate of PhilGEPS Registration (Platinum Membership) shall remain as a post-qualification requirement to be submitted in accordance with Section 34.2 of the 2016 Revised IRR of RA 9184;

4.1.2 For all procurement projects advertised and/or posted starting **1 May 2017 until the effectivity of this Circular**, procuring entities and bidders are bound to observe the mandatory submission of their PhilGEPS Certificate of Registration under Platinum Category in lieu of the Class “A” Documents required to be uploaded and maintained current in the PhilGEPS; and

4.1.3 In cases where the advertisements or invitations for bids were issued prior to **1 May 2017**, Procuring Entities may still allow bidders to submit either their Class “A” Documents or the PhilGEPS Certificate of Registration under Platinum Category, or a combination thereof.

5.0 PhilGEPS Registration Requirement for Alternative Methods of Procurement

5.1 Under Section 54.6 of the 2016 Revised IRR of RA 9184, 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:

1. Section 50 - Direct Contracting
2. Section 52.1 (b) - Shopping for Ordinary Office Supplies and Equipment not available in DBM-PS
3. Section 53.3 - Take Over of Contracts (Only for New Bidders, if any.)
4. Section 53.6 - Scientific, Scholarly, or Artistic Work, Exclusive Technology and Media Services
5. Section 53.7 - Highly Technical Consultants
6. Section 53.9 - Small Value Procurement

7. Section 53.10 - Lease of Real Property and Venue
8. Section 53.11 - NGO Participation

For purposes of Limited Source Bidding under Section 49 and Two Failed Biddings under Section 53.1, the BAC shall require the submission of a certificate of PhilGEPS registration in accordance with Section 8.5.2 of the same IRR.

- 5.2 The deferment of the mandatory submission of PhilGEPS Certificate of Registration and Membership under Platinum Category shall likewise apply to Limited Source Bidding and Negotiated Procurement under Two Failed Biddings modality.
- 5.3 For other alternative methods of procurement mentioned in Section 54.6 of the 2016 Revised IRR of RA 9184, only PhilGEPS Registration Number (Red Membership) shall be required from the bidders.

6.0 This Circular shall take effect immediately.

7.0 For guidance and compliance.

(sgd)

BENJAMIN E. DIOKNO

Chairperson