

NPM No. 097-2017

29 December 2017

MS. REMEDIOS A. BAUTISTA

Accountant

MUNICIPALITY OF BOCAUE

Igulot, Bocaue, Bulacan,

Re: Clarification on PhilGEPS Membership -

Dear Ms. Bautista:

This refers to your electronic mail (e-mail) requesting for clarification on PhilGEPS registration and membership in relation to a merchant's participation in government procurement.

More specifically, you pose the following queries:

1. Whether or not a merchant, registered with PhilGEPS under red membership only, with no intention of upgrading to platinum membership, participate in government procurement; and
2. Whether or not the merchant needs to renew its red membership in order to participate in government procurement.

Submission of PhilGEPS Certificate of Registration (Platinum Membership) -

Under the 2016 revised Implementing Rules and Regulations (IRR) of Republic Act (RA) No. 9184¹, the Government Procurement Reform Act (GPRA), bidders participating in Competitive Bidding, Limited Source Bidding and Negotiated Procurement under Two Failed Biddings are required to submit PhilGEPS Certificate of Registration (Platinum Membership) during bid submission and eligibility check as provided in Sections 25.2(a)(i) and (b)(i), and Section 24.4.3, respectively.

However, in order to provide bidders ample time to register with the PhilGEPS under Platinum Membership category, the Government Procurement Policy Board (GPPB) issued Circular No. 03-2016² providing for the deferment of the implementation of the mandatory submission of PhilGEPS Certificate of Registration (Platinum Membership) during opening of bids and eligibility check, as the case maybe.

¹ Took effect on 28 October 2016


² Issued through GPPB Resolution No. 26-2016 dated 27 October 2016

The applicability of the deferment under GPPB Resolution No. 03-2016 ended on 30 April 2017³ and starting 01 May 2017, bidders were already required to submit their PhilGEPS Certificate of Registration (Platinum Membership) during bid submission and eligibility check, as the case maybe.

Thereafter, in order to provide *additional* time for bidders to register with the PhilGEPS under Platinum Membership category, and to allow for adjustment and updating of the System, the GPPB issued Circular No. 07-2017⁴, providing for a second deferment of the mandatory submission of PhilGEPS Certificate of Registration under Platinum Membership, thus:

- (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 2016 Revised 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;**
- (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
- (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. (Emphasis supplied)

Based on the foregoing, should the Procuring Entity conduct its procurement activity through Competitive Bidding, Limited Source Bidding or Negotiated Procurement under Two Failed Biddings modality, and the bid opportunity was advertised and/or posted from 28 October 2016 until 30 April 2017 or 02 September 2017 onwards, bidders with PhilGEPS Registration (Red Membership) may submit the Class "A" documents provided in Section 8.5.2 of the 2016 IRR of RA 9184 in lieu of the PhilGEPS Certificate of Registration under Platinum Membership. In such case, **the Certificate of PhilGEPS Registration (Platinum Membership) shall be submitted during the post-qualification stage of the bidding process.**

However, if the bid opportunity was advertised and/or posted between **01 May 2017 and 01 September 2017**, submission of the PhilGEPS Certificate of Registration is **mandatory**, hence, failure of the bidder to submit the same is a ground for disqualification. 

³ Item 4.1.1 of GPPB Circular No. 03-2016

⁴ Issued through GPPB Resolution No. 18-2017 dated 31 July 2017 and took effect on 02 September 2017

**Submission of PhilGEPS Registration Number
in Alternative Methods of Procurement** -

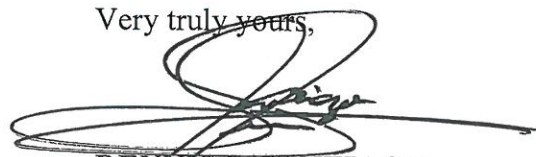
Section 54.6 of the 2016 IRR, provides that “PhilGEPS Registration Number” is required, as a condition for award of the contract, in the following alternative methods of procurement, thus:

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.

For the abovementioned alternative methods of procurement, bidders registered in PhilGEPS under Red Membership *may* be eligible to participate considering that what is required is the “PhilGEPS Registration Number” only. However, award of contract is subject to other documentary requirements as provided in the 2016 IRR of RA 9184. It is important to note that Red Membership in the PhilGEPS has no expiration unlike the Platinum Membership which must be renewed annually.

We hope that this opinion issued by the GPPB-TSO provided sufficient guidance on the matter. Note that this is issued on the basis of particular facts and situations presented, and may not be applicable given a different set of facts and circumstances. Should there be other concerns, please do not hesitate to contact us.

Very truly yours,


DENNIS S. SANTIAGO
Executive Director *V. M. M.*