



Department of Budget and Management  
**GOVERNMENT PROCUREMENT POLICY BOARD**  
**TECHNICAL SUPPORT OFFICE**

**NPM No. 100-2014**

31 October 2014

**MR. GABS MACABENTA**  
*BAC Secretary*  
**SAMAR STATE UNIVERSITY (SSU)**  
Catbalogan City, Samar

**Re: Mandatory Registration with Philippine Government Electronic Procurement System (PhilGEPS)**

Dear Mr. Macabenta:

This refers to your letter sent through electronic mail (email) dated 28 October 2014 seeking clarification whether Samar State University (SSU) may procure electrical materials from Samar Electric Cooperative II (SAMELCO II).

As represented, SSU would like to procure electrical materials, i.e. steel posts, clevis sec. dead end with spool insulator, etc., from SAMELCO II, an agency responsible for the distribution of electrical current in the Province of Samar. However, SAMELCO II is not registered with PhilGEPS.

It is in this context that our opinion is being requested.

We wish to stress that under Section 8.5.1<sup>1</sup> of the Implementing Rules and Regulations of Republic Act (RA) No. 9184, manufacturers, suppliers, distributors, contractors, and consultants interested in participating in government procurement are mandated to register with the PhilGEPS and to update the same. For guidance, Section 8.5.1 of the IRR of RA 9184 requires manufacturers, suppliers, distributors and contractors and/or consultants to register with PhilGEPS, so that they may be informed of procurement activities of Procuring Entities (PEs), and allow them to participate, provided that they maintain their registration current and updated in accordance with the IRR, and their registration are proper and relevant to the particular type of procurement.

<sup>1</sup> To ensure the widest dissemination of the Invitation to Bid/Request for Expression of Interest, manufacturers, suppliers, distributors, contractors and/or consultants shall register with the PhilGEPS...A manufacturer, supplier, distributor, contractor or consultant duly registered with the PhilGEPS may participate in a procurement undertaken by any procuring entity, provided that the said manufacturer, supplier, distributor, contractor or consultant maintains its registration current and updated in accordance with the provisions of this IRR, and its registration is proper and relevant to the particular type of procurement.

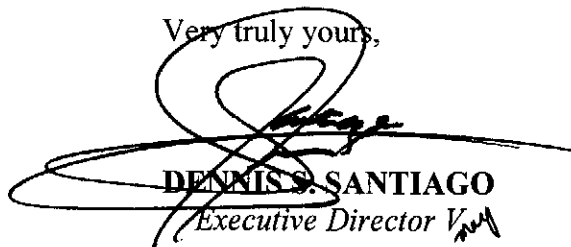
We note that SSU planned procurement of the electrical materials may fall under Shopping. Nonetheless, the requirement under Section 8.5.1 of the IRR of RA 9184 is mandatory, and compliance with this condition should be considered absolute regardless of the modality of the procurement being resorted to by the procuring entity.

In addition, Section 34.2 of the revised IRR of RA 9184, as amended by GPPB Resolution 21-2013, requires the submission of Certificate of PhilGEPS Registration during post-qualification of a bidder with the Lowest Calculated Bid or Highest Rated Bid. Thus, in view of this requirement, the registration with PhilGEPS cannot be dispensed with for manufacturer, supplier, distributor, contractor and/or consultant in order for them to be post-qualified for contract award. Moreover, failure to submit the said requirement on time or a finding against the veracity of such shall be a ground for forfeiture of the Bid Security and disqualification of the bidder.

Based on the foregoing, we are of the view that the requirement for manufacturers, suppliers, distributors, contractors and/or consultants to register with PhilGEPS is absolute. Compliance with this requirement is mandatory regardless of the modality of procurement being undertaken by the procuring entity. Moreover, Certificate of PhilGEPS registration is one of the documentary requirements submitted during the post-qualification stage.

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,



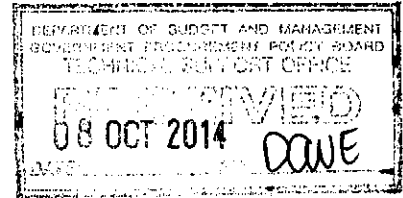
**DENNIS S. SANTIAGO**  
*Executive Director*

//sdj

**GPPB**

01/01/15

**From:** GABS BANEZ <gabs\_apr28@yahoo.com>  
**Sent:** Wednesday, October 08, 2014 10:12 AM  
**To:** gppb@gppb.gov.ph  
**Subject:** Inquiry re: Procurement of Electrical materials



The GPPB Secretariat  
Ortigas Center, Pasig City

Good morning Sir/Madam:

I would like to inquire if we can purchase electrical materials ( steel posts, clevis sec. dead end w/ spool insulator, etc.) from Samar Electric Cooperative II, an agency incharge in the distribution of electrical current in the Province of Samar. Said materials will be used in our University Campus for our electrical distribution lines. We already conducted shopping in our locality, but said materials were not available. Unfortunately, Samar Electric Cooperative (SAMELCO) is not a PhilGEPS registered, hence this inquiry.

Looking forward for a favorable reply. thank you very much.

GABS MACABENTA  
SSU BAC Secretary  
Samar State University, Catbalogan City, Samar

*Jan [redacted]*  
*Please prepare OPINION.*  
*[Signature]*  
*DSS*