

**RESOLUTION NO. 21-2020****APPROVING THE CONDUCT OF PILOT TESTING OF THE ELECTRONIC BIDDING FACILITY AND OTHER FUNCTIONALITIES OF THE MODERNIZED GOVERNMENT ELECTRONIC PROCUREMENT SYSTEM AND CREATION OF A TECHNICAL WORKING GROUP TO REVIEW THE PROPOSED ELECTRONIC BIDDING GUIDELINES**

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 and the Board approved the additional functionalities to be included in the Modernized Government Electronic Procurement System (mGEPS), which are E-Reverse Auction, Support for Framework Agreement, and E-Catalogue;

WHEREAS, during the 7th GPPB Meeting on 25 September 2019, Director Rosa Maria M. Clemente of the PhilGEPS presented updates on the mGEPS and the Board instructed

the PhilGEPS to prepare the guidelines on E-Bidding in parallel with the development of the system, review its compliance with the existing procurement rules, and change or adjust the same as may be necessary to ensure consistency of the system with the rules, and thereafter, for the PhilGEPS to submit the proposed E-Bidding Guidelines for the consideration of the Board;

WHEREAS, during the 7th Inter-Agency Technical Working Group (IATWG) Meeting on 13 August 2020, the PhilGEPS presented the proposed E-Bidding Guidelines to be used in the implementation of the mGEPS;

WHEREAS, during the same meeting, the GPPB-Technical Support Office (TSO) and the IATWG members agreed to submit their additional comments and clarifications on the proposed E-Bidding Guidelines. The Secretariat received the additional comments from the IATWG on 20 and 24 August 2020, which were promptly sent to PhilGEPS on even dates;

WHEREAS, the PhilGEPS submitted the updated E-Bidding Guidelines and answers to the comments of the IATWG to the GPPB-TSO on 02 September 2020;

WHEREAS, the GPPB-TSO submitted another set of comments on the proposed E-Bidding Guidelines to the PhilGEPS on 06 October 2020 and the PhilGEPS conducted a walk-through of the system for the GPPB-TSO on 12 October 2020 to validate the provisions in the proposed E-Bidding Guidelines with the actual operation thereof;

WHEREAS, during the 8th IATWG Meeting on 15 October 2020, the comments and observations on the E-Bidding facility were presented by the GPPB-TSO together with the latest proposed E-Bidding Guidelines;

WHEREAS, during the the same meeting, the GPPB-TSO recommended the following: (i) conduct a walk-through of the E-Bidding facility with the IATWG; (ii) create a Technical Working Group (TWG) dedicated solely to review and revise the latest proposed E-Bidding Guidelines while the pilot testing is ongoing; (iii) conduct a pilot testing of the E-Bidding facility; (iv) determine the pilot agencies and pilot implementation period based on the recommendation of the PhilGEPS; and (v) set the submission date of the TWG recommendation on the proposed E-Bidding Guidelines;

WHEREAS, Dir. Clemente, who was present during the said IATWG meeting, informed the Group that the following agencies are proposed to be identified as pilot agencies: DPWH, Department of Education, Department of Health, Department of Information and Communications Technology, Department of Trade and Industry, Office of the President, University of the Philippines, Polytechnic University of the Philippines, Bangko Sentral ng Pilipinas, City of Manila, City of Pasig, DBM, PS, and GPPB-TSO;

WHEREAS, considering that during the walkthrough of the E-Bidding facility, the GPPB-TSO still has substantial comments that would entail changes in the system to ensure consistency in the application of the proposed E-Bidding Guidelines *vis-à-vis* the existing provisions of the 2016 revised IRR of RA No. 9184, the IATWG asked for the latest draft of the Guidelines and provide comments within fourteen (14) calendar days upon receipt of the on the latest draft of the Guidelines;

WHEREAS, the IATWG nonetheless agreed to recommend to the GPPB the following actions: (i) direct the PhilGEPS to conduct a walk-through of the E-Bidding facility with the IATWG; (ii) create a TWG, composed of GPPB member agencies identified as pilot agencies by the IATWG, to review and revise the proposed E-Bidding Guidelines while the pilot testing is ongoing; (iii) approve the period for the pilot testing of the E-Bidding facility, including the conduct of training, from October to December 2020, as recommended by the PhilGEPS;

and (iv) require the proposed TWG to submit its recommendation to the IATWG after the pilot testing and earlier but not later than the first quarter of 2021;

WHEREAS, during the 12th GPPB Meeting on 22 October 2020, the GPPB-TSO apprised the Board on the status of the latest version of the proposed E-Bidding Guidelines and the facility, and presented the IATWG recommendation;

WHEREAS, in the course of the discussion, the DPWH raised a concern on the projects to be used during the pilot testing, to which, the GPPB-TSO recommended the use of simulated projects instead of actual projects during the pilot testing to prevent any delay in the actual project covered by pilot testing should there be any conflict in the operations of the system with the existing rules;

WHEREAS, the Board also instructed that the coverage of the Phase 1 implementation of the mGEPS should include procedures currently undertaken by Procuring Entities, *i.e.*, from award notices, contracts or purchase orders, and notice to proceed, as this would not entail any revision of the existing rules;

WHEREAS, the Board resolved to approve the IATWG recommendation after due consideration and deliberation, with some modifications:

1. Create a TWG dedicated to review the E-Bidding Guidelines composed of pilot agencies recommended by the PhilGEPS and the GPPB;
2. Approve the conduct of the pilot testing of the E-Bidding facility, including the training of the pilot agencies, from October to December 2020;
3. Allow the use of simulated projects as determined by the pilot agencies;
4. Direct the PhilGEPS to submit its proposed implementation plan for the implementation of the E-Bidding facility for approval of the Board, including all the functionalities to be rolled out during the implementation of the E-Bidding facility for approval of the Board; and
5. Require the TWG that will review the proposed E-Bidding Guidelines to submit its recommendation to the IATWG after the pilot testing and earlier but not later than the end of the first quarter of 2021.

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. **CREATE** a Technical Working Group dedicated to review the E-Bidding Guidelines and composed of the following pilot agencies:
 - a. Department of Budget and Management;
 - b. National Economic and Development Authority;
 - c. Department of Education;
 - d. Department of Health;
 - e. Department of Information and Communications Technology;
 - f. Department of Interior and Local Government;
 - g. Department of Public Works and Highways;
 - h. Department of Trade and Industry (DTI);
 - i. Government Procurement Policy Board-Technical Support Office; and
 - j. Procurement Service,

In addition, the following agencies shall be invited to be part of the TWG and pilot agencies for the E-Bidding facility, subject to their acceptance:

- a. Office of the President;
 - b. Department of Agriculture;
 - c. University of the Philippines;
 - d. Polytechnic University of the Philippines;
 - e. Bangko Sentral ng Pilipinas;
 - f. City of Manila;
 - g. City of Pasig;
 - h. Representative for contractors from the Philippine Constructors Association, Inc.;
 - i. Representative/s from an association for Micro, Small and Medium Enterprises, to be determined by the DTI;
 - j. Representative for consultants from the Confederation of Filipino Consulting Organizations, Inc.; and
 - k. Representative for the Civil Society Organizations from the Affiliated Network for Social Accountability in East Asia and the Pacific; and
2. **APPROVE** the conduct of the pilot testing of the E-Bidding facility, including the training of the pilot agencies, from October to December 2020;
 3. **ALLOW** the use of simulated projects as determined by the pilot agencies;
 4. **DIRECT** the PhilGEPS to submit its proposed implementation plan for the implementation of the E-Bidding facility for approval of the Board, including all the functionalities to be rolled out during the implementation of the E-Bidding facility for approval of the Board; and
 5. **REQUIRE** the TWG that will review the proposed E-Bidding Guidelines to submit its recommendation to the IATWG after the pilot testing and earlier but not later than the end of the first quarter of 2021.

This Resolution shall take effect immediately.

APPROVED this 22nd day of October at Pasig City, Philippines.




WENDEL E. AVISADO
GPPB, Chairperson
DEPARTMENT OF BUDGET AND
MANAGEMENT


LAURA B. PASCUA
Alternate to the Chairperson
DEPARTMENT OF BUDGET AND
MANAGEMENT

NATIONAL ECONOMIC AND
DEVELOPMENT AUTHORITY

DEPARTMENT OF EDUCATION


DEPARTMENT OF ENERGY

DEPARTMENT OF FINANCE


DEPARTMENT OF HEALTH


DEPARTMENT OF THE INTERIOR AND
LOCAL GOVERNMENT

DEPARTMENT OF NATIONAL
DEFENSE

DEPARTMENT OF PUBLIC WORKS AND
HIGHWAYS


DEPARTMENT OF SCIENCE AND
TECHNOLOGY


DEPARTMENT OF TRADE AND INDUSTRY


DEPARTMENT OF TRANSPORTATION


DEPARTMENT OF INFORMATION AND
COMMUNICATIONS TECHNOLOGY


PRIVATE SECTOR REPRESENTATIVE