

RESOLUTION NO. 04-2021

APPROVING THE ISSUANCE OF A CIRCULAR REMINDING ALL PROCURING ENTITIES TO COMPLY WITH THE TRANSPARENCY, ACCOUNTABILITY, AND GOOD GOVERNANCE POLICIES AND MEASURES IN THE PROCUREMENT PROCESS AND THE AMENDMENT TO SECTION 22.4 OF THE 2016 REVISED IMPLEMENTING RULES AND REGULATIONS OF REPUBLIC ACT NO. 9184 AND CIRCULAR NO. 02-2018

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 authorizes the Government Procurement Policy Board (GPPB) to protect national interest in all matters affecting public procurement, having due regard to the country’s regional and international obligations and to formulate public procurement policies, rules and regulations, and amend its IRR, whenever necessary;

WHEREAS, Section 3 of RA No. 9184 mandates that all Procuring Entities (PEs) shall be governed by the principle on transparency and system of accountability in the procurement process and in the implementation of procurement contracts where those parties, directly or indirectly involved in the process, are, when warranted by circumstances, investigated and held liable for their actions relative thereto;

WHEREAS, Sections 18, 93, and 94 of the General Provisions of RA No. 11465 or the “General Appropriations Act for Fiscal Year 2020” require transparency in the disbursement of public funds through posting of financial and physical reports of government programs and reporting on the status of infrastructure projects;

WHEREAS, one of the key pillars of the Philippine Development Plan 2017-2022 is to ensure a people-centered, clean and efficient governance, and towards this goal, the country continuously implements the strategies to strengthen public financial management and accountability;

WHEREAS, on 23 October 2020, the President signed Administrative Order (AO) No. 34, series of 2020 directing strict compliance by all agencies and instrumentalities of the Executive Department with transparency, accountability, and good governance policies and measures in the procurement process;

WHEREAS, Section 8 of AO No. 34, s. 2020 mandates the formulation of guidelines, as may be necessary, for the effective implementation thereof;

WHEREAS, on 17 December 2020, during the Joint GPPB- Inter- Agency Technical Working Group (IATWG) Year-End Meeting, the Board approved the proposal of the GPPB- Technical Support Office (TSO) to issue a Circular in compliance with AO No. 34, s. 2020, providing a list of existing rules on transparency, accountability, and good governance policies and measures in the procurement process;

WHEREAS, upon review of the Circular, the GPPB-TSO noted the previous decision reached by the Board during the Joint Meeting of the GPPB- IATWG,¹ approving the removal of the requirement on posting of the Minutes of the Pre-bid Conference in the PE’s website, and raised this during the 2nd GPPB Meeting held on 04 March 2021.

¹ 23 May 2019.

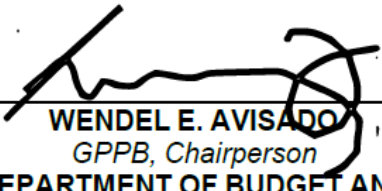
WHEREAS, on the same day of 04 March 2021, after due consideration and deliberation, the Board resolved to approve the issuance of a Circular in compliance with AO No. 34, s. 2020, and affirmed the removal of the requirement on posting of the Minutes of the Pre-bid Conference in the PE's website.

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 following:

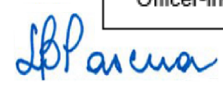
1. **AMENDMENT** of Section 22.4 of the 2016 revised IRR of RA No. 9184 and Item 4.2.5 of GPPB Circular 02-2018, a copy of which is attached as Annex "A", and made an integral part hereof; and
2. **ISSUANCE** of a Circular to implement the provisions of AO No. 34, s. 2020, attached hereto as Annex "B," as follows:
 - (i) Compliance with the transparency and accountability requirements under RA No. 9184 and its 2016 revised IRR, GPPB issuances, and other relevant laws, rules and regulations. In addition, all the agencies and instrumentalities under the Executive Department shall strictly comply with the transparency, accountability, and good governance policies and measures in the procurement process under AO No. 34, s. 2020, including the use of their official websites and social media platforms as secondary source of procurement information;
 - (ii) Publication by PEs under the Executive Department, including government-owned or -controlled corporations and government financial institutions, and state universities and colleges in a newspaper of general circulation of post-award information enumerated in Section 4 of AO No. 34, s. 2020 for projects with an Approved Budget for the Contract of Fifty Million Pesos (PhP 50,000,000.00) and above;
 - (iii) Provision of online access to observers, referred to in Section 13 of RA No. 9184 and its 2016 revised IRR, to monitor all stages of the procurement process through their own facilities until the Philippine Government Electronic Procurement System (PhilGEPS) facility designed for the purpose is ready and operational. PEs that are unable to provide online access to duly authorized observers shall submit a justification in writing to the GPPB-TSO, which shall be considered in the evaluation of their performance through the Agency Procurement Compliance and Performance Indicator System and the Procurement Monitoring Report; and
 - (iv) Posting of the Consolidated Blacklisting Report on the PhilGEPS and the official website and social media platforms of the PEs.

This Resolution shall take effect immediately.

APPROVED this 4th day of March 2021 at Manila 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



PHILIPPINE SPACE AGENCY

PRIVATE SECTOR REPRESENTATIVE

ANNEX "A"

**2016 revised Implementing Rules and Regulation (IRR)
 of Republic Act (RA) No. 9184**

Original	Amendment
<p>22.4. The minutes of the pre-bid conference shall be recorded and prepared not later than five (5) calendar days after the pre-bid conference, and shall be made available to prospective bidders not later than five (5) days upon written request. The minutes of the pre-bid conference shall likewise be posted in the website of procuring entities.</p> <p>Decisions of the BAC amending any provision of the Bidding Documents shall be issued in writing through a Supplemental/Bid Bulletin at least seven (7) calendar days before the deadline for the submission and receipt of bids.</p>	<p>22.4. The minutes of the pre-bid conference shall be recorded and prepared not later than five (5) calendar days after the pre-bid conference, and shall be made available to prospective bidders not later than five (5) days upon written request. The minutes of the pre-bid conference shall likewise be posted in the website of procuring entities.</p> <p>Decisions of the BAC amending any provision of the Bidding Documents shall be issued in writing through a Supplemental/Bid Bulletin at least seven (7) calendar days before the deadline for the submission and receipt of bids.</p>

**Government Procurement Policy Board
 Circular No. 02-2018**

Original	Amendment
<p>4.2.5 The BAC shall post the Minutes of the Pre-bid Conference in the procuring entity's website.</p>	<p>4.2.5 The BAC shall post the Minutes of the Pre-bid Conference in the procuring entity's website.</p>

CIRCULAR 01- 2021
4 March 2021

TO : All Procuring Entities

SUBJECT : Transparency, Accountability and Good Governance in the Procurement Process

1.0 OBJECTIVE

This Circular is being issued to remind all Procuring Entities (PEs) to strictly comply with the existing rules on transparency, accountability, and good governance policies and measures in the procurement process.

2.0 SCOPE AND APPLICATION

This Circular shall apply to all PEs or any branch, agency, department, bureau, office, or instrumentality of the Government of the Philippines, National Government Agencies, including Government-Owned and/or Controlled Corporations, Government Financial Institutions, State Universities and Colleges, and Local Government Units.

3.0 TRANSPARENCY REQUIREMENTS FOR ALL PROCURING ENTITIES

All PEs are reminded of the following transparency and accountability requirements under the Republic Act (RA) No. 9184 and its 2016 revised Implementing Rules and Regulations (IRR), the General Appropriations Act (GAA), Resolutions issued by the Government Procurement Policy Board (GPPB) and other relevant laws, rules and regulations.

Table 1

Legal Basis	Document or Information	Philippine Government Electronic Procurement System (PhilGEPS) website	Conspicuous place reserved for this purpose in the premises of the PE	PE's website, if any	Others
Competitive Bidding:					
Sec. 8.4.2, IRR of RA No. 9184	Invitation to Bid (Goods and Infrastructure Projects)	✓	✓	✓	
Sec. 8.4.2, IRR of RA No. 9184	Request for Expression of Interest (Consulting Services)	✓	✓	✓	

Secs. 8.4.2 and 17.4, IRR of RA No. 9184	Downloadable complete Bidding Documents	✓	✓	✓	
Sec. 8.4.3, IRR of RA No. 9184	Supplemental Bid Bulletin, <i>if applicable</i>	✓	✓	✓	Send to all those who have properly secured the Bidding Documents
Sec. 29, IRR of RA No. 9184	Notice of Postponement	✓	✓	✓	
Sec. 33.2.4, IRR of RA No. 9184	Results of the evaluation, as approved by the Head of the Procuring Entity (Consulting Services)	✓		✓	Furnish all participating shortlisted consultants
Sec. 37.1.6, IRR of RA No. 9184	Notice of Award (NOA)	✓	✓	✓	
Sec. 37.4.2, IRR of RA No. 9184	Notice to Proceed (NTP)	✓		✓	
Sec. 37.4.2, IRR of RA No. 9184	Approved Contract	✓		✓	
Alternative Methods of Procurement					
Sec. 54.2, IRR of RA No. 9184	Invitation or Request for Submission of Price Quotations or Proposals	✓	✓	✓	
Item V(C)(2)((b) (v), Annex "H", IRR of RA No. 9184	Extension of the deadline in Shopping	✓	✓	✓	
Item IV(L)(2) Annex "H", IRR of RA No. 9184	NOA, Contract or Purchase Order (PO), including NTP if necessary, except for contracts with Approved Budget for the Contract (ABC) of PhP50,000 and below	✓	✓	✓	
GPPB Reso. No. 09-2020	Notice of suspension of the conduct of procurement activities			✓	

GPPB Reso. No. 09-2020	Notice of the lifting of the suspension			✓	
------------------------------	--	--	--	---	--

4.0 ADDITIONAL TRANSPARENCY REQUIREMENTS FOR ALL AGENCIES AND INSTRUMENTALITIES OF THE EXECUTIVE DEPARTMENT UNDER ADMINISTRATIVE ORDER 34, SERIES OF 2020

- 4.1. The PhilGEPS, as the primary source and repository of information on government procurement shall be user- and mobile-friendly, up-to-date, and compliant with relevant policies on website content and web accessibility prescribed by the Department of Information and Communications Technology.
- 4.2. Official websites and social media platforms maintained and used by the PEs shall serve as the secondary source of critical procurement information. For this purpose, agencies under the Executive Department that do not have existing social media platforms are directed by the President under Section 2 of Administrative Order (AO) No. 34 to establish the same.
- 4.3 All agencies and instrumentalities under the Executive Department shall post the following information on their official websites and social media platforms in an organized manner and shall ensure its security and integrity:
 - a. All the advertising² and post-award information³ of Procurement Projects under Table 1, as well as the transparency requirements under Section 94 of RA No. 11465 (Transparency Seal).
 - b. For infrastructure projects, the following information pursuant to Section 93 of RA No. 11465:
 - i. Project title, location and detailed description; ABC; and winning contractor and the detailed estimates of the bid as awarded, within thirty (30) calendar days from entering into the contract;
 - ii. Start of construction, target date of completion, completion rate, project status and the reason/s in case of delay;
 - iii. Source of fund, implementing office, responsible official, contact number and electronic mail address; and
 - iv. Detailed actual cost of the project, variations issued, if any, within thirty (30) calendar days from the issuance of a certificate of completion.
- 4.4 In procurements involving and affecting national security, the disclosure of the specific components of the procurement documents may be dispensed with, as may be determined by the Head of the Procuring Entity, on the basis of its nature, classification, sensitivity and confidentiality in accordance with Section 19 of the 2016 revised IRR of RA No. 9184 and Item IV(D) of its Annex "H."
- 4.5 For PEs under the Executive Department whose projects have an ABC of Fifty Million Pesos (PhP 50,000,000.00) and above, the post-award information under Item 4.3(a) shall also be published once in a newspaper of general circulation pursuant to Section 4 of AO No. 34.

² Shall refer to the Invitation to Bid or Request for Expression of Interest pursuant to Section 8.4.2 of the 2016 revised IRR of RA No. 9184, in relation to Section 21, and to Invitation or Request for submission of price quotations or proposals pursuant to Section 54.2 of the 2016 revised IRR of RA No. 9184.

³ Shall refer to the Notice of Award pursuant to Section 37.1.6 and Section 37.4.2 of the 2016 revised IRR of RA No. 9184, and to the Notice of Award, Contract or Purchase Order, including the Notice to Proceed, if necessary under Item IV(L)(2), Annex "H", of the 2016 revised IRR of RA No. 9184.

5.0 ONLINE ACCESS TO OBSERVERS

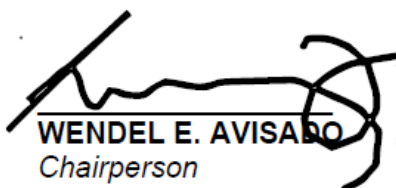
- 5.1 The PhilGEPS shall provide a facility for observers, duly authorized by the Bids and Awards Committee, to monitor the procurement proceedings online, pursuant to Section 8.7 and Section 13 of the 2016 revised IRR of RA No. 9184.
- 5.2 PEs shall provide their duly-authorized observers online access to monitor all stages of the procurement process through the modernized PhilGEPS. Until such time that the modernized PhilGEPS becomes operational and is able to provide said facility, PEs shall provide said observers online access to monitor the conduct of procurement proceedings through their own facilities.
- 5.2 PEs that are unable to provide the said online access shall inform the GPPB-TSO in writing by emailing observers@gppb.gov.ph, together with the reasons therefor, and shall be considered in the performance evaluation of the PE through the Agency Procurement Compliance and Performance Indicator System and the Procurement Monitoring Report.

6.0 ONLINE BLACKLISTING PORTAL

- 6.1. All PEs must observe the rules and procedures provided under the Uniform Guidelines for Blacklisting of Manufacturers, Suppliers, Distributors, Contractors and Consultants as provided under GPPB Resolution No. 40-2017 and GPPB Resolution No. 14-2020 on the Prescribed Form of Blacklisting Order, Implementation of the Online Blacklisting Portal (OBP) for Posting and Updating of Status of Blacklisted Entities.
- 6.2 With the creation and mandatory use of the OBP which can be accessed through <https://www.gppb.gov.ph/OnlineBlacklistingPortal/pages/1111d0b57dxx4fdsd e96812839a349e18>, the Consolidated Blacklisting Report (CBR) can now be generated and updated real time, providing up-to-date information that is readily accessible to all interested parties, including the Commission on Audit. Likewise, the OBP provides automatic notification to the PE, through its BAC Chairperson, and the PhilGEPS of every posting and updating of the status of blacklisted entities made in the OBP.
- 6.3 Pursuant to Section 5 of AO No. 34, the PhilGEPS shall post the CBR found in this link [<https://www.gppb.gov.ph/ConsolidatedBlacklistingReport.php>] on its website and all PEs under the Executive Department are directed to post the said CBR on their official website and social media platforms.

7.0 This Circular shall take effect immediately.

8.0 For guidance and compliance.



WENDEL E. AVISADO
Chairperson
GPPB