

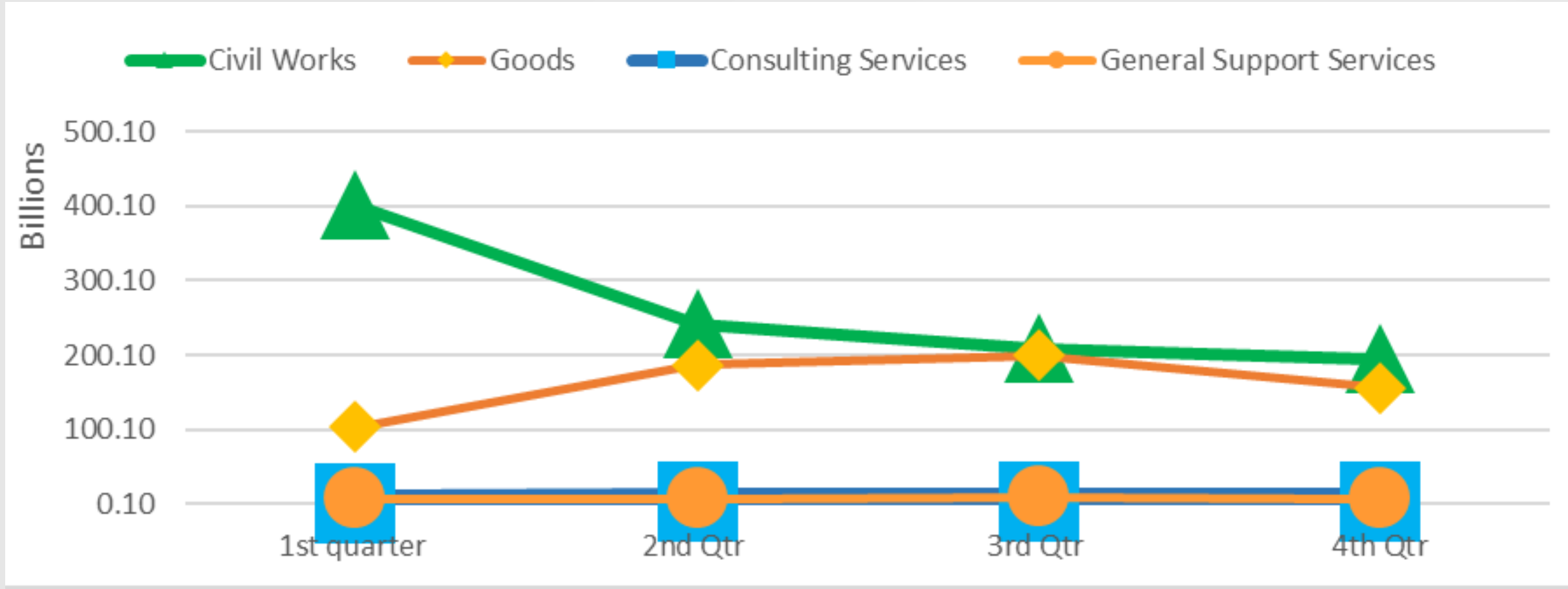


PROCUREMENT LAW UPDATES

MS. MARILOU REYES
GPPB RECOGNIZED TRAINER



FY 2023 Amount of Posted Bid Opportunities in the National Government

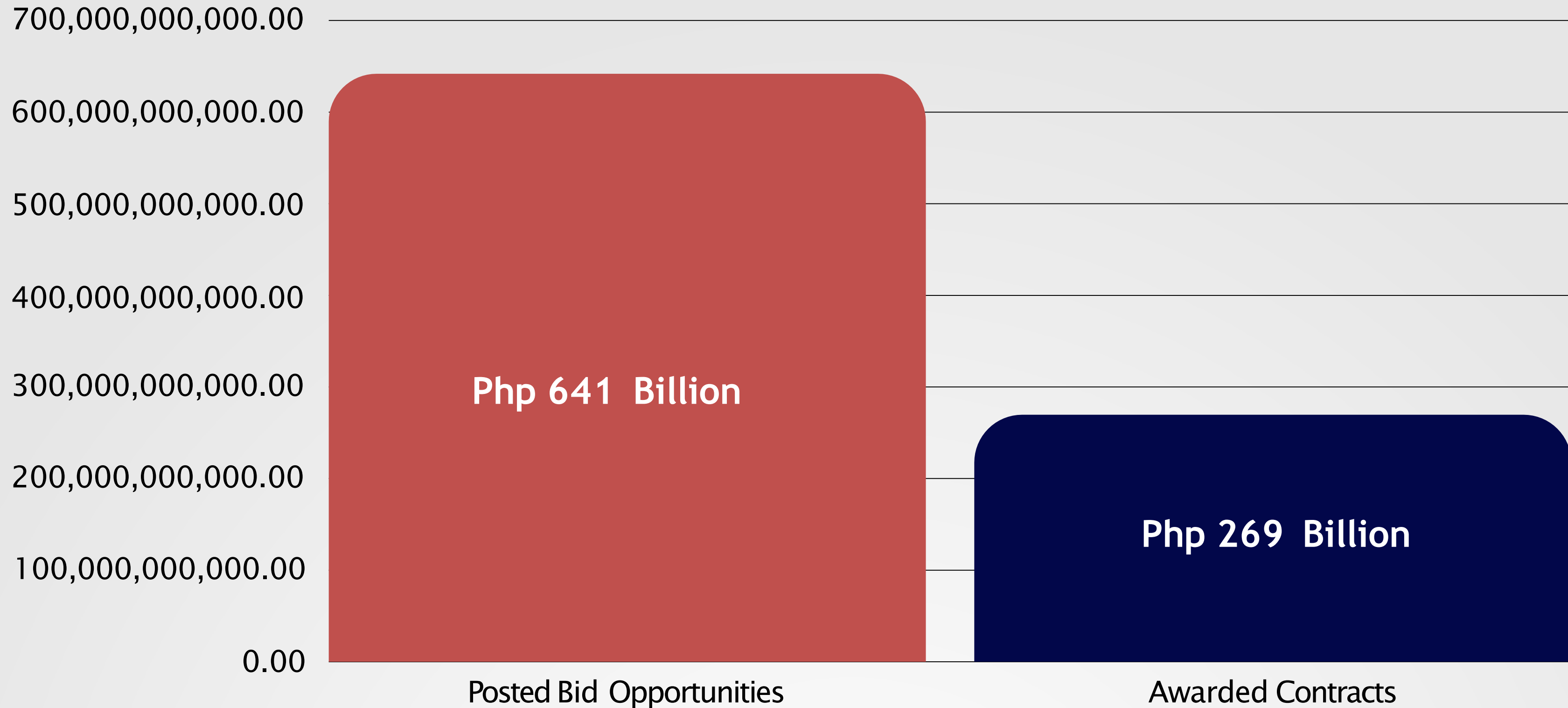


TOTAL ABC OF BIDS POSTED

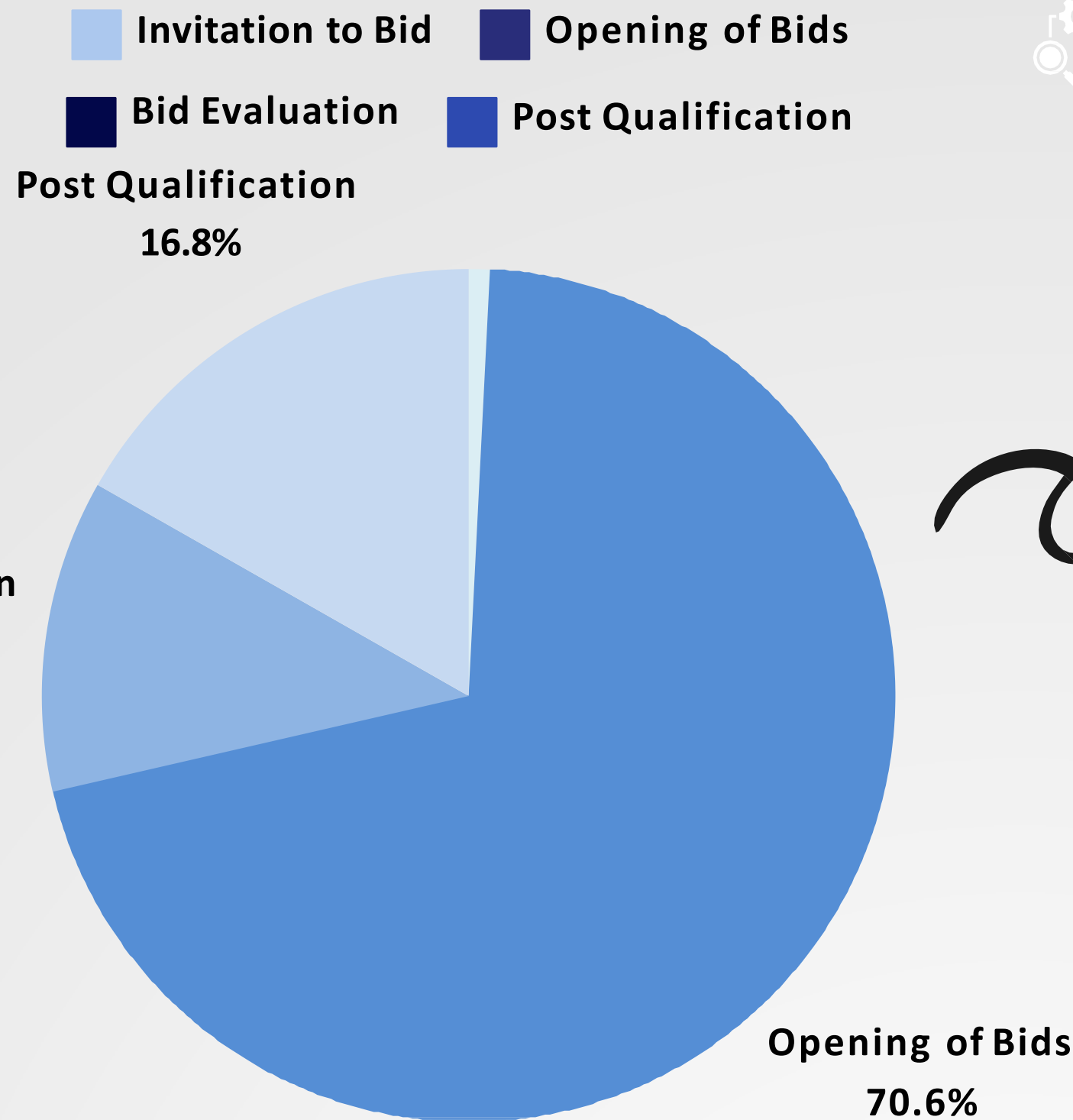
Php 1.730T

Source: Philippine Government Electronic Procurement System

FY 2023 LGU Posted xAwarded



FY 2022 Stages of Bidding Failures



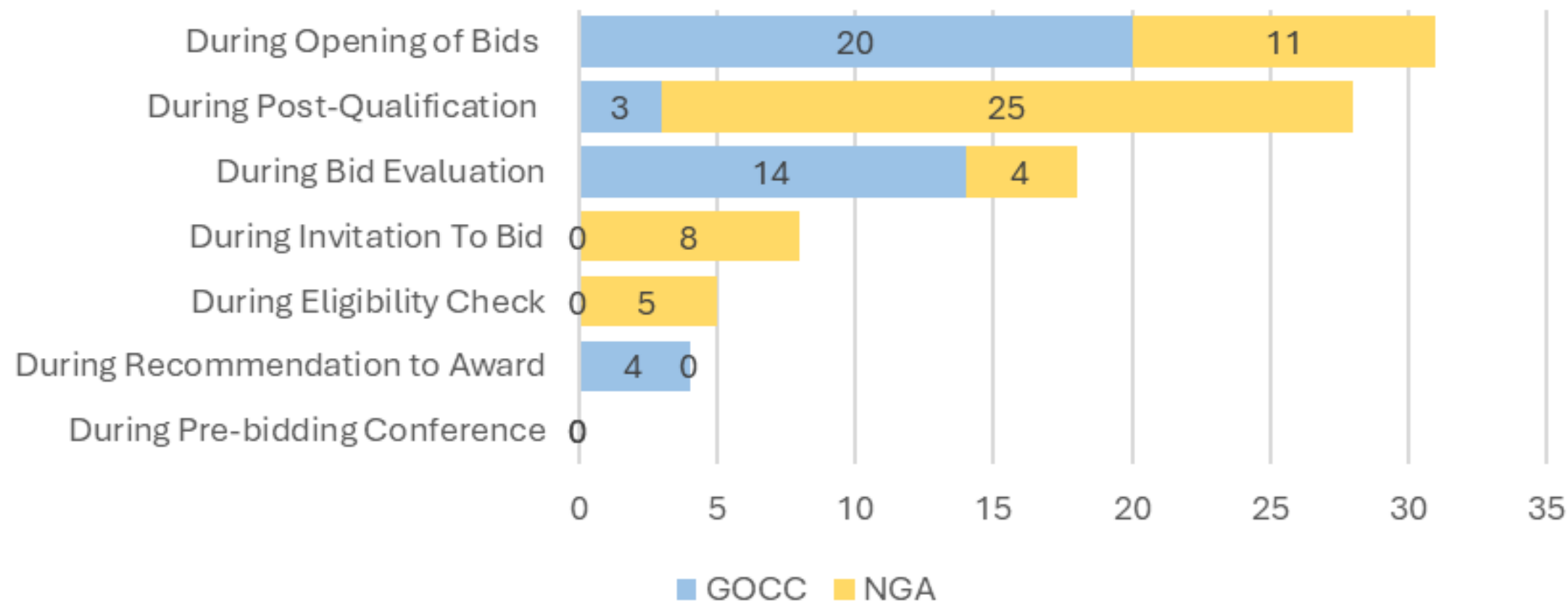
Reasons

- No bids submitted
- No bidders qualified

Procurement Stages Where Failure of Bidding Occurred by Number of Procurement Activities and Type of PEs

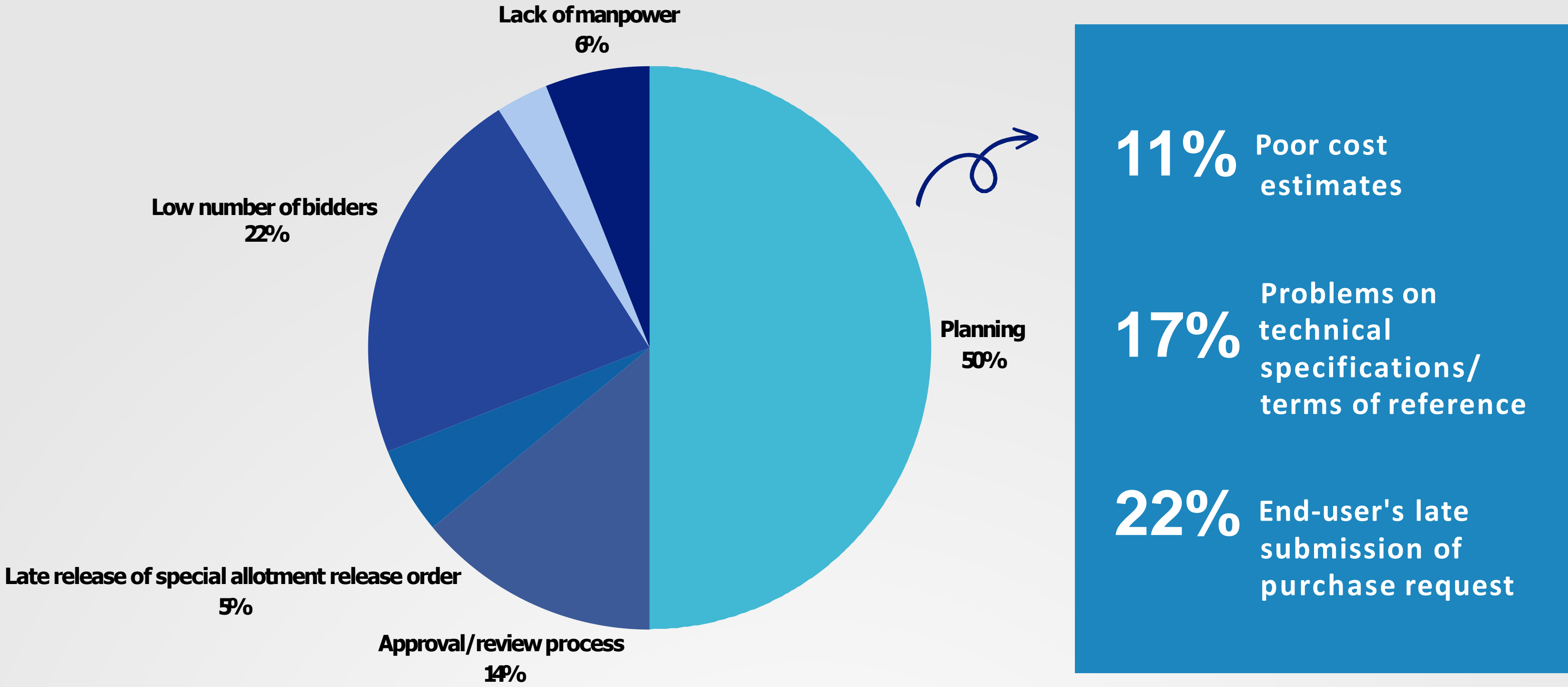


Stage Where Failure of Bidding Occurred by Number of Activities and Type of PEs



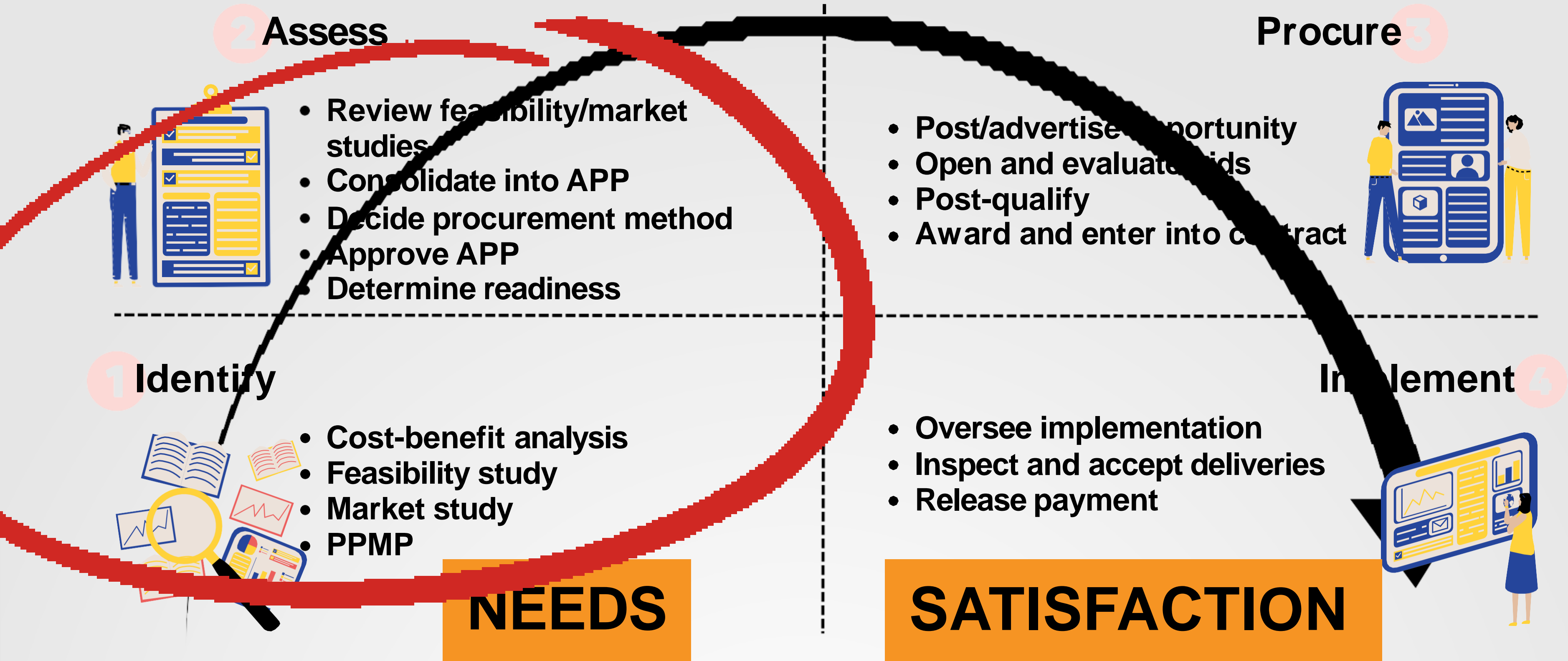
Of the 125 targeted PEs, only 14 NGAs and 5 GOCCs were reviewed. With the combined PEs of 19 NGAs and GOCCs, there are a total of 3,638 activities procured by said PEs and thus evaluated. Of this total number of activities, 94 or 2.58% were found to have failed in procurement.

Delays and Failures of Bidding



Source: CY 2011 and 2012 Agency Procurement Compliance and Performance Indicators Confirmation Result of Participating Agencies

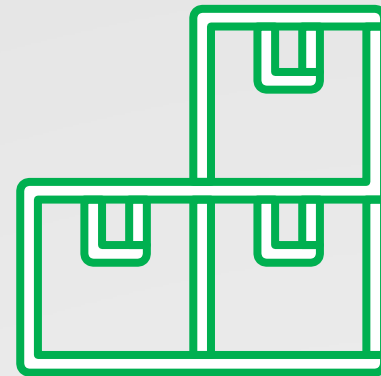
The Philippine Procurement Paradigm



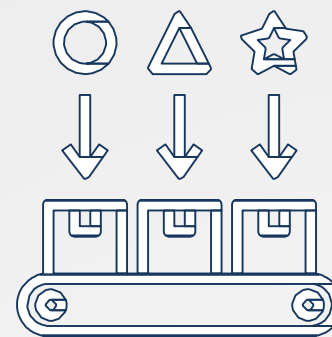
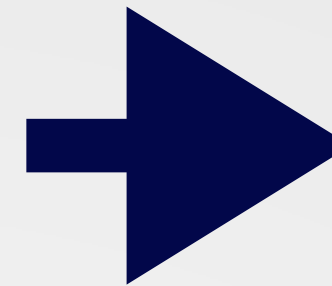
Procurement Packages



OPERATIONAL
EFFICIENCY



BULK BUYING



PROCUREMENT
BY LOT

WHAT ARE PROCUREMENT STRATEGIES THE AGENCY MAY MAXIMIZE?



**GPPB Resolution No. 14-2019
dated 17 July 2019**

EARLY PROCUREMENT ACTIVITIES



**GPPB Resolution No. 27-2019
10 December 2019**

FRAMEWORK AGREEMENT



EARLY PROCUREMENT ACTIVITIES

Conduct of Early Procurement Activities **(July 2019)**

The conduct of procurement activities from posting of advertisement until recommendation of the BAC to the HoPE for goods to be delivered, infrastructure projects to be implemented, and consulting services to be rendered in the following fiscal year.

GPPB Resolution No. 14-2019, dated 17 July 2019



FRAMEWORK AGREEMENT



Use of Framework Agreement (December 2019)

To be utilized by the PE for the procurement of goods and services through competitive bidding, which are repeatedly required but by their nature, use, or characteristic, the quantity or exact time of need cannot be accurately predetermined; and for the procurement of goods which are not advisable to be carried in stock.

GPPB Resolution No. 27-2019, dated 10 December 2019

WHAT ARE PROCUREMENT STRATEGIES THE AGENCY MAY MAXIMIZE?



Procurement Agent

Outsourcing of procurement tasks by the PE based on:

- PE's existing human resource lacks qualified personnel to constitute its own BAC
- Existing BAC lacks the proficiency and expertise to undertake a particular procurement project

GPPB Resolution No. 07-2022, dated 27 October 2022



Online subscription

- Applicable when no local provider is available
- Max ABC amounting to Php 1 Million (if more than, extra approval needed)
- Use of direct electronic payment through a credit card subject to the issuance of a certification by the HoPE

GPPB Resolution No. 05-2022, dated 23 June 2022



Renewal of Regular and Recurring Services

Applicable to existing contracts for general support services that are regularly procured, except:

- Lease-purchase Agreements
- Water and electricity services
- Radio-Frequency Identification subscriptions

GPPB Resolution No. 06-2022, dated 12 September 2022

USE OF TECHNOLOGY

Conduct of Virtual Meetings (December 2018)

Allowed the conduct of virtual Bids and Awards Committee proceedings to address delays in procurement due to postponement of meetings attributed to lack of quorum.

**GPPB Resolution No. 24-2018,
dated 04 December 2018**

Use of Digital Signature (July 2019)

Allowed the use of digital signature, which has Philippine National Public Key Infrastructure as its security feature, on procurement documents aimed to facilitate the immediate signing of documents and prevent delays in the procurement process.

**GPPB Resolution No. 16-2019, dated 17 July
2019**



USE OF TECHNOLOGY

Electronic Submission of Procurement Reports (May 2020)

Through electronicsubmissions, PEs are unburdened with the previous requirement of physical submission by freeing up additional costs for courier services and transportation, and contributes to efficiency in their respective daily operations.

Electronic Certificate of Non-Availability of Stocks (September 2020)

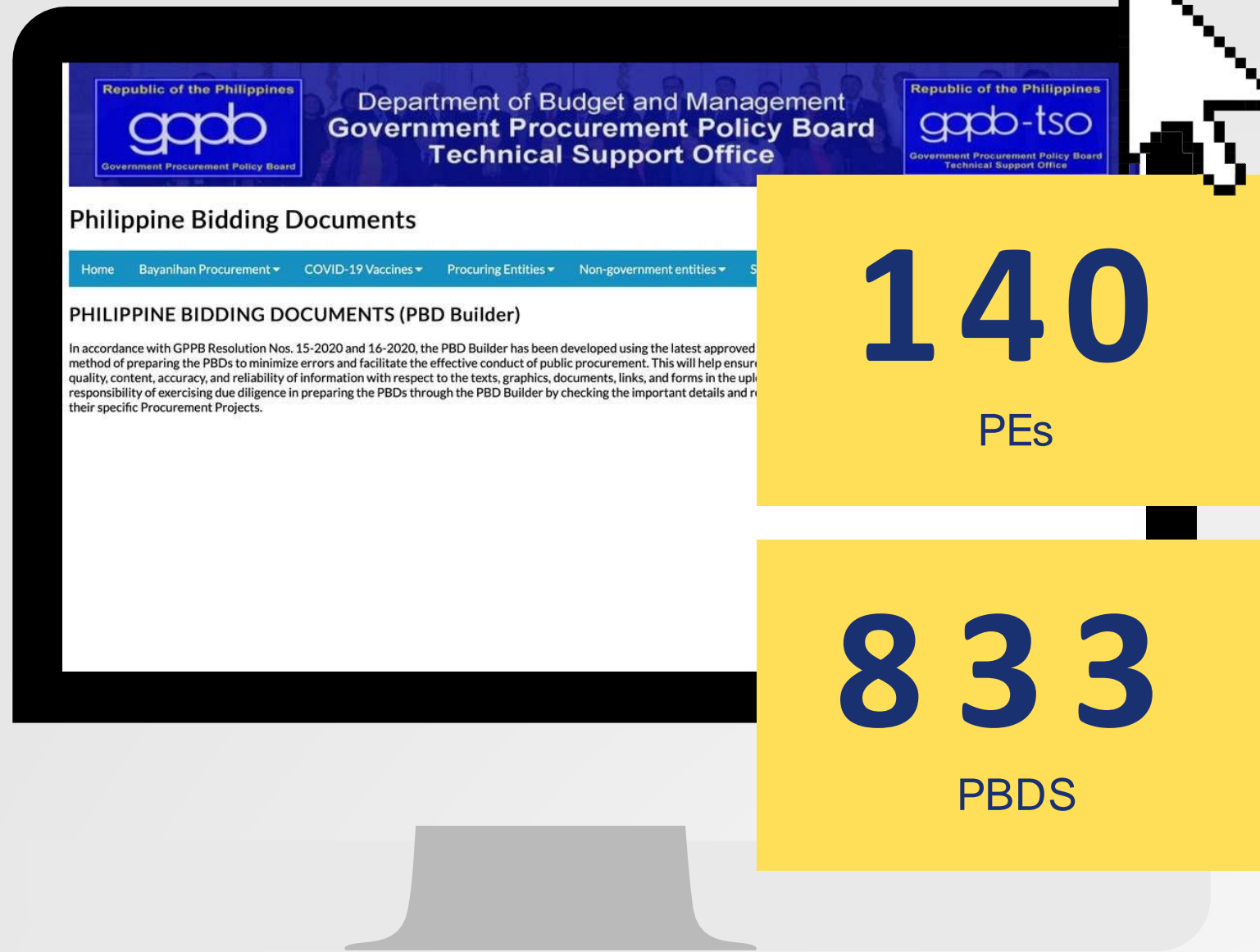
In case of unavailable CSE items in the Procurement Service Virtual Store, PEs need only to keep a record of the proof of unavailability of the CSE as shown in the PS website, such as a printed form of the webpage or a screenshot of the same showing the date and time that it was accessed, before procuring the CSE items from othersources.

GPPB Resolution No. 17-2020, dated 18 September 2020



USE OF TECHNOLOGY

www.gppbgovph.com/index2.php



GPPB Philippine Bidding Documents Builder

(January 2021)

With a simple click of a button, PEs can now efficiently prepare Philippine Bidding Documents by encoding the details of their procurement projects, choose from drop-down options, and download bidding documents when finished.

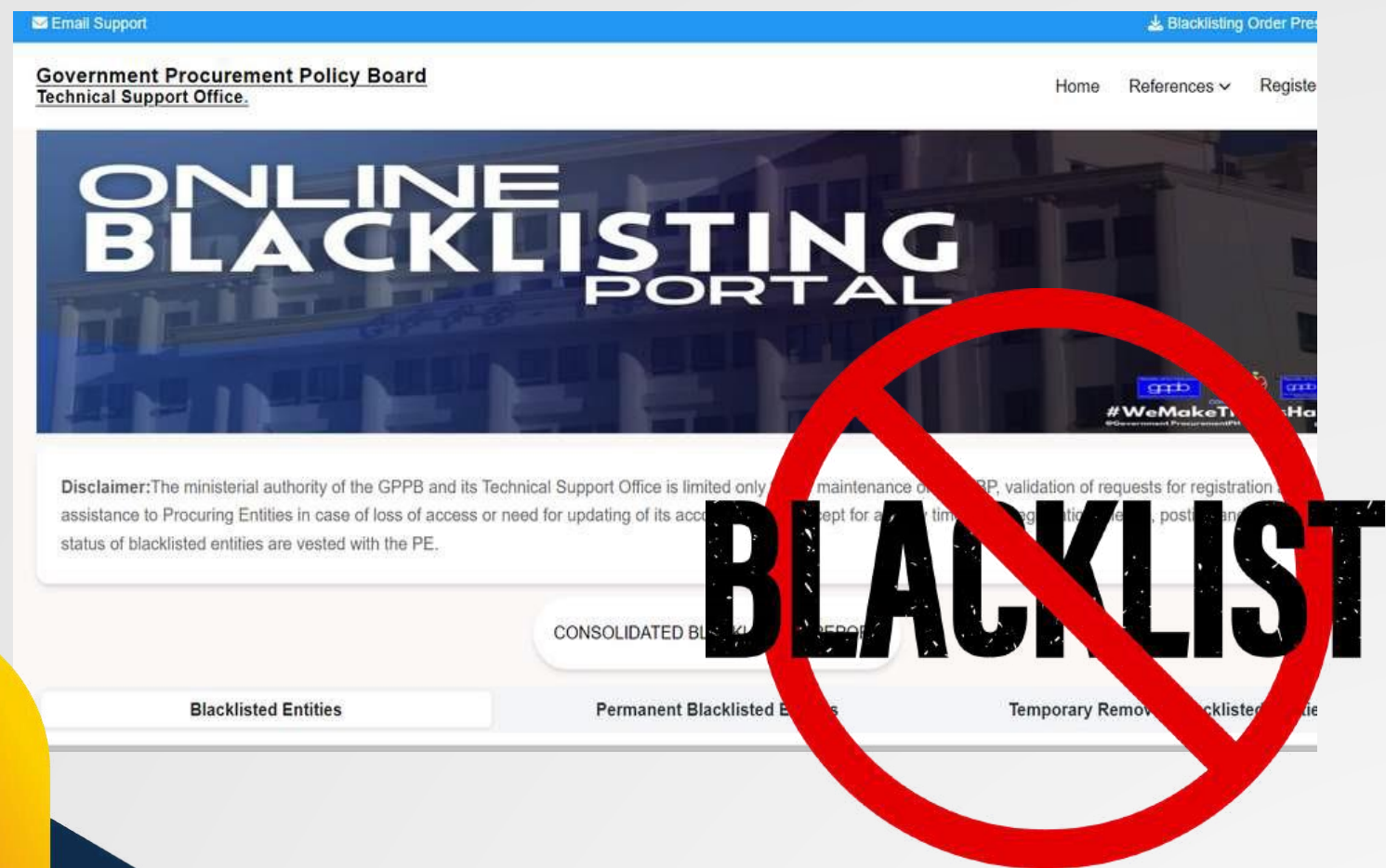
USE OF TECHNOLOGY

<https://onlineblacklistingportal.gppb.gov.ph/>

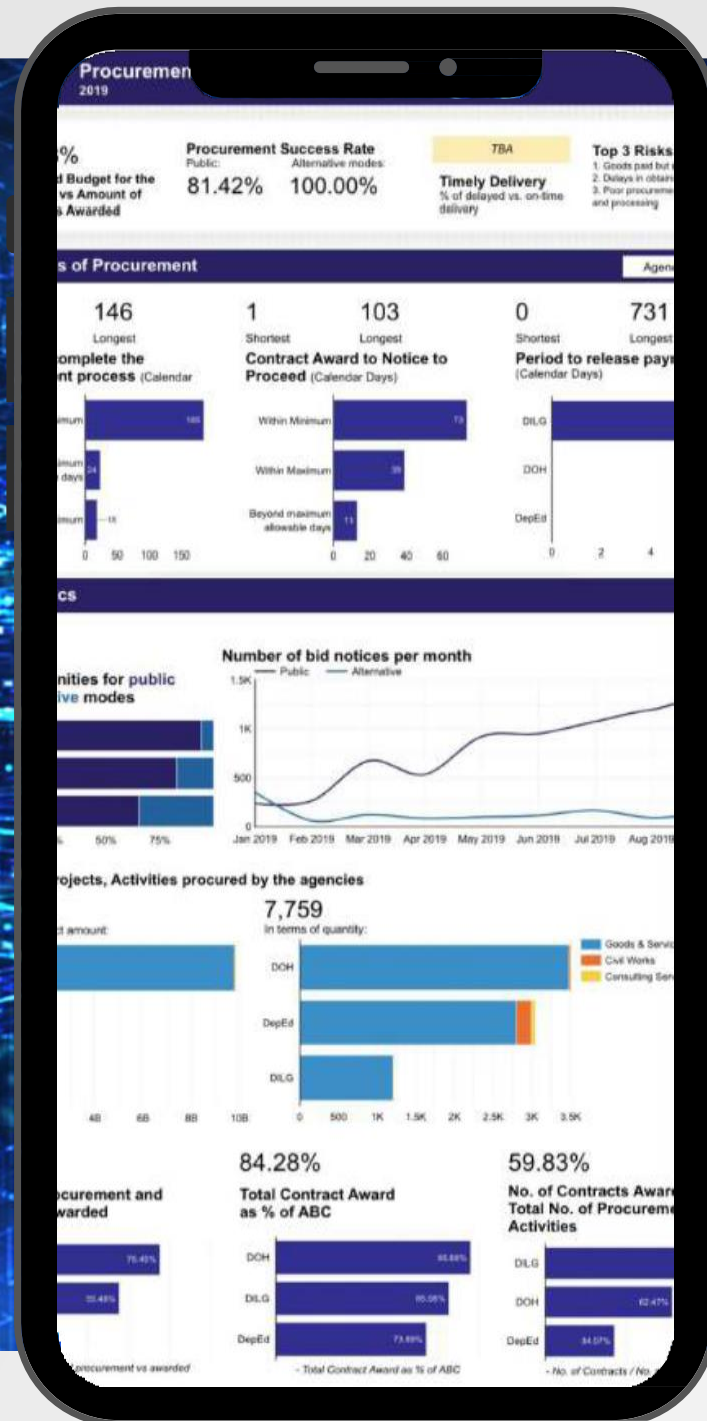
Consolidated Blacklisting Report

PEs can easily access the consolidated blacklisting report on the GPPB-TSO website. Simply enter the link and browse the report.

Note: GPPB-TSO's authority is limited to maintaining the Online Blacklisting Portal, validating registration requests, and providing assistance to PEs for account updates. Posting and updating blacklisted entity statuses are the responsibility of the PEs.



USE OF DATA ANALYTICS



Period to release payment

700+

Calendar Days

Procurement Data Analytics

(February 2020)

Generates data analytics of the buying patterns of PEs, the volume and amounts of awarded contracts, average procurement periods and timelines, basic gender profile of procurement officers, risk registry, level of compliance, and the overall procurement health.

USE OF DATA ANALYTICS

 191 CDs
Post Qualification

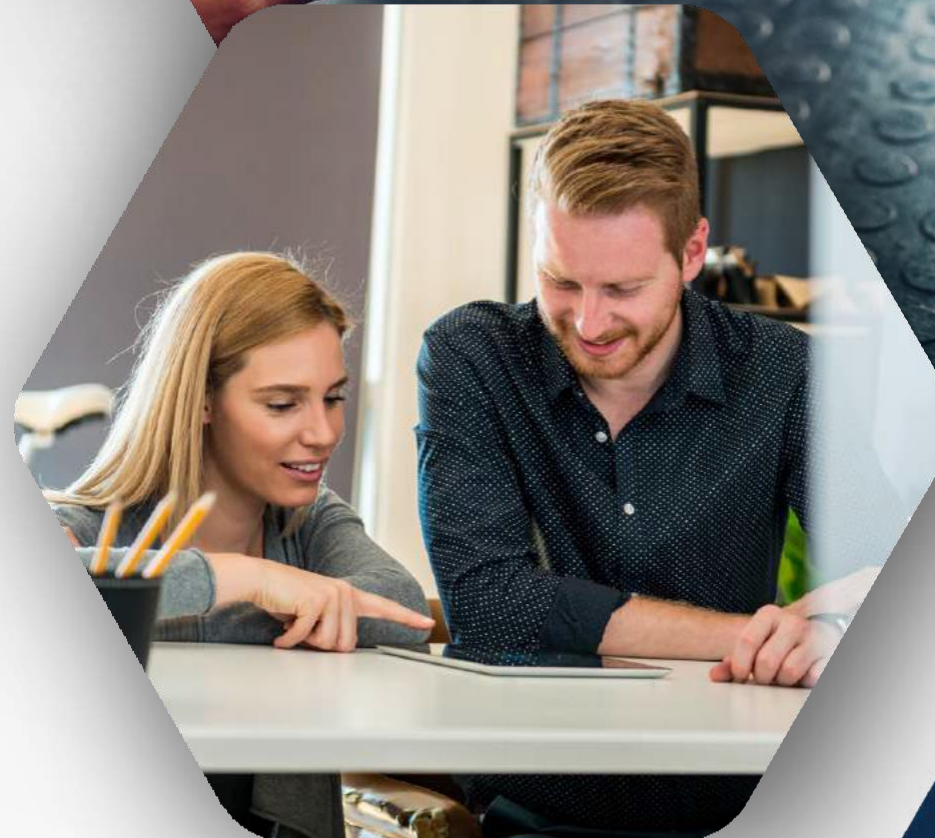


 133 CDs
Contract Signing





LATEST PROCUREMENT RULES AND REGULATIONS



Circular No. 04, s. 2023

GPPB Resolution No. 13-2023, dated 26 September 2023

| COA Circular No. 04, s. 2023 | GPPB -TSO Observations |
|--|--|
| Item 1.1.4.1 and 1.1.4.2 requires the submission of a quotation of plane fares for at least three airline companies or travel agencies, or its equivalent in instances where obtaining three (3) quotations is not feasible, the individual must submit a certification, verified by his/her supervisor, attesting to such circumstances | Not prescribed if the PE resorts to NP-Direct Retail Purchase under Section 53.14 of the revised IRR of RA No. 9184 |
| Item 9.1.1 requires the PE to issue an NTP for all Infrastructure Projects regardless of the mode of procurement, whether these are undertaken through Competitive Bidding or any Alternative Mode of Procurement | Section 37 in relation to Section 54.3 of IRR of the same law did not require an NTP for Infrastructure Projects Procured through certain Alternative Modes of Procurement |

GPPB Requests COA to revisit its Circular No. 04, s. 2023

GPPB Resolution No. 13-2023, dated 26
September 2023



RESOLUTION NO. 13-2023

**APPROVING THE PROPOSAL TO RESPECTFULLY REQUEST THE COMMISSION ON
AUDIT TO REVISIT ITS CIRCULAR NO. 2023-004 REGARDING THE REQUIREMENTS
OF PROCURING AIRLINE TICKETS FOR OFFICIAL TRAVELS AND ISSUANCE OF
NOTICE TO PROCEED FOR THE PROCUREMENT OF INFRASTRUCTURE PROJECTS**

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, RA No. 9184 governs the procurement of Infrastructure Projects, Goods, and Consulting Services, regardless of source funds, whether local or foreign, by all branches and instrumentalities of government, its departments, offices and agencies, including government-owned and/or controlled corporations and local government units;¹

WHEREAS, Section 63 of RA No. 9184 authorizes the Government Procurement Policy Board (GPPB) to formulate public procurement policies, rules and regulations, and amend its IRR, whenever necessary;

WHEREAS, the GPPB, through its Resolution No. 24-2019,² approved the inclusion of Section 53.14 of the 2016 revised IRR of RA No. 9184 which introduced Negotiated Procurement (NP) - Direct Retail Purchase as a modality for procuring airline tickets, among others. This aims to support the efficient discharge of the Procuring Entity's (PEs) principal mandate, governmental functions, or day-to-day operations by allowing the end-users of the PE to directly purchase the airline tickets from commercial airlines, subject to the following conditions: (i) necessity of the same for official travels; (ii) conduct of a market study confirming that NP-Direct Retail Purchase is the most reasonable and efficient mode of procurement; (iii) inclusion of the procurement project in the Annual Procurement Plan (APP); and (iv) flexibility in payment through various modalities, such as direct electronic payment or use of credit card, in compliance with relevant accounting and auditing rules;

WHEREAS, the criteria for authorized official travel, as stated under Section 3 of the Executive Order No. 77, s. 2019³ include the following: (i) it is essential to the effective performance of an official or employee's mandates or functions; (ii) it is required to meet the needs of the department, agency, bureau or office, or there is a substantial benefit being derived by the State; (iii) the presence of the official or employee is critical to the outcome of the meeting, conference, seminar, consultation or any official activity to be attended; and (iv) the projected expenses are not excessive or it only involves minimum expenditure;

WHEREAS, on the other hand, Section 37 of RA No. 9184 and its 2016 revised IRR prescribes that PEs shall issue a Notice to Proceed (NTP) to the winning bidder in Competitive Biddings not later than seven (7) calendar days from the date of approval of the contract by the appropriate authority. A copy of the NTP shall be posted on the Philippine Government Electronic Procurement System (PhilGEPS) and the website of the PE. Relatedly, Section 54.3 of the same IRR, specifically provides that, for Alternative Modes of Procurement, the

¹ Section 4 of RA No. 9184.

² Dated 30 October 2019, entitled Approving Section 53.14 of the 2016 revised IRR of Republic Act No. 9184 and the Amendments of Affected Provisions of Annex "H" Thereof.

³ Dated 15 March 2019, entitled Prescribing Rules and Regulations and Rates of Expenses and Allowances for Official Local and Foreign Travels of Government Personnel.

Suspension of the Application of COA Circular No. 04, s. 2023

COA Circular No. 04, s. 2023 dated 14 March 2023

1. The application of COA Circular No. 2023-004 suspended, retroactive to its effectivity on 01 July 2023.
2. COA Circular No. 01, s. 2012 is reinstated.
3. Any audit action issued by the Audit team which was based on COA Circular No. 04, s. 2023 is **deemed withdrawn and has no force or effect, except the audit action issued based on the provision which were copied and lifted from COA Circular NO. 01, s. 2012.**



CIRCULAR

REPUBLIC OF THE PHILIPPINES
COMMISSION ON AUDIT
Commonwealth Avenue, Quezon City



No. : 2024-004
Date : MAR 14 2024

TO : All Heads of the National Government Agencies including State Universities and Colleges; Heads of Government Corporations; Heads of Local Government Units; Heads of Finance/Comptrollership/Financial Management Services; Chief Accountants/Heads of Accounting Units; Commission on Audit (COA) Assistant Commissioners, Directors, Auditors; and All Others Concerned

SUBJECT: Suspension of the Application of COA Circular No. 2023-004 dated June 14, 2023, Prescribing the Updated Documentary Requirements for Common Government Transactions, amending COA Circular No. 2012-001 dated June 14, 2012

Pursuant to the rule-making function of this Commission, as provided under Section 2(2), Article IX-D of the 1987 Philippine Constitution and Section 25(4), Chapter 2, Title I of Presidential Decree No. 1445 or the Government Auditing Code of the Philippines, COA Circular No. 2012-001 dated June 14, 2012 was issued to prescribe the revised guidelines and documentary requirements for common government transactions which incorporated the requirements under existing issuances of this Commission.

COA Circular No. 2023-004 dated June 14, 2023 was issued to prescribe the updated documentary requirements for common government transactions to facilitate disbursement, liquidation and audit thereof. The said Circular took effect 15 days after its publication¹ in a newspaper of general circulation, or on July 1, 2023.

However, due to the numerous issues and concerns raised relative to the updated documentary requirements, there is a need to suspend the application of COA Circular No. 2023-004 pending the issuance of revised guidelines addressing the said issues and concerns.

In view of the foregoing, the application of COA Circular No. 2023-004 is suspended, retroactive to its effectivity on July 1, 2023, and COA Circular No. 2012-001 is reinstated.

¹ Published in the Philippine Star on June 16, 2023.

Guidelines on the Engagement with a Procurement Agent

GPPB Resolution No. 07-2022, dated 27 October 2022

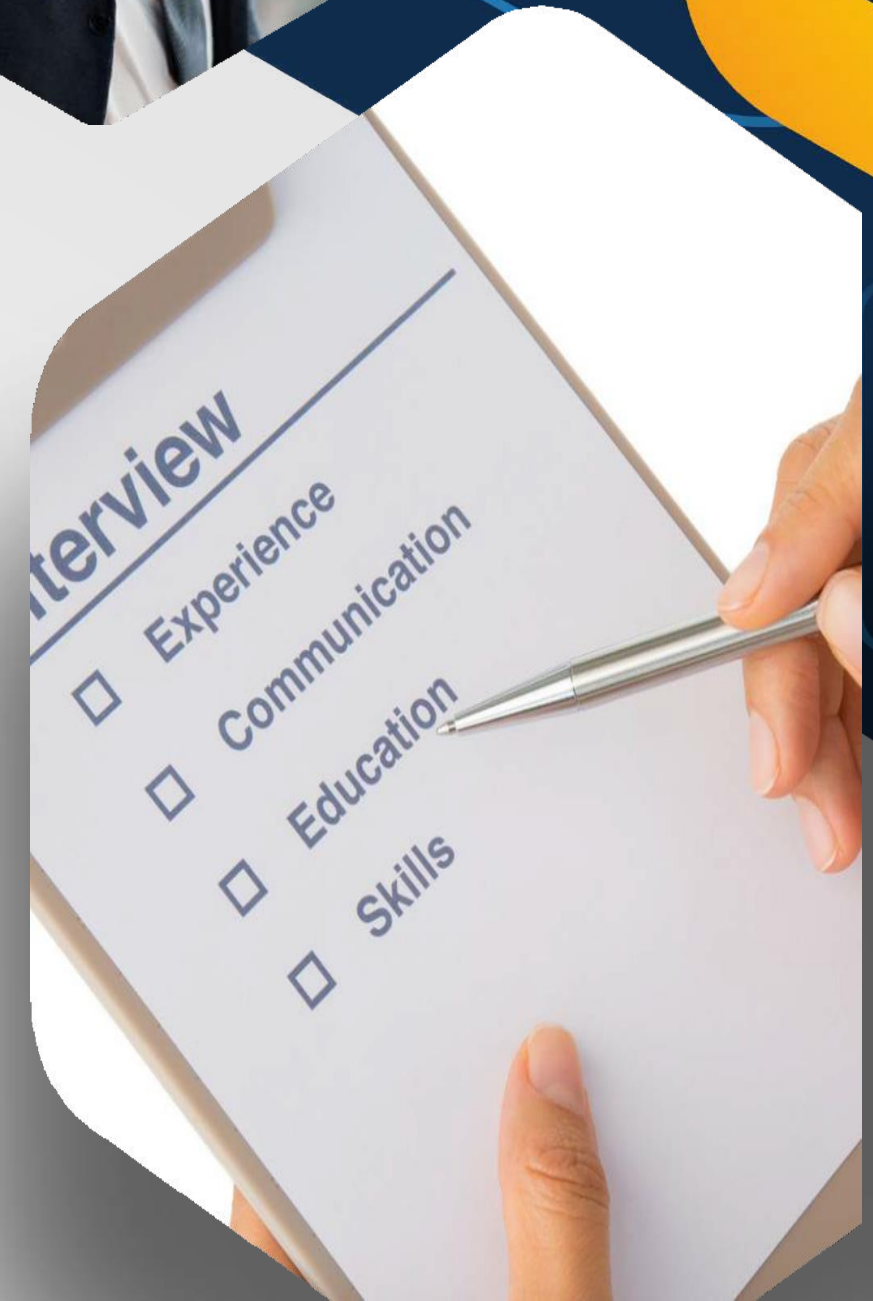


- Outsourcing of procurement tasks by the PE based on the following instances:
 - PE's existing human resource lacks qualified personnel to constitute its own BAC
 - Existing BAC lacks the proficiency and expertise to undertake a particular procurement project
- Procurement of nCSEs covering public bidding modality, except if the PE lacks sufficient qualified personnel to constitute its own BAC, it may include projects to be undertaken through Alternative Methods of Procurement

Guidelines on the Engagement with a Procurement Agent

GPPB Resolution No. 07-2022, dated 27 October 2022

- A PE may serve as a Procurement Agent if it meets the following conditions:
 - Has a track record of having awarded a minimum of 3 contracts, each contract costing at least fifty (50%) of the project at hand and completed within the relevant period identified by the PE depending on its project requirements
 - Said contracts were evaluated by the PE to be of the same nature and complexity as the project at hand



Guidelines on the Engagement with a Procurement Agent

- Engagement through a MOA between the PE and the Procurement Agent:
 - ❖ Project basis
 - ❖ No transfer of funds
 - ❖ No end-to-end
 - ❖ Reasonable service fee
 - ❖ Not later than 3rd Quarter, except for EPA



Guidelines on the Renewal of Regular and Recurring Services

GPPB Resolution No. 06-2022, dated 12 September 2022

- Applicable to existing contracts for general support services that are regularly procured, except:
 - Lease-purchase Agreements
 - Water and electricity services
 - Radio-Frequency Identification subscriptions
- Requires the conduct of a Cost-Benefit Analysis (renewal vs new procurement) and performance evaluation of the service provider
- May be undertaken through Early Procurement Activities



Guidelines on the Renewal of Regular and Recurring Services

GPPB Resolution No. 06-2022, dated 12 September 2022

- Renewal contracts not more than 1 year, while total contracts shall not exceed 3 years
- Renewal of contracts may have changes in the components
- Extension of existing contracts pending renewal or bidding



Online Subscription Rules

GPPB Resolution No. 05-2022, dated 23 June 2022



- Applicable when no local provider is available
- Negotiated Procurement – Direct
- Retail Purchase under Section 53.14 of the 2016 revised IRR of RANo. 9184
- Max ABC amounting to Php 1 Million
- Use of direct electronic payment through a credit card subject to the issuance of a certification by the HoPE

NEW GOVERNMENT PROCUREMENT ACT

REPUBLIC ACT NO. 12009

8

Governing Principles

1. Enhanced Transparency
2. Improved Competitiveness
3. Increased Efficiency
4. Proportionality
5. Enhanced Accountability
6. Participatory Procurement
7. Sustainability
8. Professionalism



The **New Government Procurement Act** is a game-changing piece of legislation curated to enhance the existing procurement system under the 21-year-old Republic Act No. 9184 through the following:

No. 2593
No. 9648

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Nineteenth Congress
Second Regular Session

Begun and held in Metro Manila, on Monday, the twenty-fourth day
of July, two thousand twenty-three.

REPUBLIC ACT NO. 12009

AN ACT REVISING REPUBLIC ACT NO. 9184, OTHERWISE
KNOWN AS THE "GOVERNMENT PROCUREMENT
REFORM ACT", AND FOR OTHER PURPOSES

Enacted by the Senate and House of Representatives
of the Philippines in Congress assembled.

REPUBLIC ACT NO. 12009

THE NEW GOVERNMENT PROCUREMENT ACT

SALIENT FEATURES

Introduce fit-for-purpose modalities to achieve value for money, procurement efficiency and quality public services

"Most Economically Advantageous Responsive Bid"

allows for rated criteria in the selection of a winning bidder.



Modernize procurement processes with the use of emerging technologies and innovative solutions, as well as integrated systems among relevant government agencies



End-to-end process from procurement planning to payment of contracts



Procurement Data Analytics



PhilGEPS electronic marketplace; electronic bulletin board; electronic catalogue; virtual store; electronic reverse auction; electronic small value procurement; electronic payment; and electronic bidding



Underscore the critical role of procurement planning through mandatory market scoping and strategic employment of strategies

Early Procurement Activities



Life Cycle Assessment and Life Cycle Costing Analysis



Engagement of a Procurement Agent



Use of Framework Agreement



Design and Build Scheme



Pooled Procurement



Renewal of Regular & Recurring Services



IV

Institutionalize sustainable public procurement principles and practices to embed economic, environmental and social considerations in the design and implementation of procurement projects.

Green Public Procurement



Development of a Green Local Market



Inclusive Procurement Programs



Gender Responsive Procurement

V

Enhance transparency and ensure greater accountability with open contracting standards and practices, improved public monitoring through Observer participation, and use of beneficial ownership information in procurement



- Open Government: open access to procurement process and contract implementation
- Use of Video Recording for all Procurement-related Conferences



- Beneficial Ownership declaration
- Role of Observer with recognition of CSOs

VI

Institute professionalization as one of the fundamental principles of public procurement in the Philippines in order to build a cadre of procurement professionals who will embody technical competence as well as espouse ethical procurement practices



**Defined
Public
Procurement
Positions**



**Qualification
Standards for
Positions**



**Certification
Course**



**Competency
Framework**



**Code of
Ethics**



**Licensing of
Public
Procurement
Practitioners**



INNOVATION THROUGH AUTOMATION

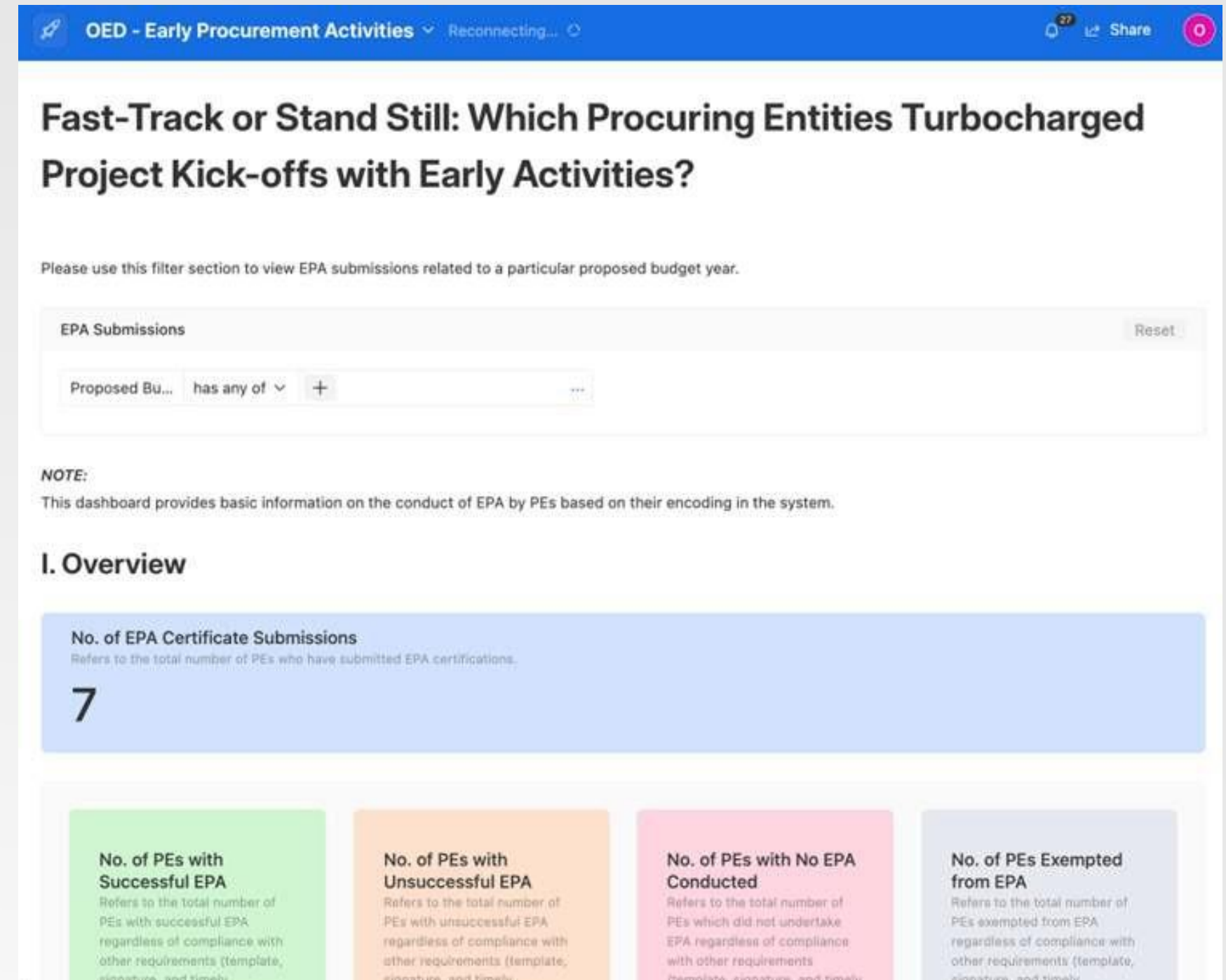
ATTY. MARIA DIONESIA A. RIVERA-GUILLERMO
DEPUTY EXECUTIVE DIRECTOR
GOVERNMENT PROCUREMENT POLICY BOARD –
TECHNICAL SUPPORT OFFICE



Real-time EPA Generating Information Analytics (REGINA) System Registration

For official launching this CY 2024

- Online system where PEs can upload and encode the information from their EPA Certifications;
- Automatically detects the actual date and time when the submission was made;
- Upload Certifications online and have the PEs themselves enter the information of their respective Certifications; and
- Generates real-time basic analytics through the system's real-time transparency dashboard.





PROFESSIONALIZATION CALENDAR

ATTY. ROWENA CANDICE M. RUIZ, LLM, CESO I
EXECUTIVE DIRECTOR V
GOVERNMENT PROCUREMENT POLICY BOARD –
TECHNICAL SUPPORT OFFICE



Automated Training Request System

Requesting for training has never been easier! Follow these 4 easy steps.

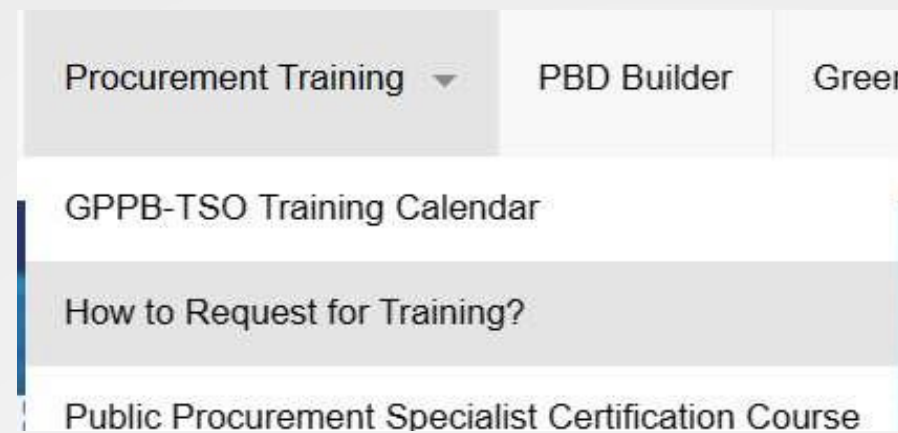
Please visit our official GPPB website > Look for “Procurement Training” > Submit Training Request > Fill up the form

The GPPB-TSO no longer accepts training requests via e-mail or courier since 03 July 2023.

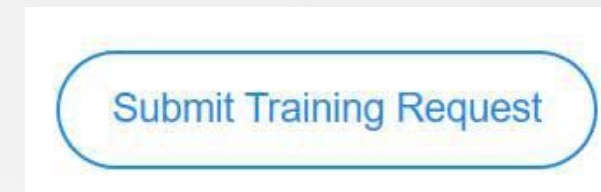


www.gppb.gov.ph

1



2



3



4

Procurement Professionals Online (PRO) Hub

Check out for our PRO Hub! No more waiting for weeks just to fulfill your training needs! With the PRO Hub, training request is now just a click of a button offering self-paced training packed with various learning modules to choose from!

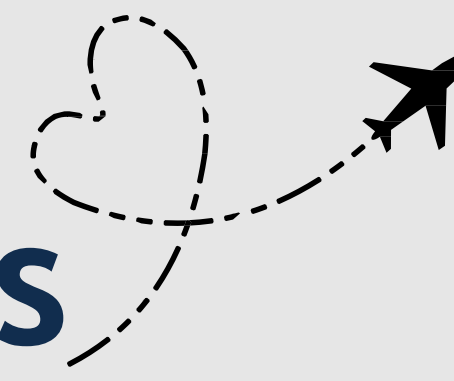
Simply visit www.learning.gppb.gov.ph to learn more!



16k+ Registered Learners
1M+ Site Visitors

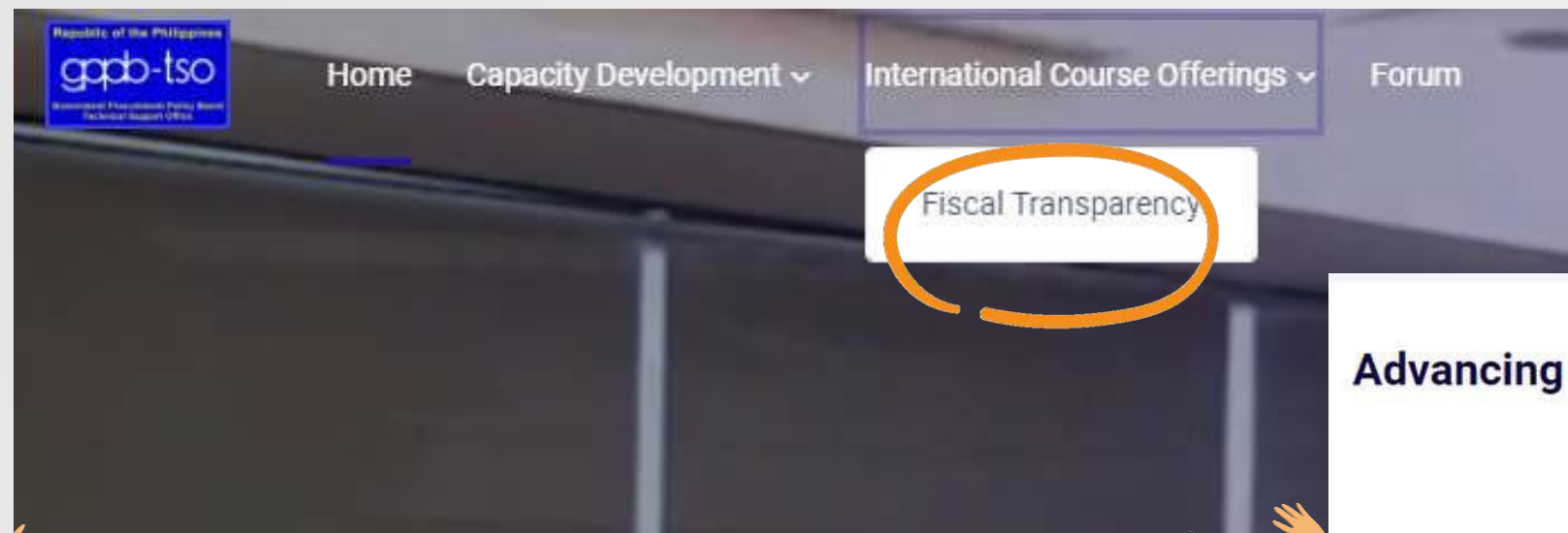
as of April 2024

International Course Offerings



The GPPB-TSO collaborated with the Global Initiative for Fiscal Transparency (GIFT) to bring to public procurement practitioners the "Advancing Fiscal Transparency for Development" online course. *Why is fiscal transparency important? What are the best practices and standards? How can it be measured and enhanced?* Public procurement practitioners may find the answers to these questions and more in this comprehensive online course.

Simply visit www.learning.gppb.gov.ph > Navigate to "International Course Offerings" > Click "Fiscal Transparency" to learn more!



Advancing Fiscal Transparency for Development Online Course



84 enrollees



15 completions from the date of launching 12 December 2023 to 29 February 2024



INTERNATIONAL COURSE OFFERINGS



A groundbreaking exploratory meeting has set the stage for an innovative collaboration between the Government Procurement Policy Board - Technical Support Office (GPPB-TSO) and our esteemed partners from the U.S. Trade and Development Agency (USTDA) and the U.S. Commercial Service Philippines. 🌐 🇵🇭



COMING

SOON

This collaboration is all about bringing **Life-Cycle Cost Analysis (LCCA)** to the forefront of public procurement through our Procurement Professionals Online Hub (PRO Hub). With the LCCA course modules, we're stepping into a new era of procurement, aligning with the significant updates expected in the Government Procurement Reform Act amendment. 📈 📁

NEWS

UPDATE

In-House Training

On top of the usual facilitation of training request, beginning April 2024, the GPPB-TSO will regularly host government procurement-related training sessions in its own building in Commonwealth Ave., Quezon City, for a fee.

FOLLOW US

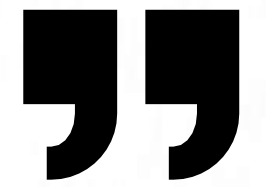
on Facebook for more updates.



New Launch • New Launch • New Launch • New Launch



THE ROLE OF PUBLIC PROCUREMENT IN ACHIEVING THE SDGs



An ASEAN Regional Dialogue, 27-28 October 2021

If we are serious about mitigating the risks of fraud and corruption in public procurement, **we need to institutionalize innovations and upskill the entire bureaucracy.** but beyond competence, we also need to put enough attention in enhancing integrity in the procurement system as this builds a trust environment that will **enable the buy-in process for all stakeholders and procurement actors.**

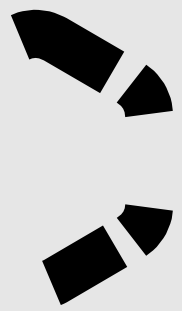
ATTY. ROWENA CANDICE M. RUIZ, LL.M., CESO I

Executive Director V

Government Procurement Policy Board -

Technical Support Office

USAP TAYO!





PROCUREMENT LAW UPDATES

MARAMING SALAMAT!

MS. MARILOU REYES

CERTIFIED PUBLIC PROCUREMENT SPECIALIST

GPPB RECOGNIZED TRAINER



MARAMING SALAMAT!

Office of the Executive Director
Government Procurement Policy Board -
Technical Support Office

 **@GovernmentProcurementPH**

 **www.gppb.gov.ph**

