

**[ GPPB Resolution No. 23-2014, October 31, 2014 ]**

**AMENDING SECTION 34.2 OF THE REVISED IMPLEMENTING RULES AND REGULATIONS (IRR) OF REPUBLIC ACT (RA) NO. 9184, CLAUSES 29.2, 28.2, AND 27.2 OF THE INSTRUCTIONS TO BIDDERS OF THE PHILIPPINE BIDDING DOCUMENTS (PBDS) FOR GOODS, INFRASTRUCTURE PROJECTS AND CONSULTING SERVICES, RESPECTIVELY**

*Adopted: 31 October 2014*

*Date Filed: 19 May 2015*

**WHEREAS**, Republic Act (RA) No. 9184, otherwise known as the "Government Procurement Reform Act" and its revised Implementing Rules and Regulations (IRR) took effect on 26 January 2003 and 2 September 2009, respectively;

**WHEREAS**, Section 63 of RA 9184 mandates the Government Procurement Policy Board (GPPB) to protect national interest in all matters affecting public procurement;

**WHEREAS**, Section 8.5.1 mandates that 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;

**WHEREAS**, Section 34.2 of the revised IRR of RA 9184, Clauses 29.2, 28.2 and 27.2 of the ITB of the PBDs for Goods, Infrastructure Projects and Consulting Services, respectively, require the submission of Certificate of PhilGEPS Registration during post-qualification of a bidder with the Lowest Calculated Bid or Highest Rated Bid;

**WHEREAS**, in its letter dated 10 June 2014, The Department of Foreign Affairs (DFA) requested the GPPB for temporary suspension from the use and registration with PhilGEPS of manufacturers, suppliers, distributors, contractors and/or consultants for Foreign Service Posts (FSPs) procurement until all features of the new PhilGEPS system and other related provisions of the IRR are made applicable for procurement in foreign jurisdictions;

**WHEREAS**, foreign suppliers are reluctant to participate with FSPs procurement activities because of the registration requirement with PhilGEPS. Suppliers are unwilling to subscribe to the membership process, pay user fees and to submit eligibility documents. Private contracting parties in foreign countries who are eligible and qualified to participate in public bidding and other procurement projects are discouraged to supply to FSPs because of the registration requirement.;

**WHEREAS**, the DFA raised the following common issues of FSPs in PhilGEPS

registration by suppliers:

1. Business Tax Identification Number (TIN) – Business TIN of different countries are not the same. The Israeli business TIN has 9 digits only. The PhilGEPS website requires a 12-digit business TIN, and tags the 9-digit TIN as invalid.
2. SEC Certificate Number – Many suppliers abroad do not have SEC Certificates or its equivalent.
3. SEC Registration Date – This is not applicable to foreign suppliers due to non-availability of SEC Certificates.
4. Organization Address and Area of Delivery of Goods and Services to be procured – the fields only allow for the Philippine locations.
5. Telephone number – The field has a default country code of +63.
6. Some suppliers are unwilling to provide information on their market capitalization;

**WHEREAS**, in order to resolve the concern of FSPs in cases where the prospective bidders are unwilling to register with the PhilGEPS, the procuring entity may assist the suppliers, manufacturers, distributors, contractors and/or consultants by undertaking the registration in behalf of the bidders to meet the requirements of RA 9184 and its IRR.

**WHEREAS**, the present registration of the manufacturers, suppliers, distributors, contractors and/or consultants with the PhilGEPS has corresponding Registration Number that can be required from the bidder in lieu of the Certificate of PhilGEPS Registration under Section 34.2 of the IRR of RA 9184.

**WHEREAS**, after careful and judicious deliberations on the matter, the GPPB found DFA's reasons and justifications sufficient to amend the requirements under Section 34.2 of the IRR of RA 9184, particularly the requirement for PhilGEPS Certificate of Registration for manufacturers, suppliers, distributors, contractors and/or consultants for FSPs and other government agencies operating in foreign countries;

**WHEREAS**, during the 6<sup>th</sup> GPPB and 5<sup>th</sup> Inter-Agency Technical Working Group (IATWG) Joint Meeting held on 31 October 2014, the requirement for Certificate of PhilGEPS Registration for FSPs manufacturers, suppliers, distributors, contractors and/or consultants under Section 34.2 of the IRR of RA 9184, was discussed;

**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. **AMEND** Section 34.2 of the IRR of RA 9184, relative to Certificate of PhilGEPS Registration, as shown in Annex "A" hereof; and,
2. **AMEND** Clauses 29.2, 28.2, and 27.2 of the ITB of the PBDs for Goods, Infrastructure and Consulting Services, respectively, as shown in Annex "B".

This Resolution shall take effect after fifteen (15) days following the publication in the Official Gazette or a newspaper of general nationwide circulation and upon filing