

[GPPB Resolution No. 30-2013, October 25, 2013]

APPROVING AMENDMENTS TO SECTIONS 34.2 AND 54 OF THE REVISED IMPLEMENTING RULES AND REGULATIONS OF REPUBLIC ACT NO. 9184 WITH RESPECT TO THE PHILGEPS REGISTRATION REQUIREMENT FOR PUBLIC BIDDING AND THE ALTERNATIVE METHODS OF PROCUREMENT

Adopted: 25 October 2013

Date Filed: 13 February 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(a) of RA 9184 mandates the Government Procurement Policy Board (GPPB) to protect national interest in all matters affecting public procurement;

WHEREAS, Section 63(b) of RA 9184 mandates the GPPB to formulate and amend, whenever necessary, the Implementing Rules and Regulations (IRR) and the corresponding standard forms for Procurement;

WHEREAS, Section 3(a) of RA 9184 requires that all procurements of the national government, its departments, bureaus, offices and agencies, including state universities and colleges, government-owned and/or controlled corporations, government financial institutions and local government units shall in all cases, be governed by the principle of transparency in the procurement process and in the implementation of procurement contracts;

WHEREAS, Section 8.5.1 of the revised IRR of RA 9184 requires that "[t]o 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. All Procuring Entities already maintaining an electronic registry upon the effectivity of this IRR shall integrate the same with that of the PhilGEPS. A manufacturer, supplier, distributor, contractor and/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.";

WHEREAS, the IRR Part A^[1] of RA 9184 requires bidders to submit a Certificate of PhilGEPS Registration as an eligibility requirement before bid opening, thus compelling bidders to register with PhilGEPS and submit their Certificate of PhilGEPS

Registration before bid opening;

WHEREAS, the revised IRR of RA 9184 requires a bidder with the Lowest Calculated Bid to submit, among other post-qualification documentary requirements, a Certificate of PhilGEPS Registration within three (3) calendar days from notice issued by the Bids and Awards Committee (BAC), such that failure to submit any of the post-qualification documentary requirements within the three (3) calendar day period or a finding against the veracity of such shall be a ground for the forfeiture of the bid security and the disqualification of the bidder for award;

WHEREAS, although the submission of the Certificate of PhilGEPS Registration is now required under the revised IRR of RA 9184 during the post-qualification stage of the procurement process, the purpose of PhilGEPS registration is still meant to ensure widest dissemination of the procurement activity;

WHEREAS, PhilGEPS registration, prior to bid opening or procurement activity, shall ensure widest dissemination of information to prospective bidders and market participants;

WHEREAS, there is no provision in Rule XVI (Alternative Methods of Procurement), except in Limited Source Bidding, which expressly requires PhilGEPS registration for manufacturers, suppliers, distributors, contractors, and consultants that were selected by the procuring entity through any of the alternative modes of procurement;

WHEREAS, registration with PhilGEPS is still required for procurements through alternative methods in order to ensure the widest dissemination of the procurement activity;

WHEREAS, there is a need to identify alternative methods of procurement where registration with PhilGEPS would be impractical and/or unnecessary;

WHEREAS, during the 5th Inter-Agency Technical Working Group (IATWG) Meeting held on 16 August 2013, the IATWG agreed to the following:

- i. Require bidders to be registered with the PhilGEPS prior to bid opening; and
- ii. Approve the issuance of a Resolution amending the revised IRR of RA 9184 to mandate manufacturers, suppliers, distributors, contractors and/or consultants to register with PhilGEPS and provide a PhilGEPS Registration Number in the following alternative methods of procurement:
 - a) Section 49 Limited Source Bidding
 - b) Section 50 Direct Contracting
 - c) Section 51 Repeat Order
 - d) Section 52.1 (b) Shopping of Ordinary Office Use Supplies and Equipment not available in the Procurement Service
 - e) Section 53.1 Two-Failed Bidding
 - f) Section 53.3 Take-Over of Contracts
 - g) Section 53.4 Adjacent and Contiguous
 - h) Section 53.7 Highly Technical Consultants