



# **BEST PRACTICES GUIDE TO THE LAW AND IRR FOR PROCUREMENT OF GOODS**

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**Wednesday, Thursday & Friday, July 27, 28 & 29, 2022**  
**1:30PM to 4:45PM via ZOOM**

## **COURSE OUTLINE**

### **DAY 1:**

#### **Part 1: Fundamental Principles**

##### **1) Fundamental Principles of Public Procurement**

##### **2) Coverage of RA 9184 of Government Procurement Reform Act (GPRA)**

- a) Scope and Application of GPRA
- b) Instances When GPRA Does Not Apply

##### **3) Procurement Organizations (Composition, Roles, and Responsibilities)**

- a) National Level Organizations (GPPB, GPPB-TSO, PS-DBM, and PhilGEPS)
- b) Agency-Level Organizations
  - i) Head of Procuring Entity (HoPE)
  - ii) Bids and Awards Committee (BAC): for National Government Agencies and Government Corporations and for Local Government Units
  - iii) Technical Working Group (TWG)
  - iv) BAC Secretariat
  - v) Observers
  - vi) End Users

#### **Part 2: Procurement Preparations**

##### **4) Electronic Tools for the Conduct of Procurement Activities (GPPB Resolution No. 24-2018)**

- a) Web-meetings
- b) Electronic/ Digital Signatures and Submissions to GPPB-TSO
- c) Webcasting and Videoconferencing
- d) Requirements for Online/ Electronic Bid Submission
- e) GPPB Online Portal and Posting for Procurements under Bayanihan Law 2 and RA 11525 or the Covid 19 Vaccination Program Act
- f) Online Blacklisting Portal and Template Backlisting Order

##### **5) Procurement Planning, Management, and Monitoring (PPMP, APP, Budgeting, PMR, and APCPI)**

- a) Procurement Paradigm
- b) Planning and Preparations for:
  - i. *Technical Specifications (Goods) and Performance Specifications (General Support Services)*
  - ii. *Considerations in "Mixed" Procurements*
- c) Prohibition against Branding and Exceptions
- d) Prohibition against Splitting of Contracts
- e) Determination of ABC
- f) Annual Cash Based and Multi-Year Budget (E.O. 91)
- g) Selection of Procurement Modality

- h) Procurement Reports (PPMP, APP, PMR, and APCPI (Consolidation, Revisions, and Approvals)
- i) GPPB Resolution No. 11-2020 and GPPB TSO Advisory No. 09-2020

**6) Philippine Bidding Documents (PBDs) for Goods, Services and Framework Agreement, 6<sup>th</sup> Edition**

- a) Rationale for PBDs for Goods, 6<sup>th</sup> Edition
- b) Comparison with 5th edition
- c) Contents of PBD for Goods, Support Services, and Framework Agreement, 6<sup>th</sup> Edition
  - Glossary of Acronyms, Terms, and Abbreviations
  - Section I. Invitation to Bid (IB)
  - Section II. Instructions To Bidders (ITB)
  - Section III. Bid Data Sheet (BDS)
  - Section IV. General Conditions of Contract (GCC)
  - Section V. Special Conditions of Contract (SCC)
  - Section VI. Schedule of Requirements
  - Section VII. Technical Specifications
  - Section VIII. Checklist of Technical and Financial Documents Early Procurement Activities (EPA)

**7) New Required Forms and Templates for the procurement of Goods, Support Services and Framework Agreements under GPPB Resolution No. 16-2020 and GPPB Circular No. 04-2020:**

- a) Provisions common to all procurements
- b) Additional Provisions for procurement of Goods, Support Services, and Framework Agreement
- c) Mandatory provisions in required forms and templates

**8) Using PBD 6th Ed. for Foreign-Assisted Projects (FAPs)**

**DAY 2:**

**Part 3: Regular and Electronic Procurement Processes**

**Part 3A: Procurement of Common Use Supplies and Equipment (CSE) at PS-DBM (Virtual Store, E-Wallet, and CNAS)**

**Part 3B: Regular and Electronic Bidding Procedures for Procurement of Goods, Support Services, and Framework Agreements:**

- a) Pre-procurement Conference
- b) Posting or Advertisement
- c) Pre-Bid Conference and Bid Bulletins
- d) Signing, Sealing and Marking of Bids
- e) Modification and Withdrawal of bids
- f) Bid Submission and Receipt
- g) Opening and Preliminary Examination of Bids
  - i. *Platinum Certificate or Class "A" Legal Eligibility, Technical, and Financial Documents*
  - ii. *Bid Security / BSD*
    - Compliance with Technical Requirements*
    - Compliance with Financial Requirements and Bid*
- h) Detailed Bid Evaluation

- i) Post-Qualification
- j) Award of Contract
- k) Performance Security
- l) Warranty Security
- m) Contract Execution

## **9. Notice to Proceed**

### **PART 3C: Regular and Electronic Bidding Procedures for Procurement of Goods and Services through Framework Agreement**

### **PART 3D: Early Procurement Activities (EPA): What are not subject to EPA, When to Start, When to Pause, and When to Award**

### **PART 4: Reconsideration and Protest Mechanism**

### **PART 5: Declaration of Failure of Bidding by the BAC (Section 35 with new Section 35.6)**

### **PART 6: Reservation Clause or Declaration of Failure of Bidding by the HoPE (Section 41)**

**Part 7: Bayanihan Law 2:** Covid-19 Response Procurement of CSE and non-CSE with Special Rules on Domestic Preference under GPPB Resolution No. 19-2020, and of Goods for Social Amelioration Programs, General Support Services, Infrastructure Projects, Consultancy Services and other related services under GPPB Resolution No. 18-2020.

### **Part 8: Procurement of Covid-19 Vaccines and Ancillary Supplies and Services under RA 11525 and GPPB Resolution No. 06-2021 and GPPB Circular No. 02-2021**

## **Day 3**

### **PART 9: Alternative Modes of Procurement (AMP)**

- A. Limited Source Bidding (Section 49)
- B. Direct Contracting (Section 50) (For goods only)
- C. Repeat Order (Section 51) (For goods only)
- D. Shopping (Section 52) (For goods only)
- E. Negotiated Procurements (Section 53) (for Goods)
  - a) Two-Failed Biddings (Section 53.1)
  - b) Emergency Case Procurement (Section 53.2)
  - c) *Take-Over Contracts* (Section 53.3)
  - d) *Agency to Agency* (Section 53.5)
  - e) Scientific, Scholarly, or Artistic Work, Exclusive Technology, and Media Services (Section 53.6)
  - f) Defense Cooperation Agreement (Section 53.8)
  - g) Small Value Procurement (SVP) (Section 53.9)
  - h) Lease of Real Property or Venue (Section 53.10)
  - i) NGO Participation (Section 53.11)
  - j) Community Participation (Section 53.12)
  - k) UN Agencies, International Organizations or International Financing Institutions (Section 53.13)

- l) Direct Retail Procurement of Petroleum Fuels, Oils, Lubricants (POL) and Airline Tickets

## **Part 10: Some Contract Implementation Provisions and Remedies, Offenses and Penalties, and Blacklisting:**

- 1) Advance Payments, Progress Billings, Variation/ Change/ Extra Work Orders, Subcontracting, Recoupment and Retention
- 2) Imposition of Liquidated Damages
- 3) Criminal, Civil, and Administrative Offenses and Penalties
- 4) Blacklisting Guidelines, Template Blacklisting Order, and Online Blacklisting Portal (GPPB Resolution No. 14-2020 and GPPB Circular No. 03-2020)

## **Reading/ File References**

- Updated 2016 Revised IRR (up to 19 February 2020)
- Philippine Bidding Documents (**6<sup>th</sup>** edition) for Goods, Support Services, and Framework Agreement
- Recent GPPB updates and adaptation measures**
  - ✓ **GPPB Resolution No. 03-2020**, March 9, 2020
  - ✓ **GPPB Resolution No. 05-2020**, March 20, 2020
  - ✓ **GPPB TSO NPM No. 003-2020**, March 27, 2020
  - ✓ **GPPB Circular No. 01-2020**, April 6, 2020
  - ✓ **GPPB Resolution No. 09-2020**, May 7, 2020 (*Use of Alternate Documents, E-Bid Submission, and new powers of the PE and BAC*)
  - ✓ **GPPB Resolution No. 12-2020**, May 20, 2020 (*Template Certification of Highest IT Official of Agency for E-Bid Submission*)
  - ✓ **GPPB Resolution No. 11-2020 and GPPB Circular No. 02-2020**, both May 20, 2020 (*E-submission of Procurement Reports and Bayanihan Law 1 Procurements*)
  - ✓ **GPPB Resolution No. 14-2020, and GPPB Circular No. 03-2020**, both June 25, 2020, (*Online Blacklisting Portal and Template Blacklisting Order*)
  - ✓ **GPPB TSO Advisory No. 09-2020**, August 12, 2020 (*Prescribing, and requiring the submission of, the Specimen Signature Form for required submissions to the GPPB-TSO*)
  - ✓ **GPPB Resolution No. 15-2020**, July 28, 2020 (*Approval of the 6<sup>th</sup> Edition of PBD Goods and Infrastructure*)
  - ✓ **GPPB Resolution No. 16-2020, and Circular No. 04-2020**, both Sept 16, 2020 (*Guidelines on using the 6<sup>th</sup> PBD for Goods and Infrastructure, Submission of Required Forms for Procurement of Goods, Infrastructure, and Consulting Services, and other amendments to the 2016 RA 9184 IRR*)
  - ✓ **GPPB Resolution No. 11-2020 and GPPB Circular No. 02-2020**, both May 20, 2020 (*E-submission of Procurement Reports and Bayanihan Law 1 Procurements*)
  - ✓ **GPPB Resolution No. 14-2020 and GPPB Circular No. 03-2020**, both June 25, 2020, (*Online Blacklisting Portal and Template Blacklisting Order*)
  - ✓ **GPPB Resolution No. 15-2020, July 28, 2020** (*Approval of the 6<sup>th</sup> Edition of PBD Goods and Infrastructure*)
  - ✓ **GPPB Resolution No. 16-2020, and Circular No. 04-2020**, both Sept 16, 2020 (*Guidelines on using the 6<sup>th</sup> PBD for Goods and Infrastructure, Submission of Required Forms for Procurement of Goods, Infrastructure, and Consulting Services, and other amendments to the 2016 RA 9184 IRR*)
  - ✓ **GPPB Resolution No. 17-2020**, September 18, 2020 (*Dispensing with CNAS*)
  - ✓ **GPPB Resolution No. 18-2020**, 16 September 2020 (*Approving the Rules on Procurement under the Bayanihan Law 2 and use of the procedure in*

*GPPB Circular No. 01-2020 on direct purchase of agricultural and fishery products)*

- ✓ **GPPB Resolution No. 19-2020**, 21 September 2020 (*Approving the Rules In The Conduct Of Procurement For Goods With Application Of Domestic Preference Covered Under Bayanihan Law 2*)
- ✓ **GPPB Resolution No. 04-2021 and GPPB Circular No. 01-2021**, both March 4, 2021 (*Transparency, accountability, and good governance policies and measures*)
- ✓ **GPPB Resolution No. 06-2021 and GPPB Circular No. 02-2021**, both March 25, 2021 (*Guidelines for emergency procurement under RA 11525 or the Covid-19 Vaccination Program Act of 2021*)
- ❑ **Other Issuances on E-Proceedings and Digital Signatures**
  - ✓ **GPPB Resolution No. 24-2018**, December 4, 2018 (*Videoconferencing and webcasting*)
  - ✓ **GPPB Resolution No. 16-2019**, July 17, 2019 (*Digital Signatures*)
  - ✓ **DICT Department Circular No. 2020-06**, April 2, 2020, (*Philippine National Public Key Infrastructure {PNPKI} Digital Certificates and Signatures*)
- ❑ **Other Issuances**
  - ✓ **RA 11519** - extends the effectivity of Bayanihan Law 2 to **June 30, 2021**
  - ✓ **RA 11520** - extends the validity of GAA FY2020 to **December 31, 2021**
  - ✓ **DBM NBC No. 585-2021** -Guidelines on the Treatment of Released Allotment and Release of Funds for FY 2021 pursuant to RA Nos. 11519 and 11520 (*Appropriations under RA Nos. 11465 and 11494, **shall be available for release, obligation and disbursement** not later than the extended effectivity deadline*)

Attendees from the government are exempted from the P2,000.00 limit set by COA for attending training provided by the private sector based on [Department of Budget and Management Circular No. 563](#) dated April 22, 2016.

Attending this training is not covered by Philippine Procurement Law or RA 9184 based on its Revised IRR's Section 4.5-b. Enumerated as non-procurement activities are the following: Participation in local or foreign scholarships, trainings, continuing education, conferences, seminars or similar activities that shall be governed by applicable COA, CSC, and DBM rules."

**For query, consulting requirements or request for in-house training programs, please contact:**

**Aiza R. Cuenca  
Program Leader  
Center for Global Best Practices**

Manila Lines: (+63 2) 8556-8968 or 69  
Manila Telefax: (+63 2) 8842-7148 or 59

Email: [aiza.cgbp@yahoo.com](mailto:aiza.cgbp@yahoo.com)  
Website: [www.cgbp.org](http://www.cgbp.org)