



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

**Wednesday, Thursday & Friday, May 28, 29 & 30, 2025
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, Powers, and Responsibilities)

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

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) Mandatory Use of the MPhilGEPS for the FY 2023 Indicative Annual Procurement Plan (APP) and the FY 2023 APP (GPPB Resolution No. 04-2022)
- f) mPhilGEPS Electronic Bidding Portal (GPPB Resolution No. 21-2021)
- g) GPPB Online Portal and Posting for Procurements under RA 11525 or the Covid 19 Vaccination Program Act
- h) Online Blacklisting Portal (OBP), Template Backlisting Order and Online Consolidated Blacklisting Report (CBR)
- i) Online Negative List of Surety and Insurance Companies

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

- a) Procurement Paradigm
 - i. Who defines what needs to be procured?
 - ii. Prohibition against Branding and Exceptions
 - iii. Prohibition against Splitting of Contracts

- b) Planning and Preparations: Defining your Procurement Needs
 - i. *Technical Specifications (Goods) and Performance Specifications (General Support Services)*
 - ii. *Common-Use Supplies and Equipment (CSE)*
 - iii. Requirements for Framework Agreements
 - iv. *Considerations in "Mixed" Procurements*
- c) Determination of ABC
- d) Annual Cash Based and Multi-Year Budget (E.O. 91, S. 2019)
- e) Selecting your Procurement Modality:
 - i. *PS-DBM-Virtual Store*
 - ii. *Regular Public Bidding*
 - ❖ *Framework Agreement*
 - iii. *Alternative Modes of Procurement (AMP)*
 - iv. *Early Procurement Activities (EPA)*
- f) Procurement Reports (PPMP, APP, PMR, and APCPI (Consolidation, Revisions, and Approvals))
- g) GPPB Resolution No. 11-2020 and GPPB TSO Advisory No. 09-2020

6) Philippine Bidding Documents (PBDs) for Goods, Services and Framework Agreement, 6th Edition

- a) Rationale for PBDs for Goods, 6th Edition
- b) Comparison with 5th edition
- c) Mandatory Submission of PhilGEPS Platinum Membership Certificate (all pages) (GPPB Resolution No. 15-2021)
- d) Contents of PBD for Goods, Support Services, and Framework Agreement, 6th 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. Updated Checklist of Technical and Financial Documents

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) Request for Clarifications and Supplemental/ Bid Bulletins
- e) Signing, Sealing and Marking of Bids
- f) Modification and Withdrawal of bids
- g) Bid Submission and Receipt
- h) Opening and Preliminary Examination of Bids
 - i. *Eligibilities: PhilGEPS Platinum Membership Certificate (GPPB Resolution No. 15-2021)*
 - ii. *Bid Security / BSD*
 - iii. *Revised Omnibus Sworn Statement (GPPB Circular No. 4-2020)*
 - iv. *Compliance with Technical Requirements*
 - v. *Compliance with Financial Requirements and Bid*
- i) Detailed Bid Evaluation
 - i. *Arithmetical Check*
 - ii. *Accuracy, adequacy, and completeness of provisions in required forms and templates*
- j) Post-Qualification
- k) Award of Contract
- l) Performance Security
- m) Warranty Security
- n) Contract Execution

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)

DAY 3

PART 7: Alternative Modes of Procurement (AMP)

- A. Limited Source Bidding (Section 49)
(Generally for Goods and Consulting Services only)
- B. Direct Contracting (Section 50)
(Generally for Goods only but may apply to certain services)
- C. Repeat Order (Section 51) (For goods only)
- D. Shopping (Section 52) (Generally for CSE only)
- E. Negotiated Procurements (Section 53) (for Goods)
 - a) Two-Failed Biddings (Section 53.1)
 - b) Emergency Case Procurement (Section 53.2) (including Procurement of Covid-19 Vaccines and Ancillary Supplies and Services under RA 11525, GPPB Resolution No. 06-2021 and GPPB Circular No. 02-2021)

- 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 8: 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 and collection of Liquidated Damages
- 3) Calling on Performance Securities

Part 9: Criminal and Administrative Offenses and Penalties, Civil Liabilities, Blacklisting, Consolidated Blacklisting Report (CBR) and Inclusion in the GPPB Negative List of Surety and Insurance Companies:

- 1) Criminal, Civil, and Administrative Offenses and Penalties
- 2) Blacklisting Guidelines, Online Blacklisting Portal (GPPB Resolution No. 14-2020, Template Blacklisting Order (GPPB Circular No. 03-2020), and Consolidated Blacklisting Report
- 3) Inclusion of Surety and Insurance Companies in the GPPB Online Negative List

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:

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