

[GPPB Resolution No. 12-2012, June 01, 2012]

**APPROVING THE GUIDELINES FOR THE USE OF THE
GOVERNMENT OF THE PHILIPPINES-OFFICIAL MERCHANTS
REGISTRY (GOP-OMR) AND THE PROPOSED AMENDMENTS TO
THE IMPLEMENTING RULES AND REGULATIONS OF REPUBLIC
ACT NO. 9184**

Adopted: 01 June 2012

Date Filed: 13 February 2015

WHEREAS, Section 8 of Republic Act (RA) No. 9184 provides that, to promote transparency and efficiency, information and communications technology shall be utilized in the conduct of procurement procedures; the Government Electronic Procurement System (GEPS) shall serve as the primary and definitive source of information on government procurement opportunities; and, the Government Procurement Policy Board (GPPB) is authorized to approve changes in the procurement process to adapt to improvements in modern technology, *provided*, that such modifications are consistent with the provisions of Section 3 of RA 9184;

WHEREAS, Section 8.2.2(a) of the Revised Implementing Rules and Regulations (IRR) provides that the Philippine Government Electronic Procurement System (PhilGEPS, the former G-EPS) shall have a centralized electronic database of all manufacturers, suppliers, distributors, contractors, and consultants registered under the system;

WHEREAS, Sections 23.4 and 24.4.3 of the IRR provide that, to facilitate determination of eligibility of bidders, the Bids and Awards Committee (BAC) of a procuring entity may maintain a registry system using the PhilGEPS or its own manual or electronic system that allows submission and/or recording/entry of eligibility requirements simultaneously with registration;

WHEREAS, Section 8.5.1 provides that all procuring entities already maintaining an electronic registry upon the effectivity of the IRR shall integrate the same with that of the PhilGEPS;

WHEREAS, Section 8.5.1 of the IRR also provides 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; and that they may then participate in procurement activities, *provided*, that they maintain their registration current and updated in accordance with the provisions of the IRR, and their registration is proper and relevant to the particular type of procurement;

WHEREAS, Section 8.5.2 of the IRR provides that eligibility requirements may be sent electronically to a procuring entity through the PhilGEPS; *provided*, however,

that the prospective bidder concerned shall submit a certification to the BAC at least seven (7) calendar days before the deadline for the submission and opening of the technical and financial envelopes that the documents submitted are complete and authentic copies of the original, and all statements and information provided therein are true and correct;

WHEREAS, Sections 23.4.2 and 24.4.3.2 of the IRR provide that the BAC shall issue to a bidder who maintains current and updated files of his Class "A" documents a certification to that effect, which may then be submitted to the procuring entity concerned in lieu of the Class "A" documents;

WHEREAS, Sections 27.2 and 39.2 provide for the posting of bid and performance securities, respectively, in the form of, among others, cash, cashier's/manager's check, bank draft/guarantee, or irrevocable letter of credit issued by a Universal or Commercial Bank;

WHEREAS, Section 62.2.3.3 provides for the posting of a warranty security in the form of, among others, cash or letter of credit issued, or bank guarantee confirmed by a Universal or Commercial Bank;

WHEREAS, Section 8.2.2(c) of the IRR provides that one of the requirements for registration in the centralized electronic database mentioned in Section 8.2.2(a) is an account number with a bank duly licensed by the Bangko Sentral ng Pilipinas (BSP) to facilitate payment as well as the posting of bid and performance security, when applicable;

WHEREAS, on 29 January 2012, the GPPB instructed the PhilGEPS to develop implementation plans for the use of the Expanded Supplier Registry; thereafter, the PhilGEPS and GPPB-Technical Support Office (GPPB-TSO) drafted the guidelines on the use of what is now known as the Government of the Philippines-Official Merchants Registry (GOP-OMR);

WHEREAS, on 18 May 2012, the Inter-Agency Technical Working Group discussed the draft guidelines prepared by the PhilGEPS and GPPB-TSO, and proposed the following:

- (a) the "bank" mentioned in Section 8.2.2(c) of the IRR shall be construed to refer to any bank duly licensed by the BSP to receive payment of fees and other charges, if any, in relation to registration in the GOP-OMR; however, it shall refer and be limited to Universal or Commercial Banks for the purpose of posting bid, performance, and warranty securities per Sections 27.2, 39.2, and 62.2.3.3; and
- (b) the use of the GOP-OMR as the centralized database of merchants shall be mandated for all procuring entities, entailing the shutdown of similar existing registries and the strong encouragement to use the GOP-OMR among those entities which have not shifted as yet to the use of an electronic registry;

WHEREAS, the preparation of the Guidelines for the Use of the GOP-OMR in accordance with the provisions of the IRR pointed to the necessity of amending Sections 8.5.2, 23.4, and 24.4.3 of the IRR to eliminate confusion and seeming redundancy regarding the certification requirement;

WHEREAS, the proposed amendments aim to simplify the certification requirements in the relevant sections by requiring from a merchant seeking registration in the GOP-OMR a certification stating that the documents submitted are complete and authentic copies of the original, and all statements and information provided therein are true and correct; and, thereafter, the PhilGEPS shall issue a Certificate of Registration and Membership that can then be used for purposes of Sections 23.4 and 24.4.3;

WHEREAS, the proposed Guidelines for the Use of the GOP-OMR and the amendments to Sections 8.5.2, 23.4, and 24.4.3 of the IRR resulting from the preparation of the Guidelines were thoroughly and carefully reviewed, deliberated, and approved by the Members of the Board during the 5th Meeting of the GPPB on 01 June 2012;

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) Issuance of the Guidelines for the Use of the Government of the Philippines - Official Merchants Registry. A copy of the said Guidelines is hereto attached as Annex "A" and made an integral part hereof; and,
- 2) Sections 8.5.2, 23.4, and 24.4.3 of the IRR of RA 9184 are respectively amended to read as follows:

Section 8.5.2. Eligibility requirements may be sent electronically or manually to the PhilGEPS. When a manufacturer, supplier, distributor, contractor, or consultant registers with PhilGEPS, it shall submit along with the requirements a certification stating that the documents submitted are complete and authentic copies of the original, and all statements and information provided therein are true and correct. Upon confirmation, validation, and verification of the documents submitted, PhilGEPS may issue, in favor of the registered entity, a Certificate of Registration and Membership that contains the certification mentioned in the preceding sentence.

Section 23.4. To facilitate determination of eligibility, the BAC of a procuring entity may use the contents of the PhilGEPS electronic registry of manufacturers, suppliers, distributors, contractors, and/or consultants.

23.4.1 The PhilGEPS registry system shall contain the foregoing Class "A" documents, which should be maintained current and updated by the bidder concerned at least once a year or more frequently as may be necessary.

23.4.2 A bidder who maintains a current and updated file of his Class "A" Documents may submit to the procuring entity, in lieu of the said documents, the Certificate of Registration and Membership issued by PhilGEPS pursuant to Section 8.5.2.

Section 24.4.3. To facilitate determination of eligibility, the BAC of a procuring entity may use the contents of the PhilGEPS electronic registry

of manufacturers, suppliers, distributors, contractors, and/or consultants.

24.4.3.1 The PhilGEPS registry system shall contain the foregoing Class "A" documents, which should be maintained current and updated by the bidder concerned at least once a year or more frequently as may be necessary.

24.4.3.2 A bidder who maintains a current and updated file of his Class "A" Documents may submit to the procuring entity, in lieu of the said documents, the Certificate of Registration and Membership issued by PhilGEPS pursuant to Section 8.5.2.

This resolution shall take effect immediately.

APPROVED this 1st day of June 2012 at Pasig City, Philippines

Signed by the Representatives of the Following Agencies:

DEPARTMENT OF BUDGET AND MANAGEMENT
NATIONAL ECONOMIC AND DEVELOPMENT AUTHORITY
DEPARTMENT OF EDUCATION DEPARTMENT OF ENERGY
DEPARTMENT OF FINANCE DEPARTMENT OF HEALTH
DEPARTMENT OF PUBLIC WORKS AND HIGHWAYS
DEPARTMENT OF SCIENCE AND TECHNOLOGY
DEPARTMENT OF TRADE AND INDUSTRY
DEPARTMENT OF TRANSPORTATION AND COMMUNICATIONS
DEPARTMENT OF THE INTERIOR AND LOCAL GOVERNMENT
DEPARTMENT OF NATIONAL DEFENSE
PRIVATE SECTOR REPRESENTATIVE

Attested by:

DENNIS S. SANTIAGO
Board Secretary, GPPB Executive Director, GPPB-TSO

ANNEX "A"

GUIDELINES FOR THE USE OF THE GOVERNMENT OF THE PHILIPPINES - OFFICIAL MERCHANTS REGISTRY (GOP-OMR)

1. POLICY STATEMENT

To promote transparency and efficiency, information and communications technology shall be utilized in the conduct of procurement procedures. Accordingly, there shall be a single portal that shall serve as the primary source of information on all government procurement. (Section 8, Republic Act No. 9184 (R.A. 9184)); (*Section 8.1.1, Rule III, Revised Implementing Rules and Regulations (Revised IRR)*)