



# WELCOME TO THE 4<sup>TH</sup> DAY OF PAGBA CONFERENCE

**July 4, 2025**

**Annabelle M. Atillo**

*Resource Speaker*

# A GLIMPSE OF RA 12009



# PROCUREMENT LAWS

## PREVIOUS LAW

RA 9184  
GPRA



## NEW LAW



TITLE: AN ACT PROVIDING MODERNIZATION, STANDARDIZATION AND REGULATION OF PROCUREMENT ACTIVITIES OF THE GOVERNMENT AND FOR OTHER PURPOSES ([RA 9184](#))




AN ACT REVISITING REPUBLIC ACT NO. 9184 KNOWN AS GOVERNMENT PROCUREMENT REFORM ACT AND FOR OTHER PURPOSES ([RA 12009](#))

# KEY PROVISIONS OF REPUBLIC ACT NO. 12009 (NEW GOVERNMENT PROCUREMENT ACT) & ITS IMPLEMENTING RULES AND REGULATIONS (IRR)

This module provides an introduction to the NGPA and its IRR, emphasizing the governing principles, key reforms, and improvements that modernize government procurement in the Philippines. Participants will gain insights into the fundamental provisions and explore how these strengthen procurement processes and enhance the competence of procurement practitioners.

# OBJECTIVES

At the end of this module, learners are expected to:

-  **KNOW** the background and rationale behind the development of the New Government Procurement Act (NGPA).
-  **INTRODUCE** the new provisions under the NGPA and its Implementing Rules and Regulations (IRR).
-  **EXPLAIN** the key reforms and improvements under the NGPA and its IRR to apply them in procurement projects.

# OUTLINE

- 1 Brief Background of the NGPA
- 2 General Provisions of the NGPA and its IRR
- 3 Key Features of the NGPA and its IRR





# BRIEF BACKGROUND OF THE NGPA



## WHY THE CHANGE?

- 1 **Identified gaps in RA No. 9184:** slow processes, low bidder participation, and challenges in contract implementation
- 2 **Need for modernization:** digital transformation, sustainable procurement approaches, and risk-based procurement planning



In the race for quality,  
there is no finish line.

David T. Kearns

# IMPORTANT DATES TO REMEMBER



## New Government Procurement Act (NGPA)

Approved: 20 July 2024  
Published\*: 29 July 2024  
Effectivity: 13 August 2024



## Implementing Rules and Regulations (IRR)

Within One Hundred Eighty (180) Days from the promulgation of this Act  
Effectivity: 25 February 2025



## Standard Bidding Forms

Within Ninety (90) Days of the approval of the IRR, the standard forms for procurement shall be developed and approved by the GPPB

\* Business Mirror  
Manila Bulletin

# TRANSITORY PROVISION

- ◆ Pursuant to Sec. 113, RA No. 9184 & its IRR remains in effect until full transition.
- ◆ The GPPB, HoPE, Procuring Entities, and BACs have three (3) years from the approval of standard bidding forms to fully comply with the NGPA.



*(Reference: RA No. 12009, IRR Section 113)*

## WHAT ARE COVERED BY THE NEW IRR?



- ◆ Apply to all procurement activities where the **advertisement or invitation was issued after the date of the IRR's effectivity.**

*(Reference: RA No. 9184, IRR Section 74.2  
in relation to RA No. 12009, IRR Section 112.2)*



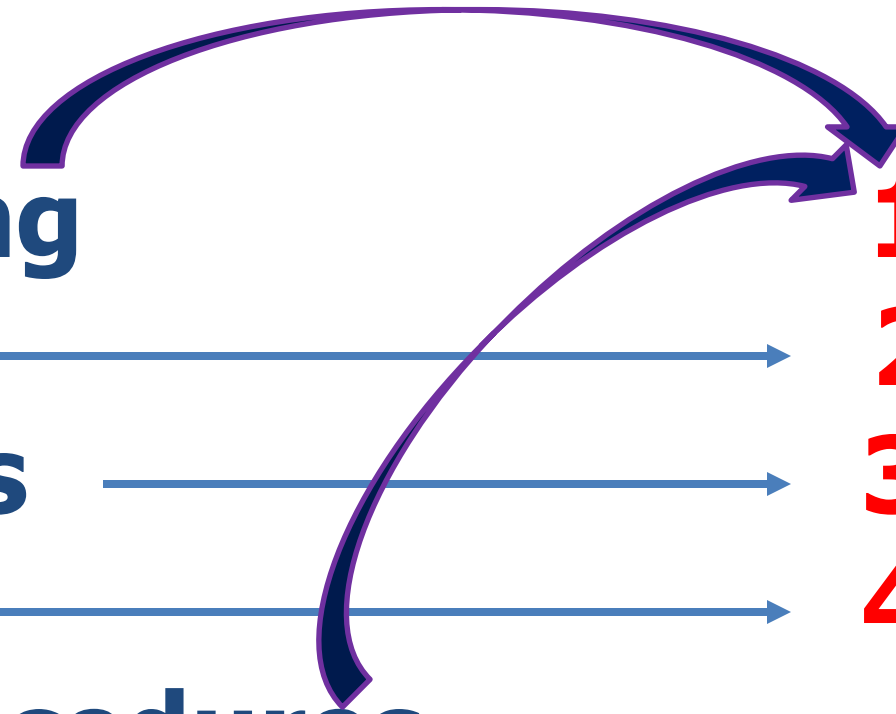
- ◆ For provisions that have existing standard bidding forms, these forms may continue to be used until the new forms are issued by the GPPB
- ◆ Provisions that **do not require forms or guidelines** can already be applied.

*(Reference: RA No. 12009, IRR Sections 6.2 and 113.3)*

## GOVERNING PRINCIPLES

### RA 9184 (5)

**P**-ublic Monitoring  
**A**-ccountability  
**C**-ompetitiveness  
**T**-ransparency  
**S**-treamlined Procedures



### RA 12009 (8)

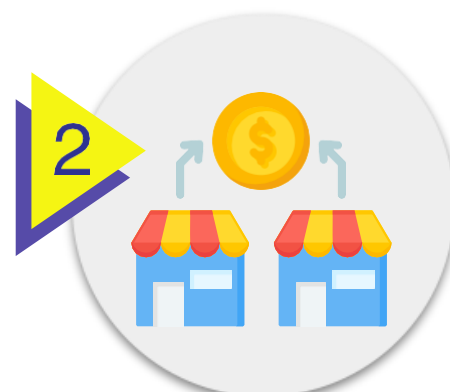
- 1. Increased Efficiency**
- 2. Enhanced Accountability**
- 3. Improved Competitiveness**
- 4. Enhanced transparency**
- 5. Proportionality**
- 6. Participatory**
- 7. Sustainability**
- 8. Professionalism**

# GOVERNING PRINCIPLES



## Enhanced Transparency

*Open contracting practices and standards*



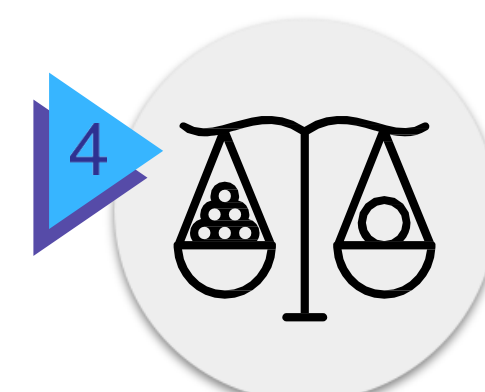
## Improved Competitiveness

*Equal Opportunity to all Private and Public Entities*



## Increased Efficiency

*Use of emerging technologies and innovative solutions*



## Proportionality

*New principle to ensure fit-for-purpose approaches*



## Enhanced Accountability

*Administrative liability of both public officers and private entities*



## Participatory Procurement

*New principle that enhances the role of Observers that include CSOs and POs*



## Sustainability

*New principle to consider social, economic, and environmental impact to procurement projects*



## Professionalism

*New principle to institutionalize professionalization of procurement practitioners*

*(Reference: RA No. 12009, IRR Section 3)*

# SCOPE AND APPLICATION



GOODS

◆ **Scope:** Applies to all procurement by any branch, agency, department, bureau, office, or instrumentality of the GoP, including GOCCs, GFIs, SUCs, and LGUs, regardless of source of funds.



INFRASTRUCTURE PROJECTS

◆ **Treaties or international or executive agreements:** Prevail over the IRR in case of conflict; if silent on foreign-funded procurement, the IRR applies.



CONSULTING SERVICES

- ◆ **Non-procurement activities:**
  - Direct assistance, in cash or in kind, to beneficiaries
  - Participation in local or foreign scholarships or trainings governed by DBM or COA rules.
  - Engagement of Contract of Service and Job Order personnel
  - Disposal of government properties, unless otherwise provided

*(Reference: RA No. 12009, IRR Section 4)*

# TREATMENT OF LEASE CONTRACTS

**UPDATE**



**Movable properties** shall also be subject to government procurement using the most applicable mode of procurement.

Example: Lease of Photocopiers

*(Reference: RA No. 12009, IRR Section 80)*

# NEW DEFINITION OF TERMS

## Procurement-specific Concepts:

**Approved Budget for the Contract**

Now includes the phrase “within authorized amount” to provide clarity and flexibility

**Beneficial Owner**

Requires full disclosure of ultimate owners or controlling interests of bidders

**Fit-for-Purpose**

Emphasizes procurement approaches to meet specific project needs and objectives

**Life Cycle Cost**

Considers the total cost of ownership over the entire life of an asset

**Value for Money**

Focuses on achieving the most advantageous combination of cost, quality, and sustainability

*(Reference: RA No. 12009, IRR Section 5)*

# NEW DEFINITION OF TERMS

## Procurement Process Elements:

### Blacklisting

Refers to an administrative penalty imposed by the Head of Procuring Entity that prohibits a person or entity, including its affiliates, from participating in all government procurement activities for a specified period.

### End-User or Implementing Unit

Pertains to the office or employee responsible for identifying, planning, designing, and implementing a procurement project based on the agency's needs; if separate, their roles and responsibilities are defined by the Procuring Entity.

### Jury Duty

Emphasizes the responsibility of BAC, TWG, Secretariat members, and End-User or Implementing Unit to prioritize procurement assignments over all other duties until the procurement requirements are completed

*(Reference: RA No. 12009, IRR Section 5)*

# NEW DEFINITION OF TERMS

## Sustainable Public Procurement:

### Environmental Impact

Refers to effects of products, services, or activities on the environment and ecosystems.

### Green Criteria

Refers to standards used to evaluate and select goods and services based on their environmental impact.

### Philippine Products and Services

Emphasizes preference for local goods and services

*(Reference: RA No. 12009, IRR Section 5)*



# KEY FEATURES OF RA NO. 12009 AND ITS IRR



# STRATEGIC PROCUREMENT PLANNING AND BUDGETING LINKAGE



**All procurement shall be undertaken with proper and sufficient planning and preparation.**



*(Reference: RA No. 12009, IRR Sections 7-19)*

# STRATEGIC PROCUREMENT PLANNING AND BUDGETING LINKAGE

## Procurement Planning Considerations

- **Life Cycle Assessment (LCA) & Life Cycle Cost Analysis (LCCA):** LCA assesses environmental impact, while LCCA evaluates total cost from acquisition to disposal for cost efficiency.
- **Subcontracting:** Provides clear requirements to ensure compliance and accountability.
- **Multi-year Contracting:** Enables long-term contracts for project continuity and budget efficiency.
- **Early Procurement Activities (EPA):** Allows EPA, short of award, pending budget approval to prevent project delays.
- **Design and Build Scheme:** Fast-tracks project implementation with a single point of responsibility for design and construction.

*(Reference: RA No. 12009, IRR Sections 7.3)*

# STRATEGIC PROCUREMENT PLANNING AND BUDGETING LINKAGE

## Procurement Planning Considerations

- **Engagement of a Procurement Agent:** Now recognized as a strategy to assist PEs with limited procurement capacity.
- **Framework Agreement:** Expanded to include Goods, Infrastructure, and Consulting Services for procurement flexibility.
- **Pooled Procurement:** Enhances efficiency through demand aggregation.
- **Renewal of Regular and Recurring Services:** Removes cap on renewals; allows more than 1-year term contract for telecommunications and office space rentals.
- **Warehousing and Inventory System:** Strengthens storage and tracking with an auditable system; PEs to develop specific guidelines.

*(Reference: RA No. 12009, IRR Sections 7.3)*

# STRATEGIC PROCUREMENT PLANNING AND BUDGETING LINKAGE

## SPECIFICATIONS

### ◆ Basis for Specifications

- Developed by the End-User or Implementing Unit with consideration for **technical, quality, and sustainability factors**.
- Can be based on any or combination of: (i) **performance or functionality requirements**, (ii) **product or service standards specified by appropriate government entities or similar international bodies**, and (iii) **industry standards and best practices**.

### ◆ Restriction on Brand Names

- Brand names are **not allowed**, except when necessary for: (i) **technical compatibility & interoperability**, (ii) **servicing & maintenance**, or (iii) **preservation of supplier warranty**
- **Justifications for exceptions must be documented** in the Technical Specifications, Scope of Work, or Terms of Reference.

*(Reference: RA No. 12009, IRR Section 11)*

# ELECTRONIC GOVERNMENT PROCUREMENT

## ◆ Strengthened PhilGEPS

- Enhanced data security, integrity, and confidentiality
- Features of the PhilGEPS, such as e-Marketplace



## ◆ Electronic Procurement

- End-to-end process from planning to contract management
- Interconnected database among relevant agencies
- Electronic payment integration



## ◆ Procurement Data Analytics

- Assist Procuring Entities in their procurement planning
- Guide oversight bodies for data-driven policy interventions
- Shows patterns or trends to detect fraud



*(Reference: RA No. 12009, IRR Sections 20-25)*

## MODES OF PROCUREMENT

### RA 9184 (6)

General Rule

Competitive Bidding

AMP

1. Direct Contracting
2. Limited Source Bidding
3. Repeat Order
4. Negotiated Procurement (14)
5. **Shopping (2)**

### RA 12009 (11)

No more DEFAULT and AMP




1. Competitive Bidding
2. Direct Contracting
3. Limited Source Bidding
4. **Repeat Order**
5. Negotiated Procurement (13)
6. ***Small Value Procurement***
7. Direct Acquisition
8. Direct Sales
9. Competitive Dialogue
10. Unsolicited Offer with BM
11. Direct Acquisition for STI

## NEGOTIATED PROCUREMENT (14) per RA 9184






1. Two-Failed Biddings;
2. Emergency Cases;
3. Take-over of Contracts;
4. Adjacent or Contiguous;
5. Agency-to-Agency;
6. SSAWETMS;
7. Highly Technical Consultants;
8. Defense Cooperation Agreement;
- 9. Small Value Procurement;**
10. Lease of Real Property and Venue;
11. NGO Participation;
12. Community Participation;
13. United Nations Agencies, International Org., or IFI,
14. Direct Retail Purchase:
  - a. POL
  - b. airline tickets
  - c. on-line subscription

# MODES OF PROCUREMENT




## CARRIED OVER FROM RA NO. 9184

-  **Competitive Bidding**  
(No longer the default mode of bidding)
-  **Negotiated Procurement**
-  **Direct Contracting**

## NEW MODES UNDER RA NO. 12009

-  **Direct Acquisition**
-  **Unsolicited Offer with Bid Matching**
-  **Direct Sales**
-  **Competitive Dialogue**
-  **Direct Procurement for Science, Technology, and Innovation**

## EXPANDED/ ENHANCED UNDER RA NO. 12009

-  **Repeat Order**
-  **Small Value Procurement**  
(Increased to Php2,000,000 for NGAs)
-  **Limited Source Bidding**

## DELETED UNDER RA NO. 12009



*(Reference: RA No. 12009, IRR Sections 26-37)*

# BID EVALUATION / AWARD CRITERIA

**Most Economically Advantageous  
and Responsive Bid (MEARB)**

**Most Advantageous  
and Responsive Bid (MARB)**

**QUALITY + PRICE**

**QUALITY**



*(Reference: RA No. 12009, IRR Section 49)*

# MANDATORY VIDEO RECORDING AND LIVESTREAMING

- ◆ **Coverage:** All procurement-related conferences for Competitive Bidding, which includes pre-procurement conference, pre-bid conference, bid opening, and other meetings of the BAC, must be video recorded.
- ◆ **Threshold:** Above Php 10 million for Goods, above Php 20 million pesos for Infrastructure Projects, and above Php 5 million pesos for Consulting Services.
- ◆ Video recordings must be stored for a **minimum of five (5) years** and be made available to the public upon request and payment of a fee.
- ◆ **Livestream the preliminary examination and the opening of the bids to the public** on the PE website, social media account, or any other form of live streaming services.



## **NOTE:**

For procurement involving **national security**, the HoPE can decide whether to record the conferences, considering sensitivity and confidentiality.

*(Reference: RA No. 12009, IRR Section 38)*

# ENHANCED TRANSPARENCY AND ACCOUNTABILITY MEASURES



## Expanded Role of Observers

1. COA
2. From a duly recognized private group in a sector or discipline relevant to the procurement at hand
3. From a civil society organization (CSO) or people's organization (PO) which shall meet the **qualifications**

### **Note:**

- Observer's mandatory submission of reports
- GPPB to maintain a registry or roster of qualified observers

*(Reference: RA No. 12009, IRR Section 61)*



## Full Disclosure of Beneficial Ownership

The beneficial ownership information shall be a requirement to participate in government procurement, specifically: Competitive Bidding, Limited Source Bidding, Competitive Dialogue, or Unsolicited Offer with Bid Matching.

The GPPB shall maintain an online registry of beneficial ownership information of bidders which shall be accessible to the public.

*(Reference: RA No. 12009, IRR Section 82)*

## OTHER NOTABLE CHANGES

### JOINT VENTURE PARTICIPATION

- RA No. 12009 now sets **specific qualifications** for joint ventures.
- **Each partner's primary purpose must be related to the procurement project**

*(Reference: RA No. 12009, IRR Section 52)*

### REVISED SECURITY POLICIES

- **Selection of forms of securities:**
  1. For bid securities: at the option of the bidders.
  2. For performance securities, warranty securities, and advance payment securities: at the discretion of the Procuring Entity.
- **Letter of Credit or bank guarantee issued by any bank**

*(Reference: RA No. 12009, IRR Sections 56, 68, 90, 71.2.5)*

### PERIOD OF ACTION

- The procurement process (from bid opening to contract award) must not exceed **60 calendar days** (previously 90 days under RA No. 9184).
- **The GPPB may adjust this period, but not beyond 90 days.**

*(Reference: RA No. 12009, IRR Section 67)*

# BIDS AND AWARDS COMMITTEE

## ◆ • BAC Establishment

- Each Procuring Entity must establish a BAC at its head office.
- Decentralized units act as their own PE, with HoPE delegating authority. Multiple BACs may be created for efficiency when necessary.

## ◆ • BAC Composition

- Five (5) or seven (7) members.  
Provisional member may include sustainability officers.

## ◆ • Other Important Points

- Chief Accountant (or LGU Treasurer) cannot be a regular BAC member.
- Fixed BAC term: 1 year, renewable up to 3 consecutive terms (HoPE may extend). Staggered designations encouraged for knowledge transfer.

*(Reference: RA No. 12009, IRR Section 41)*

## BIDS AND AWARDS COMMITTEE

### ◆ BAC Functions (Revised under RA No. 12009)

a. Recommend to the HoPE the use of any modes of procurement under Rule IV of the IRR.

i. Recommend award of contracts to the HoPE or the duly authorized representative; **Provided, that in the event the HoPE shall disapprove such recommendation, such disapproval shall be based only on valid, reasonable, and justifiable grounds to be expressed in writing, copy furnished the BAC;**

k. Prepare a procurement monitoring report that shall be approved and submitted by the HoPE to the GPPB on a semestral basis. The contents and coverage of this report shall be in the form prescribed by the GPPB provided in this IRR.

*(Reference: RA No. 12009, IRR Section 42)*

# BIDS AND AWARDS COMMITTEE

## ◆ BAC Honoraria

### Eligibility & Amount

- All BAC, TWG, and ad hoc Secretariat members may receive honoraria up to **30%** of their basic monthly salary, subject to fund availability.
- Undersecretaries, Assistant Secretaries, and equivalent ranks designated as BAC members are entitled to honoraria.

### Funding Sources

- May be sourced from fees collected by the BAC for procurement activities.
- The DBM will issue guidelines and may identify additional funding sources.

### Exclusion

- Officials & employees whose primary function is procurement are not entitled to honoraria.

*(Reference: RA No. 12009, IRR Section 45)*

# PROFESSIONALIZATION

- ◆ The DBM shall create **procurement positions based on CSC-approved qualification requirements**, as recommended by the GPPB, to ensure expertise in procurement.
- ◆ The GPPB shall develop the following:
  - **Competency Framework:** identifies skills, knowledge, and abilities required for procurement professionals to enhance efficiency and compliance.
  - **Certification Framework:** Implements a certification system to validate procurement expertise.
  - **Code of Ethics:** Defines ethical standards and principles to guide procurement professionals in transparent and accountable decision-making.
  - **Inclusive Capacity Development Program:** targets procurement practitioners from both public and private sectors to ensure accountability, supplier diversity, competition, efficiency and value for money. This may include secondment opportunities for knowledge sharing.
- ◆ **Professional licensing requirements** shall be developed by the PRC, in consultation with the GPPB.

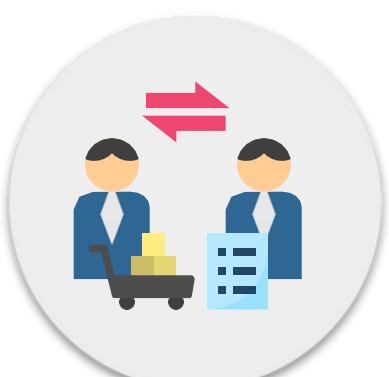
# CONTRACT IMPLEMENTATION & TERMINATION



GOODS



INFRASTRUCTURE PROJECTS



CONSULTING SERVICES

- ◆ **Strengthened Implementation & Contract Management:** The NGPA, through its IRR, consolidates the pertinent guidelines on **contract implementation** (*i.e., Annex D, E and F of RA No. 9184*), covering critical aspects, such as requirements for contract execution, termination, modifications, liquidated damages, and advance payments, if applicable.
- ◆ **Modifications during Contract Implementation:** Applies to all types of procurement, including **Consulting Services** which now allows **Contract Amendment** where the total increase in cost does not exceed 20% of the original contract price.

*(Reference: RA No. 12009, IRR Section 71)*

# SUSTAINABLE PUBLIC PROCUREMENT



## ECONOMIC

- ◆ **Green Public Procurement:** mandates government entities to incorporate environmentally friendly criteria in their procurement processes, aiming to reduce the ecological footprint of public purchases.

- ◆ **Development of a Green Market:** calls for the creation of a Green Local Market to promote sustainable local products and services, supported by a DTI-led certification program for green products.



## ENVIRONMENTAL

- ◆ **Inclusive Procurement Program:** aims to provide equal opportunities in government procurement to vulnerable sectors, microenterprises, social enterprises, and startups, emphasizing inclusivity across various social and economic dimensions.



## SOCIAL

- ◆ **Gender Responsive Procurement:** reinforces the commitment to gender equality by requiring procuring entities to prioritize gender equity in all procurement activities, with policies being developed to promote fair competition with a focus on gender parity.

*(Reference: RA No. 12009, IRR Sections 72, 74 - 77)*

# GREEN PUBLIC PROCUREMENT STRATEGY

**Green Public Procurement (GPP)** is an approach which Procuring Entities must acquire Goods, Infrastructure, & Consulting Services with reduced environmental impact throughout their life cycle.



- ◆ **Green criteria must** be embedded in procurement planning, design, and specifications to support climate action & disaster resilience.
- ◆ **Bids that include green specifications** will be given **greater weight** during evaluation.
- ◆ **Procuring Entities must submit annual reports** on the quantity and value of green procurements to the GPPB to improve environmental standards and track progress.

*(Reference: RA No. 12009, IRR Section 73)*

# GREEN PROCUREMENT

ITEMS	SPECIFICATIONS		
TOILET PAPER	<p>Made out of raw materials from 100% recycled fibre. Recycled fibre must contain not less than 60% post-consumer fibre.</p> <p>Manufactured with bleaching agents which do not contain chlorine.</p> <p>The core as well as any paper wrapping and carton box packing are made from 100% recycled fibre and the cartons are strong enough for storage and transit.</p>	DISINFECTANT SPRAY	<p>Formulated or manufactured with surfactants belonging to alkylphenol ethoxylates (APEOs), ethylene diaminetetra acetic acid (EDTA) or nitrilotriacetate (NTA).</p> <p>Formulated or manufactured with builders belonging to phosphates.</p> <p>Not formulated with any chemicals that are included in the International Agency for Research on Cancer (IARC) lists for proven (Group 1), probable (Group 2A), or possible (Group 2B) carcinogens.</p> <p>Not formulated or manufactured with aromatic compounds.</p> <p>With detailed instructions on maximizing product performance and indications for the proper waste disposal and the recyclability of the container and/or packaging material (UL 2012).</p>
DETERGENT POWDER	<p>Does not contain ethylene diaminetetra acetate (EDTA) nor alkyl ethoxylates (APEO)</p> <p>Packaged in recyclable packaging as much as possible (Green Seal 2013).</p>	RECORD BOOKS	<p>Made out of raw materials from 50% recycled fibre. Recycled fibre must contain not less than 60% post-consumer fibre.</p> <p>Manufactured with bleaching agents which do not contain chlorine.</p> <p>Paper wrapping and carton box must be made from 100% recycled fibre.</p>
LIQUID AND HAND SOAP	<p>Does not contain ethylene-diamene-tetra-acetate (EDTA) nor alkyl ethoxylates (APEO)</p> <p>Packaged in recyclable packaging as much as possible (Green Seal 2013).</p>		

MULTICOPY PAPER	<p>Made out of raw materials from 50% recycled fibre. Recycled fibre must contain not less than 10% post-consumer fibre.</p> <p>Manufactured with bleaching agents which do not contain chlorine.</p> <p>Paper wrapping and carton box must be made from 100% recycled fibre.</p>
PLASTIC TRASH BAG	<p>Consists of polyethylene (PE-LD). Contains a minimum of 30% post-consumer material.</p>
CHAIRS	<p>Made of plastic materials which do not contain lead, chromium, cadmium, mercury, phthalates, halogenated organic substances.</p> <p>Marked for recycling according to ISO 11469 or equivalent and do not contain additions of other materials that may hinder their recycling.</p> <p>Packaged in recycled materials or materials from renewable resources or be a multi-use system.</p>
CLEANER	<p>Not chlorine-based and does not contain inorganic acids.</p> <p>With adequate instructions for proper use and disposal.</p>

LED	<p>With a switching endurance of <math>\geq 50,000</math> times based on a cyclic requirement (switch on and off for 30s).</p> <p>With a colour rendering index of <math>&gt; 80</math>.</p> <p>Fulfills requirements concerning efficiency and lifetime determined by LM80 and defined as follows:</p>															
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<table border="1"> <thead> <tr> <th>Lamp Parameter</th> <th>Deduction from luminous efficacy requirements at 25°C</th> </tr> </thead> <tbody> <tr> <td>Tc &gt; 5,000 K</td> <td>- 10 %</td> </tr> <tr> <td>Ra &gt; 90</td> <td>- 15 %</td> </tr> <tr> <td>Ra &lt; 95</td> <td>- 20 %</td> </tr> </tbody> </table>	Lamp Parameter	Deduction from luminous efficacy requirements at 25°C	Tc > 5,000 K	- 10 %	Ra > 90	- 15 %	Ra < 95	- 20 %								
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Ra < 95	- 20 %															
<p>With a long lifetime of minimum of 15,000 hours.</p>																



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2587 964

or Username  
[Input field]

Password **2**  
[Input field with dots]

**3**

**Login** Clear

[Enroll](#) [Forgot Password](#)



# GO GREEN

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Enroll your cards now in PNB Credit Card Electronic Statement of Account (eSOA).  
It's easy, free, and earth-friendly.

# REVIEW AND APPEAL MECHANISMS



## PROTEST MECHANISM

- Allows bidders to formally contest **procurement decisions of the BAC** they believe are unfair or non-compliant with the law.
- Contents of a **verified position paper**
- **Electronic filing system** to be developed by the GPPB

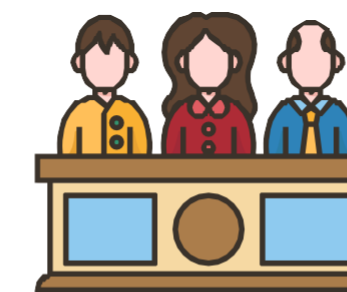
*(Reference: RA No. 12009, IRR Section 83)*



## JUDICIAL INTERVENTION

- **Resort to Courts:** Allowed only after exhausting all administrative remedies
- **Temporary Restraining Orders (TROs):** Only the Supreme Court can issue a TRO, preliminary injunction, or mandatory injunction in procurement cases.

*(Reference: RA No. 12009, IRR Section 85)*



## ALTERNATIVE DISPUTE RESOLUTION

- Allows parties to settle procurement disputes **outside of court** through agreed resolution methods.
- Includes mediation, conciliation, early neutral evaluation, mini-trial, or a combination thereof under **RA No. 9285**.
- Construction-related disputes must be referred to the **Construction Industry Arbitration Commission (CIAC)**.

*(Reference: RA No. 12009, IRR Section 87)*

# GOVERNMENT PROCUREMENT POLICY BOARD

## Enhanced Role and Functions

- ◆ **Central Policy & Oversight Body:** Leads public procurement reforms while aligning with regional and international obligations.
- ◆ **Key Functions:**
  - **Policy Development** – Formulates and amends IRR, procurement manuals, bidding documents, and standard forms; establishes an online automated system for inquiries.
  - **Procurement Professionalization** – Implements capacity-building programs for procurement practitioners.
  - **Strategic Procurement Monitoring** – Uses data analytics for improved procurement planning and evidence-based policymaking.

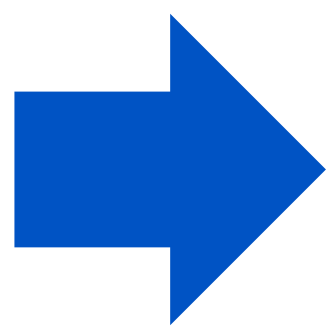
*(Reference: RA No. 12009, IRR Section 91)*

# GOVERNMENT PROCUREMENT POLICY BOARD

## GPPB MEMBERSHIP

RA No. 9184

 <b>DBM</b>	 <b>NEDA</b>	 <b>DepEd</b>	 <b>DILG</b>	 <b>DND</b>	 <b>DoTr</b>
 <b>DPWH</b>	 <b>DOST</b>	 <b>DTI</b>	 <b>PhilSA</b>	 <b>DOE</b>	 <b>DOF</b>
 <b>DOH</b>	 <b>DICT</b>	<b>PRIVATE SECTOR REPRESENTATIVE</b>			



RA No. 12009

 <b>DBM</b>	 <b>NEDA</b>	 <b>DepEd</b>
 <b>DILG</b>	 <b>DND</b>	 <b>DoTr</b>
 <b>DPWH</b>	 <b>PS-DBM</b>	<b>PRIVATE SECTOR REPRESENTATIVE</b>

(Reference: RA No. 12009, IRR Section 91)

# GOVERNMENT PROCUREMENT POLICY BOARD

## INTER-AGENCY TECHNICAL WORKING GROUP (IATWG)

- Formed to **provide subject-matter expertise** on procurement policies.
- Includes **representatives from various sectors** (economic, social, agriculture, health, education, ICT, etc.) to ensure inclusivity and governance.
- Can invite **technical experts and resource persons** for policy recommendations.



*(Reference: RA No. 12009, IRR Section 91)*

# ADMINISTRATIVE SANCTIONS

## ADMINISTRATIVE LIABILITIES OF PUBLIC OFFICERS

- ◆ **Offenses** include: (i) Premature opening of bids and disclosure of contents; (ii) Unjustified delays in procurement processes; (iii) Undue influence on BAC members or procurement officers; (iv) Contract splitting to bypass bidding thresholds; (v) Abusing bid rejection powers for preferential treatment; (vi) Simulating procurement eligibility requirements; or (vii) Non-compliance with mandatory procurement provisions.
  
- ◆ **Sanctions** include:
  1. Administrative penalties even without criminal prosecution.
  2. Preventive suspension of BAC, TWG, or Secretariat members during investigation.
  3. Civil liability for damages or unwarranted benefits upon conviction.

*(Reference: RA No. 12009, IRR Section 92)*

# ADMINISTRATIVE SANCTIONS

## ADMINISTRATIVE LIABILITIES OF PRIVATE ENTITIES

- ◆ **Corrective measure based on severity of offense:**
  - Fines for violations.
  - Rehabilitation & corrective action plans for compliance.
  - Probationary monitoring of performance.
  - Mandatory trainings/workshops to improve procurement practices.
- ◆ **Offenses** are identified under each penalty.
- ◆ **Penalties:**
  - **Suspension** prohibits participation in specific PE for a set period; mere violation of rules and procedures.
  - **Blacklisting** disqualifies entities from all government procurements, either for a set period or permanently; grounds are tainted with fraud or collusion.

*(Reference: RA No. 12009, IRR Section 98)*

# QUESTION & ANSWER





# THANK YOU



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