



Republic of the Philippines
DEPARTMENT OF PUBLIC WORKS AND HIGHWAYS
CENTRAL OFFICE
Manila

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DEPARTMENT MEMORANDUM)

CIRCULAR NO.)
Series of 2023)

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di 5/11/2023

FOR/TO : UNDERSECRETARIES
ASSISTANT SECRETARIES
REGIONAL DIRECTORS
BUREAU DIRECTORS
SERVICE DIRECTORS
HEADS OF UPMOs
DISTRICT ENGINEERS
HEADS OF ATTACHED AGENCIES
OTHERS CONCERNED
This Department

For information and guidance, attached is a copy of **GPPB Resolution No. 12-2022** dated November 29, 2022, with the subject: "**APPROVING THE PROPOSED REVISED ELECTRONIC BIDDING GUIDELINES OF THE MODERNIZED PHILIPPINE GOVERNMENT ELECTRONIC PROCUREMENT SYSTEM.**"

A copy of the said Resolution may also be downloaded from the DPWH website: <http://dpwhweb>. If an office cannot access the DPWH website, a hard copy may be obtained from the Records Management Division, HRAS, upon request.

For dissemination to all concerned.

MARICHU A. PALAFOX, CESO II
Assistant Secretary for Support Services

Encl: GPPB Resolution No. 12-2022 dated November 29, 2022

cc: Office of the Secretary

10.1.4 JVL/CDP/VGV/MSV

APPROVING THE PROPOSED REVISED ELECTRONIC BIDDING GUIDELINES OF THE MODERNIZED PHILIPPINE GOVERNMENT ELECTRONIC PROCUREMENT SYSTEM

WHEREAS, Republic Act (RA) No. 9184, otherwise known as the “Government Procurement Reform Act”, took effect on 26 January 2003, while its 2016 revised Implementing Rules and Regulations (IRR) took effect on 28 October 2016;

WHEREAS, Section 3 (c) of RA No. 9184 and its 2016 revised IRR mandate that all procurement shall be governed by the principle, among others, of having a “[s]teamlined procurement process that will uniformly apply to all government procurement. The procurement process shall be simple and made adaptable to advances in modern technology in order to ensure an effective and efficient method;”

WHEREAS, Section 63 of RA No. 9184 directs the Government Procurement Policy Board (GPPB) to protect national interest in all matters affecting public procurement;

WHEREAS, Section 8.1.1 of the 2016 revised IRR of RA No. 9184 provides that the Philippine Government Electronic Procurement System (PhilGEPS) shall serve as the primary and definitive source of information on government procurement;

WHEREAS, the PhilGEPS submitted to the GPPB-Technical Support Office (GPPB-TSO) the proposed E-Bidding Guidelines of the mPhilGEPS on 03 September 2021. The GPPB-TSO then reviewed the proposed E-Bidding Guidelines and provided recommendations thereon;

WHEREAS, during the 10th GPPB Meeting on 02 December 2021, the Board approved the proposed E-Bidding Guidelines of the mPhilGEPS and directed the PhilGEPS to expand the Observers’ online access during pilot implementation consistent with GPPB Resolution No. 4-2021, among others;

WHEREAS, in a letter dated 19 August 2022, the PhilGEPS submitted its proposed Revised E-Bidding Guidelines;

WHEREAS, during the 6th GPPB Meeting on 27 October 2022, the PhilGEPS made a presentation of its proposed amendments to the E-Bidding Guidelines. In the same meeting, the GPPB directed the PhilGEPS to submit its proposed Revised E-Bidding Guidelines to give the members ample time to review the same;

WHEREAS, in its letter dated 17 November 2022, the PhilGEPS submitted its proposed Revised E-Bidding Guidelines, to include the amendments on Section 6.1.5 Bid Opening, particularly the Decryption of Bids;

WHEREAS, during the 10th IATWG Meeting on 17 November 2022, the IATWG provisionally approved the endorsement of the proposed Revised E-Bidding Guidelines to the GPPB, subject to any further comments from the members of the IATWG;

WHEREAS, during the 7th GPPB Meeting on 29 November 2022, the GPPB-TSO recommended the approval of the following:

1. **DELETE** Section 4.6 (Definition of Terms) of the E-Bidding Guidelines since the Creator is also the person designated to create the Contract and renumber Section 4.7 as Section 4.6 (Definition of Terms) of the E-Bidding Guidelines;
2. **DELETE** the word "Contract Administrator" in Section 5.1.5 (General Guidelines) of the E-Bidding Guidelines to reflect the available roles in the mPhilGEPS;
3. **DELETE** Section 5.2.2 (a) (APP-Online Preparation and Submission) of the E-Bidding Guidelines to reflect the actual processes in the mPhilGEPS and the new Section 5.2.2(a) shall read as follows: "The PE shall download the APP template in Excel format, encode the indicative APP, approved APP, and upload to the APP facility. It can also input the information on the web form via the APP facility";
4. **REWORD** Section 6.1.5 (Bid Opening) of the E-Bidding Guidelines, as follows, since the mPhilGEPS already encrypted the file, it is a challenge to the bid opener to decompress the file, and it is prone to malicious hacking activity as the compressed file may include or embed malicious hacking activity as the uploading of the compressed file may include or embed malicious files that might affect the system: "Prior to the decryption of electronic bids, the BAC and the Bid Opener must first login to mPhilGEPS and establish a BAC quorum. Once the members of the BAC present and logged in constitute a quorum, the Bid Opener shall input the key pair password to decrypt and open the submitted documents. The BAC shall assume no responsibility for the corrupted bid proposal uploaded by the Merchant, or for its premature opening";
5. **INCLUDE** the word "not" in Section 6.2.1 (Alternative Methods of Procurement) of the E-Bidding Guidelines, as follows: "In case of Alternative Methods of Procurement, when the posting of the procurement opportunity is not mandatory, the designated PR Creator and the PR Approver of the PE shall use the PR facility to create and post the Request for Quotation (RFQ) or Request for Proposal (RFP)"; and
6. **INCLUDE** a new provision on Observers (Section 9) of the E-Bidding Guidelines, as follows: "All Observers including the Commission on Audit (COA) must register and create their respective user accounts in the modernized PhilGEPS pursuant to Section 13 of the IRR of RA 9184 in order to be invited in the bidding process conducted by the PEs through the E-bidding Facility. In order to be notified, observers shall set their Field(s) of experience, expertise, or areas of interest in the system in relation to the procurement opportunity at hand. Observers are allowed to browse the published Bid and Award Notices as well as the Annual Procurement Plan. Likewise, they may upload observation reports to a particular Bid Notice per stage of procurement activity and view the results of conducted e-Bidding activities of the Procuring Entities from opening to post qualification through the "View Summary Reports" option, provided that the Procuring Entity invites their organization to observe. Observers may generate reports per agency provided in the system and export them to excel documents."

WHEREAS, the GPPB, after careful review and deliberation, resolved to approve the GPPB-TSO's recommendation on the proposed Revised E-Bidding Guidelines.

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 proposed Revised E-Bidding Guidelines.

A copy of the relevant provisions of the E-Bidding Guidelines that are amended as a consequence of the foregoing is attached as Annex "A" and made an integral part hereof.

This Resolution shall take effect immediately.

APPROVED this 29th day of November 2022 at Manila, Philippines.

Sgd.

GPPB, Chairperson
**DEPARTMENT OF BUDGET AND
MANAGEMENT**

Sgd.

Alternate to the Chairperson
**DEPARTMENT OF BUDGET AND
MANAGEMENT**

Sgd.

**NATIONAL ECONOMIC AND
DEVELOPMENT AUTHORITY**

DEPARTMENT OF EDUCATION

Sgd.

DEPARTMENT OF ENERGY

DEPARTMENT OF FINANCE

Sgd.

DEPARTMENT OF HEALTH

Sgd.

**DEPARTMENT OF INTERIOR AND
LOCAL GOVERNMENT**

Sgd.

DEPARTMENT OF NATIONAL DEFENSE

**DEPARTMENT OF PUBLIC WORKS AND
HIGHWAYS**

Sgd.

**DEPARTMENT OF SCIENCE AND
TECHNOLOGY**

Sgd.

**DEPARTMENT OF TRADE AND
INDUSTRY**

Sgd.

DEPARTMENT OF TRANSPORTATION

Sgd.

**DEPARTMENT OF INFORMATION AND
COMMUNICATIONS TECHNOLOGY**

Sgd.

PHILIPPINE SPACE AGENCY

Sgd.

PRIVATE SECTOR REPRESENTATIVE

**GUIDELINES ON ELECTRONIC BIDDING (E-BIDDING) OF 2016 REVISED
IMPLEMENTING RULES AND REGULATIONS (IRR) OF REPUBLIC ACT (RA) NO.
9184**

ORIGINAL	AMENDED
<p>4.0 DEFINITION OF TERMS</p> <p>xxx</p> <p>4.2 Approver – refers to the person designated to confirm the encoded data and uploaded approved documents.</p> <p>4.5 Creator – refers to the person designated to create the APP, Bid Notices, Supplemental/Bid Bulletin, and Award Notices. This also refers to the person designated in the unit or division of the agency to create the Purchase Request or Job Order Request and Contract.</p> <p>4.6 Contract Administrator – refers to the person designated to create, revise and update the online form of the Contract.</p>	<p>4.0 DEFINITION OF TERMS</p> <p>xxx</p> <p>4.2 Approver – refers to the person designated to validate the encoded data and uploaded approved documents.</p> <p>4.5 Creator – refers to the person designated to create the APP, Bid Notices, Supplemental/Bid Bulletin, and Award Notices. This also refers to the person designated in the unit or division of the agency to create the Purchase Request or Job Order Request and Contract.</p> <p>(NEW) The Creator is also designated to revise and update the online form of the contract.</p> <p>4.6 Contract Administrator – refers to the person designated to create, revise and update the online form of the Contract.</p>
<p>5.0 GENERAL GUIDELINES</p> <p>5.1 Preparatory Activities</p> <p>xxx</p> <p>5.1.5 The PE shall identify the Approver, Bid Opener, Bid Query Officer and Creator, and Contract Administrator, from the Bids and Awards Committee (BAC) Secretariat, the Technical Working Group, or the BAC and approved by the Head of the Procuring Entity (HoPE), as evidenced by an issuance for the purpose, subject to the internal rules of the PE.</p>	<p>5.0 GENERAL GUIDELINES</p> <p>5.1 Preparatory Activities</p> <p>xxx</p> <p>5.1.5 The PE shall identify the Approver, Bid Opener, Bid Query Officer and Creator, and Contract Administrator, from the Bids and Awards Committee (BAC) Secretariat, the Technical Working Group, or the BAC and approved by the Head of the Procuring Entity (HoPE), as evidenced by an issuance for the purpose, subject to the internal rules of the PE.</p>
<p>5.0 GENERAL GUIDELINES</p> <p>xxx</p> <p>5.2 Annual Procurement Plan</p> <p>xxx</p>	<p>5.0 GENERAL GUIDELINES</p> <p>xxx</p> <p>5.2 Annual Procurement Plan</p> <p>xxx</p>

<p>5.2.2 Online Preparation and Submission</p> <ol style="list-style-type: none"> The PE shall convert its APP, Indicative APP, and Supplemental APP into webform. The PE shall download the APP template in Excel format and upload to the APP facility. It can also input the information on the web via the APP facility. The APP template as approved by the Board shall include all the necessary information of the items to be procured. The PE may modify or update the uploaded APP through the issuance of a Supplemental APP, subject to the confirmation of the Approver. 	<p>5.2.2 Online Preparation and Submission</p> <p>a. The PE shall convert its APP, Indicative APP, and Supplemental APP into webform.</p> <p>(RENUMBERED)</p> <ol style="list-style-type: none"> The PE shall download the APP template in Excel format, encode the indicative APP, approved APP and upload to the APP facility. It can also input the information on the web via the APP facility. The APP template as approved by the Board shall include all the necessary information of the items to be procured. The PE may modify or update the uploaded APP through the issuance of a Supplemental APP, subject to the confirmation of the Approver.
<p>6.0 SPECIFIC GUIDELINES</p> <p>6.1. Competitive Bidding</p> <p>xxx</p> <p>6.1.5 Bid Opening</p> <p>xxx</p> <p>c. Decryption of Electronic Bids</p> <p>Prior to the decryption of electronic bids, the BAC and the Bid Opener must first login to mPhilGEPS and establish a BAC quorum.</p> <p>Once the members of the BAC present and logged-in constitute a quorum, the Bid Opener shall input the keypair password to decrypt and open the submitted documents. Bidding Documents which are not in compressed archive folders and are not password-protected shall be rejected. However, bid envelopes that are not properly compressed and password-protected, as required in the Bidding Documents, shall be accepted, provided that the bidder or its duly authorized representative shall provide a written acknowledgment of such condition of the bid as submitted. The BAC shall assume no responsibility for the improperly compressed or password-protected folder, or for its premature opening.</p>	<p>6.0 SPECIFIC GUIDELINES</p> <p>6.1. Competitive Bidding</p> <p>xxx</p> <p>6.1.5 Bid Opening</p> <p>xxx</p> <p>c. Decryption of Electronic Bids</p> <p>Prior to the decryption of electronic bids, the BAC and the Bid Opener must first login to mPhilGEPS and establish a BAC quorum.</p> <p>Once the members of the BAC present and logged in constitute a quorum, the Bid Opener shall input the key pair password to decrypt and open the submitted documents.</p> <p>The BAC shall assume no responsibility for the corrupted bid proposal uploaded by the Merchant, or for its premature opening.</p>
<p>6.0 SPECIFIC GUIDELINES</p> <p>xxx</p>	<p>6.0 SPECIFIC GUIDELINES</p> <p>xxx</p>

<p>6.1. Alternative Methods of Procurement</p> <p>6.2.1. In the case of Alternative Methods of Procurement, when the posting of the procurement opportunity is mandatory, the designated PR Creator and the PR Approver of the PE shall use the PR facility to create and post the Request for Quotation (RFQ) or Request for Proposal (RFP).</p>	<p>6.1. Alternative Methods of Procurement</p> <p>6.2.1. In the case of Alternative Methods of Procurement, when the posting of the procurement opportunity is not mandatory, the designated PR Creator and the PR Approver of the PE shall use the PR facility to create and post the Request for Quotation (RFQ) or Request for Proposal (RFP).</p>
<p><i>No provision yet.</i></p>	<p>9.0 OBSERVERS</p> <p>(NEW) All Observers including the Commission on Audit (COA) must register and create their respective user accounts in the modernized PhilGEPS pursuant to Section 13 of the IRR of RA 9184 in order to be invited in the bidding process conducted by the PEs through the E-bidding Facility. In order to be notified, observers shall set their Field(s) of experience, expertise, or areas of interest in the system in relation to the procurement opportunity at hand. Observers are allowed to browse the published Bid and Award Notices as well as the Annual Procurement Plan. Likewise, they may upload observation reports to a particular Bid Notice per stage of procurement activity and view the results of conducted e-Bidding activities of the Procuring Entities from opening to post qualification through the "View Summary Reports" option, provided that the Procuring Entity invites their organization to observe. Observers may generate reports per agency provided in the system and export them to excel documents.</p>