



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

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07.27.2020

July 23, 2020

DEPARTMENT MEMORANDUM)

CIRCULAR NO.
Series of 2020

69

7/27/2020

FOR / TO : Undersecretaries
Assistant Secretaries
Service Directors
Bureau Directors
Regional Directors
Heads of UPMOs
District Engineers
BAC Chairpersons and Members
This Department

For information and guidance, attached is a copy of **GPPB RESOLUTION No. 14-2020**, re: **"APPROVING THE PRESCRIBED FORM OF BLACKLISTING ORDER, THE IMPLEMENTATION OF THE ONLINE BLACKLISTING PORTAL FOR POSTING AND UPDATING OF STATUS OF BLACKLISTED ENTITIES, THE CIRCULAR FOR THE ISSUANCE AND POSTING OF BLACKLISTING ORDERS, AND THE AMENDMENTS TO SECTION 10 OF THE REVISED GUIDELINES FOR BLACKLISTING OF MANUFACTURERS, SUPPLIERS, DISTRIBUTORS, CONTRACTORS AND CONSULTANTS."**

A copy of 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.

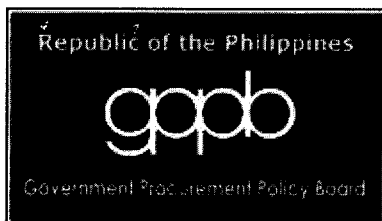
For dissemination to all concerned.

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

Encl: GPPB Resolution No. 14-2020

Cc: Office of the Secretary

12.1.1 CGSC/EDY/MNC/MVSG



RESOLUTION NO. 14 - 2020

APPROVING THE PRESCRIBED FORM OF BLACKLISTING ORDER, THE IMPLEMENTATION OF THE ONLINE BLACKLISTING PORTAL FOR POSTING AND UPDATING OF STATUS OF BLACKLISTED ENTITIES, THE CIRCULAR FOR THE ISSUANCE AND POSTING OF BLACKLISTING ORDERS, AND THE AMENDMENTS TO SECTION 10 OF THE REVISED GUIDELINES FOR BLACKLISTING OF MANUFACTURERS, SUPPLIERS, DISTRIBUTORS, CONTRACTORS AND CONSULTANTS

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

WHEREAS, Section 63 of RA No. 9184 and its 2016 revised IRR authorize the Government Procurement Policy Board (GPPB) to formulate public procurement policies, rules and regulations, and amend its IRR, whenever necessary;

WHEREAS, Section 63 of RA No. 9184 and its 2016 revised IRR further require the GPPB-Technical Support Office (TSO) to conduct evaluation of the effectiveness of the government procurement system and recommendation of improvements in the systems and procedures;

WHEREAS, the GPPB through its Resolution No. 09-2004 dated 20 August 2004, as amended by Resolutions No. 03-2011 and 40-2017 dated 28 January 2011 and 21 December 2017, respectively, approved the revised Guidelines for Blacklisting of Manufacturers, Suppliers, Distributors, Contractors and Consultants (Blacklisting Guidelines);

WHEREAS, during the course of implementation of the 2017 Blacklisting Guidelines, the GPPB-TSO noted several issues concerning the effectiveness and efficiency of the implementation of the Blacklisting Guidelines, to wit:

- 1) Non-compliance of the Procuring Entities (PEs) with the procedural guidelines, e.g., incomplete information as to the start and end date of suspension and on the name of blacklisted manufacturer, supplier, distributor, contractor, or consultant (“Blacklisted Entity”), issuance of Blacklisting Orders (BOs) that are not yet final and executory, and delisting of Blacklisted Entities prior to lapse of period of suspension imposed;
- 2) Late submission of BOs and posting of the names of the Blacklisted Entities in the Consolidated Blacklisting Report (CBR). The delay in submission and posting results in the award of contracts to Blacklisted Entities by other PEs;
- 3) Issuance by courts of temporary restraining orders, preliminary injunctions, and similar provisional remedies against the GPPB and its TSO directing them to remove the names of Blacklisted Entities from the CBR even if the responsibility of the GPPB-TSO is limited to ministerial act of receiving and posting of BOs on the GPPB website and the preparation of the CBR;¹ and
- 4) Implementation of the cancellation of Philippine Government Electronic Procurement System (PhilGEPS) registration of Blacklisted Entities upon notice by the PEs of said blacklisting.

¹ Section 10.3 of the GPPB Resolution No. 40-2017
GPPB Resolution No. 14-2020, dated 25 June 2020

WHEREAS, in September 2019, the GPPB-TSO began studying the needed strategies and improvement on the rules on posting of blacklisting to properly address the foregoing. Among the recommendations proposed are the development of an online system for posting of BOs, adoption of mandatory form for BO, and revision of the Blacklisting Guidelines;

WHEREAS, during the 7th GPPB Regular Meeting on 25 September 2019, Director Rosa Maria M. Clemente of PhilGEPS presented the Modernized PhilGEPS (mPhilGEPS) Blacklisting facility. It was represented that the mPhilGEPS Blacklisting facility is ready and operational. Thus, the Board instructed the revision of the Blacklisting Guidelines to adopt and implement the use of the mPhilGEPS for blacklisting;

WHEREAS, in compliance with the directive of the GPPB, the representatives of GPPB-TSO and PhilGEPS met in October 2019 to determine the readiness of the latter to implement the mPhilGEPS Blacklisting facility. Discussions revealed that the mPhilGEPS Blacklisting facility still follows the 2004 Blacklisting Guidelines, which has already been amended by the GPPB Resolution No. 40-2017. As such, the GPPB-TSO informed the PhilGEPS of the functionalities that need to be revised or updated. These concerns on the functionalities were presented by the GPPB-TSO during the 7th Inter-Agency Technical Working Group (IATWG) Regular Meeting on 17 October 2019;

WHEREAS, in a follow-up meeting in March 2020 between the GPPB-TSO and PhilGEPS representatives, it was determined that necessary changes in the mPhilGEPS Blacklisting facility using the 2017 Blacklisting Guidelines have yet to be implemented. The GPPB-TSO also raised its concern regarding the capability of PhilGEPS to update the system based on the current guidelines and modify the same in case there are further changes in the rules;

WHEREAS, the PhilGEPS in its letter-reply dated 4 May 2020 confirmed that the mPhilGEPS Blacklisting facility still follows the guidelines provided under GPPB Resolution No. 09-2004 and that the timelines for updating the system can only be determined once the needed changes are discussed with its service provider;

WHEREAS, given these representations, the GPPB-TSO pursued the development of the Online Blacklisting Portal (OBP) to address concerns regarding the implementation of the Blacklisting Guidelines, and to transition to the new standard operations in the government such as online and digital forms of communications, alternative work arrangements and similar physical distancing measures due to the Corona Virus Disease 2019 pandemic;

WHEREAS, the implementation of the OBP will also provide the following advantages to the GPPB-TSO, PEs, and bidders, *to wit*:

- 1) Secure online transactions, as only the PE's authorized representative/s, designated as official or alternate user of the OBP, will be able to access and use the OBP;
- 2) Direct and immediate posting of BOs by the PE which will minimize, if not prevent all together, the delay in informing all the stakeholders about the blacklisting, which will in turn prevent the award of contract by other PEs to Blacklisted Entities;
- 3) Timely and complete information on BOs will be posted in the CBR;
- 4) Reliable and accurate data on the implementation of blacklisting which supports the evidence-based approach of the GPPB-TSO in making policy recommendations to the Board;
- 5) Real time update with the automatic notification to the PhilGEPS and PE for every posting of BOs and update made by its official or alternate user

on the Blacklisted Entity's status relative to its PhilGEPS registration or account² and internal control of the system; and

- 6) Effectively addresses the implementation gaps in the temporary or permanent removal of Blacklisted Entities pursuant to lawful orders from judicial or quasi-judicial bodies;

WHEREAS, in light of the foregoing, the GPPB-TSO recommended the following:

- 1) implementation and mandatory use of the OBP for posting and updating of status of Blacklisted Entities;
- 2) issuance of a circular and mandatory use of the BO form to guide the PEs in the requirements for the issuance of BOs and use of OBP;
- 3) amendment of Section 10 of the Blacklisting Guidelines to reflect the changes on the issuance and posting of BOs; and
- 4) grant of authority to GPPB-TSO to issue and update the user's manual, together with the terms and conditions, which will guide the official and alternate users in posting and updating the status of Blacklisted Entities through the OBP.

WHEREAS, on 18 June 2020, the above recommendations were presented to the IATWG which recommended their endorsement for approval of the Board;

WHEREAS, after careful review and deliberations, the Board approved the recommendations of the GPPB-TSO and IATWG, subject to the following modifications:

- 1) Emphasize that the details of the BO form cannot be modified or changed by the PEs; and
- 2) Include automatic notification to the PE, through the BAC Chairperson, of every posting and update made by the official or alternate user;

NOW, THEREFORE, We, the Members of the **Government Procurement Policy Board**, by virtue of the powers vested on **Us** by law and other executive issuances, hereby **RESOLVE** to confirm, adopt, and approve, as **We** hereby confirm, adopt, and approve the following:

1. The mandatory use of the OBP for posting and updating of status of the Blacklisted Entities;
2. Issuance of the Circular, together with the BO form, providing guidelines on the issuance and posting of BOs and updating of status of Blacklisted Entities. A copy of Circular is attached as **Annex "A"**;
3. The amendments to Section 10 of the Blacklisting Guidelines. A comparison between the current provision and the amended provision is attached as **Annex "B"**; and
4. The authority of the GPPB-TSO to issue a User's Manual for OBP, together with the Terms and Conditions, and update the same as it deems necessary;

APPROVED this 25th day of June 2020 at Manila, Philippines.

² Section 5.6 of GPPB Resolution No. 12-2012, Guidelines on the Use of Government of the Philippines – Online Merchant Registry (GOP-OMR) provides that PhilGEPS office shall deny the registration or cancel the account of a blacklisted entity from the GOP-OMR.

SGD.

WENDEL E. AVISADO
GPPB, Chairperson
**DEPARTMENT OF BUDGET AND
MANAGEMENT**

SGD.

LAURA B. PASCUA
Alternate to the Chairperson
**DEPARTMENT OF BUDGET AND
MANAGEMENT**

**NATIONAL ECONOMIC AND
DEVELOPMENT AUTHORITY**

DEPARTMENT OF EDUCATION

SGD.

DEPARTMENT OF ENERGY

DEPARTMENT OF FINANCE

SGD.

DEPARTMENT OF HEALTH

**DEPARTMENT OF THE INTERIOR AND
LOCAL GOVERNMENT**

SGD.

**DEPARTMENT OF NATIONAL
DEFENSE**

SGD.

**DEPARTMENT OF PUBLIC WORKS AND
HIGHWAYS**

SGD.

**DEPARTMENT OF SCIENCE AND
TECHNOLOGY**

SGD.

DEPARTMENT OF TRADE AND INDUSTRY

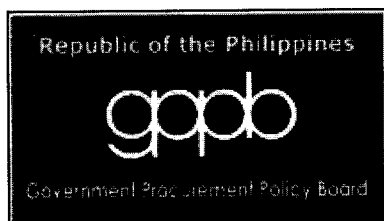
SGD.

DEPARTMENT OF TRANSPORTATION

**DEPARTMENT OF INFORMATION AND
COMMUNICATIONS TECHNOLOGY**

SGD.

PRIVATE SECTOR REPRESENTATIVE



ANNEX "A"

Unit 2504 Raffles Corporate Center,
F. Ortigas Jr. Road, Ortigas Center, Pasig City, Philippines 1605

CIRCULAR 03-2020

25 June 2020

TO : All Procuring Entities

SUBJECT : Guidelines on the Issuance of Blacklisting Orders and on the Use of Online Blacklisting Portal for Posting and Updating of Status of Blacklisted Entities

1.0 Purpose

This Circular is being issued to guide all Procuring Entities (PEs) in the form to be used in the issuance of Blacklisting Orders (BOs) and on the use of the Online Blacklisting Portal (OBP) for posting and updating of status of blacklisted manufacturer, supplier, distributor, contractor, or consultant ("Blacklisted Entity").

2.0 Coverage

This Circular shall apply to all PEs or to any branch, Constitutional Commission, agency, department, bureau, office, or instrumentality of the Government of the Philippines, National Government Agencies, including Government-Owned and/or Controlled Corporations, Government Financing Institutions, State Universities and Colleges, and Local Government Units.

3.0 Issuance of Blacklisting Orders

- 3.1. All PEs must observe the rules and procedures provided under the *Uniform Guidelines for Blacklisting of Manufacturers, Suppliers, Distributors, Contractors and Consultants*" (Blacklisting Guidelines),³ and amendments thereto.
- 3.2. The BOs issued pursuant to the foregoing shall be approved by the Head of the Procuring Entity (HoPE) or appellate authority,⁴ as the case may be, using the form provided in Appendix 1 of this Circular. The form can be downloaded using this link:

<https://www.gppb.gov.ph/downloadables/forms/BOForm.docx>

The BO form shall not be modified by the PE.

- 3.3. All BOs issued carry with it the presumption that the decision is final and executory, i.e., the provisions of Blacklisting Guidelines and the Contract Termination Guidelines,⁵ as the case may be, were duly complied with, and that due process was afforded to the Blacklisted Entity. Thus, BOs issued are no longer subject to appeals.

³ GPPB Resolution No. 40-2017 dated December 21, 2017

⁴ The department, office or government unit exercising general and/or administrative supervision/control over the Procuring Entity.

⁵ Annex I of the 2016 revised Implementing Rules and Regulations of the Republic Act No. 9184
GPPB Resolution No. 14-2020, dated 25 June 2020

4.0 Mandatory Use of the Online Blacklisting Portal

- 4.1. Upon the effectivity of this Circular, PEs shall no longer submit copies of issued BOs to the Government Procurement Policy Board (GPPB) and its Technical Support Office (TSO). Instead, PEs should post its issued BOs in the Consolidated Blacklisting Report (CBR) through the OBP. The OBP may be accessed through this link:

<https://www.gppb.gov.ph/OnlineBlacklistingPortal>

- 4.2. The step-by-step procedures and the terms and conditions for the use of OBP shall be issued by the GPPB-TSO.

5.0 Registration in the Online Blacklisting Portal

- 5.1. PEs are required to register in the OBP at any time after the effectivity of this Circular and prior to the lapse of the period for posting of BOs. A PE shall only be allowed to register once.
- 5.2. The HoPE shall designate the PE's official user in the OBP upon recommendation of the Bids and Awards Committee (BAC), through an office order or any equivalent document.

The BAC, in making its recommendation for the PE's official user in the OBP, shall consider the following qualifications:

- a. He/she has knowledge and familiarity with the blacklisting procedures;
 - b. Holding a plantilla position in the PE;
 - c. He/she has no pending case involving moral turpitude and violations enumerated under Section 65 of Republic Act (RA) No. 9184 and its Implementing Rules and Regulations (IRR);
 - d. He/she is technically capable to use an online system or program; and
 - e. He/she is known to embody honesty and integrity.
- 5.3. The official user shall have the following responsibilities:
- a. Register the PE in the OBP;
 - b. Post BOs and update the same, as may be necessary, the status of Blacklisted Entity; and
 - c. Maintain and update the information reflected in the PE's profile.
- 5.4. At the option of the PE, an alternate user may be designated to perform the responsibilities enumerated under Section 5.3 (b) and (c), provided that the same procedure under Section 5.2 is observed. The official user shall register the alternate user in the OBP following the procedures provided in the User's Manual.
- 5.5. The GPPB-TSO shall validate all requests for registration in the OBP.
- 5.6. In case either or both of the official and alternate users are unable to gain access to the PE's OBP account, they may request assistance from the GPPB-TSO. The request shall be sent through electronic mail at ebblacklisting_support@gppb.gov.ph. The GPPB-TSO will conduct necessary verification before giving access to the official or alternate user.

6.0 Posting of Blacklisting Orders

- 6.1. The official or alternate user shall post the BO in the OBP within three (3) calendar days from the date of its effectivity.

PEs undertaking or which have completed the procedure for blacklisting upon the effectivity of this Circular but have not complied with the posting requirement are given three (3) calendar days from its effectivity to post the same in the OBP.

- 6.2. Upon posting of the BO, the name of the Blacklisted Entity shall automatically be reflected in the CBR which may be accessed using this link:

<https://www.gppb.gov.ph/ConsolidatedBlacklistingReport.php>

- 6.3. Changes in the details and attachment provided shall no longer be allowed upon posting of the BO, except as authorized in Section 6.4. Thus, the official or alternate user must ensure that he/she has carefully reviewed all the details provided before posting the BO.

- 6.4. Necessary modifications in the posting of BOs due to error/s in encoding of details and/or uploading of the correct BO in the OBP shall require approval from the BAC. Once approved, the official or alternate user may then remove the previously posted BO, repost with the correct details, and upload the correct BO together with the approval of the BAC. The period of suspension shall not be affected by the said reposting except if it is the period of suspension that needs to be corrected to conform with the BO.

7.0 Updating the Status of a Blacklisted Entity

- 7.1. The official or alternate user shall update the information in the OBP in the following instances:

- a. Delisting of the Blacklisted Entity from the CBR upon the lapse of the period of penalty or suspension;
- b. Temporary or permanent lifting of the period of suspension or removal of the Blacklisted Entity from the CBR due to a lawful order issued by a judicial or quasi-judicial body; or
- c. Reposting of the name of a Blacklisted Entity after the end of the temporary lifting of the period of suspension or removal of the Blacklisted Entity from the CBR.

- 7.2. Considering the final and executory nature of BOs, the name of the Blacklisted Entity shall only be delisted from the CBR upon the lapse of the period of penalty imposed.⁶ In no case may the PE delist a Blacklisted Entity for reasons other than lapse of the period of penalty, which may either be one (1) year or two (2) years.

Upon the lapse of the period of penalty, the Blacklisted Entity shall be automatically delisted from the CBR. However, the official or alternate user should still update the status of the Blacklisted Entity in the OBP for records purposes.

A Blacklisted Entity that has been delisted from the CBR shall be qualified to participate in all government procurement upon the lapse of the period of suspension without further clearance from the PE that issued the BO.

- 7.3. In case of permanent lifting of the period of suspension or removal of the name of the Blacklisted Entity from the CBR pursuant to a lawful order from a judicial or quasi-judicial body, the official or alternate user shall update the OBP to implement

⁶ Section 9 of the Blacklisting Guidelines

the said order. Thus, the name of the Blacklisted Entity shall be removed from the CBR through the OBP.

A Blacklisted Entity whose period of suspension has been permanently lifted or which has been permanently removed from the CBR pursuant to a lawful order shall be qualified to participate in all government procurement upon the effectivity of the order directing the same without further clearance from the PE that issued the BO.

Moreover, a Blacklisted Entity whose period of suspension has been permanently lifted or which has been permanently removed from the CBR may still be subject to another blacklisting upon the occurrence of the grounds therefor and subject to the rules under GPPB Resolution No. 40-2017, Sections 5 to 7 of Resolution Nos. 03-2012⁷ as amended by Resolution No. 15-2014, Section 3.7 of Resolution No. 27-2019,⁸ Resolution No. 09-2020,⁹ and any subsequent issuances thereon.

- 7.4. On the other hand, in case the period of suspension of a Blacklisted Entity is temporarily lifted or its name is temporarily removed from the CBR pursuant to a lawful order of a judicial or quasi-judicial body, the official or alternate user shall update the status of the Blacklisted Entity in the OBP to implement the said order. Thus, the name of Blacklisted Entity shall be temporarily removed from the CBR through the OBP.

A Blacklisted Entity whose period of suspension has been temporarily lifted or which has been temporarily removed from the CBR pursuant to a lawful order, shall be qualified to participate in all government procurement during the period of the temporary lifting or removal as stated in the said order, without further clearance from the PE that issued the BO. After the lapse of the period of temporary lifting of suspension or removal from the CBR, the name of the Blacklisted Entity shall be reposted by the official or alternate user in the CBR, through the OBP.

- 7.5. Upon the lapse of the order directing the temporary lifting of the period of suspension or removal of a Blacklisted Entity in the CBR, and in the absence of any extension or order for its permanent removal, the official or alternate user shall repost the name of the Blacklisted Entity in the CBR through the OBP. The period of suspension shall be adjusted by the official or alternate user by adding the number of days the suspension of the Blacklisted Entity was temporarily lifted or its name was removed from the CBR in order to fully serve the one (1) year or two (2) years penalty, as the case may be. Accordingly, the adjusted end date shall be reflected in the CBR.

- 7.6. The registration and account in the Philippine Government Electronic Procurement System (PhilGEPS) of a Blacklisted Entity shall be cancelled or reactivated pursuant to this Circular, the "*Guidelines for the Use of the Government of the Philippines – Official Merchant Registry (GoP-OMR)*"¹⁰, and following the procedure issued by the PhilGEPS for the purpose.

8.0 Consolidated Blacklisting Report

- 8.1. The CBR shall be generated and updated real-time by the posting or updating

⁷ Guidelines on the Use of Bid Securing Declaration

⁸ Guidelines on the Use of Framework Agreement by all PEs

⁹ Approving Measures for the Efficient Conduct of Procurement Activities during a State of Calamity, or Implementation of Community Quarantine or Similar Restrictions which allows the use of Performance Securing Declaration that subjects the bidder to blacklisting in case of violation of any conditions stated in the contract.

¹⁰ GPPB Resolution No. 12-2012 dated 1 June 2012

GPPB Resolution No. 14-2020, dated 25 June 2020

made in the OBP. The CBR can be accessed through this link <https://www.gppb.gov.ph/ConsolidatedBlacklistingReport.php> or through the homepage of the GPPB website.

The following information shall be available in the CBR:

- a. List of permanently Blacklisted Entities;
 - b. List of Blacklisted Entities with the corresponding period of blacklisting; and
 - c. List of temporarily removed Blacklisted Entities with the corresponding period in compliance with a lawful order issued by a judicial or quasi-judicial body.
- 8.2. Non-posting of the BO in the OBP or the non-inclusion of the name of the Blacklisted Entity in the CBR does not affect the status of the Blacklisted Entity in as much as the operative act of the blacklisting is the issuance of the BO by the PE concerned, and not the posting in the CBR through the OBP.
- 8.3. Failure to post or non-compliance with the requirements of posting of the BO in the OBP shall be assessed as non-compliant in the sub-indicator under the Agency Procurement Compliance and Performance Indicator system. Thus, affecting the PE's over-all rating for the assessment.

9.0 Notification to the PE, GPPB-TSO, and PhilGEPS

- 9.1. The PE through its BAC Chairperson, GPPB-TSO, and PhilGEPS shall automatically be notified of every posting and updating of the status of every Blacklisted Entity made by the official or alternate user in the OBP.
- 9.2. Pursuant to Section 5.6 of the Guidelines for the use of GOP-OMR, the PhilGEPS shall deny registration of, or exclude from the GOP-OMR, any merchant that has been blacklisted
- 9.3. In the event that the Blacklisted Entity is delisted, its period of suspension permanently or temporarily lifted, or its name permanently or temporarily removed from the CBR, the PhilGEPS shall allow the registration or reactivation of the Blacklisted Entity's account in the GOP-OMR, whichever is applicable.
- 9.4. Pursuant to the above authority, the PhilGEPS shall issue and submit to the GPPB the procedure to implement the foregoing within sixty (60) calendar days from the effectivity of this Circular.

10.0 Internal Controls

- 10.1. To prevent the possible misuse of the OBP, the PE shall be responsible for establishing internal controls in the use of the system by its official or alternate user.
- 10.2. The following measures shall be adopted:
- a. Spot checking of posting of the active BOs in the CBR posted in the GPPB website;
 - b. Regular review of timeliness in posting and updating of BOs;
 - c. Regular review of information provided in the CBR *vis-à-vis* the content of the approved BO;
 - d. Review of access and activity history in the OBP; and
 - e. Regular checking of attachments provided at any activity in the OBP.

11.0 Amendments

GPPB Circular No. 10-2017 dated 21 December 2017, entitled "Submission of Blacklisting Order" and such other guidelines, administrative order, office order, rule or regulation and/or parts thereof contrary to or inconsistent with the provisions of this Circular are hereby repealed, modified and amended accordingly.

12.0 Effectivity

This Circular shall take effect immediately.

SGD.

WENDEL E. AVISADO

*Chairperson
GPPB*

APPENDIX "1"

<PROCURING ENTITY'S LETTERHEAD>

BLACKLISTING ORDER No. __, series of 2020

Pursuant to [state legal basis] and upon the findings and recommendation/s of [name of committee or body which made the recommendation] in its [insert name of document], the undersigned, under [Department/Office Order / Board Resolution] dated [Date], hereby issues this Blacklisting Order to the entity/ies hereafter stated:

1. [Complete Registered Business Name of Blacklisted Person/Entity] with [License number __, if applicable] and PhilGEPS Registration No. __ having [business/principal] address at [business or principal address of the Blacklisted Person/Entity] {Include if necessary: together with [Name of Blacklisted Person/Entity]}, is/are hereby **SUSPENDED/DISQUALIFIED** from participating in all government procurement –

[Select one]:

- ☐ for [Choose: 1 year or 2 years] starting from [indicate start date] until [indicate end date]
- ☐ permanently/in perpetuity

2. Specific ground/offense committed:

(Please choose the applicable offense committed by the bidder/contractor)

<u>During the Procurement Stage:</u>	
<input type="radio"/>	Submission of eligibility requirements containing false information or falsified documents.
<input type="radio"/>	Submission of Bids that contain false information or falsified documents, or the concealment of such information in the Bids in order to influence the outcome of eligibility screening or any other stage of the public bidding.
<input type="radio"/>	Allowing the use of one's name, or using the name of another for purpose of public bidding.
<input type="radio"/>	Withdrawal of a bid, or refusal to accept an award or enter into contract with the government without justifiable cause, after he had been adjudged as having submitted the Lowest Calculated Responsive Bid or Highest Rated Responsive Bid.
<input type="radio"/>	Refusal or failure to post the required performance security within the prescribed time.
<input type="radio"/>	Refusal to clarify or validate in writing its Bid during post qualification within a period of seven (7) calendar days from receipt of the request for clarification.
<input type="radio"/>	Any documented unsolicited attempt by a bidder to unduly influence the outcome of the bidding in his favor.
<input type="radio"/>	Refusal to enter into, or withdrawal from, a joint venture in the event of a contract award without justifiable reason.
<input type="radio"/>	Refusal to submit post-qualification requirements on time without justifiable reason or a finding against the veracity of such post-qualification requirements.
<input type="radio"/>	All other acts that tend to defeat the purpose of the competitive bidding, such as habitually withdrawing from bidding or submitting late bids or patently insufficient bids, for at least three (3) times within a year, except for valid reasons.
<input type="radio"/>	Withdrawal, without justifiable reason, of bid during the period of bid validity required in the bidding documents.
<input type="radio"/>	Failure or refusal, without justifiable reason, to accept the award and enter into contract or perform any and all acts necessary to the execution of the contract, in accordance with the bidding documents, after having been duly notified of the acceptance.

<i>During Contract Implementation</i>	
○	Failure of the contractor, due solely to his fault or negligence, to mobilize and start work or performance within the specified period in the Notice to Proceed ("NTP").
○	Failure by the contractor to fully and faithfully comply with its contractual obligations without valid cause, or failure by the contractor to comply with any written lawful instruction of the procuring entity or its representative(s) pursuant to the implementation of the contract.
○	Assignment and subcontracting of the contract or any part thereof or substitution of key personnel named in the proposal without prior written approval by the procuring entity.
○	Unsatisfactory progress in the delivery of the goods by the manufacturer, supplier or distributor arising from his fault or negligence and/or unsatisfactory or inferior quality of goods, as may be provided in the contract.
○	Poor performance by the consultant of his services arising from his fault or negligence - Defective design resulting in substantial corrective works in design and/or construction.
○	Poor performance by the consultant of his services arising from his fault or negligence - Failure to deliver critical outputs due to consultant's fault or negligence.
○	Poor performance by the consultant of his services arising from his fault or negligence - Specifying materials which are inappropriate, substandard, or way above acceptable standards.
○	Poor performance by the consultant of his services arising from his fault or negligence - Allowing defective workmanship or works by the contractor being supervised by the consultant.
○	Poor performance by the contractor or unsatisfactory quality and/or progress of work arising from his fault or negligence as reflected in the CPES rating sheet - Negative slippage of 15%.
○	Poor performance by the contractor or unsatisfactory quality and/or progress of work arising from his fault or negligence as reflected in the CPES rating sheet - Quality of materials and workmanship not complying with the approved specifications.
○	Willful or deliberate abandonment or non-performance of the project or contract by the contractor resulting to substantial breach thereof without lawful and/or just cause.
○	The contractor has engaged, before or during implementation of the contract, in unlawful deeds and behaviors relative to contract acquisition and implementation as enumerated in Section III.D. of the Guidelines on Termination of Contracts.
<i>During Warranty Period</i>	
○	Failure of contractor to repair works, at his own expense, of any defect or damage to the infrastructure projects on account of the use of materials of inferior quality within ninety (90) days from the time the HoPE has issued an order to undertake repair.
<i>Other Violations</i>	
○	Violation of Sec. 65(a) of R.A. No. 9184 - Opening of sealed bid prior to scheduled time of bid opening.
○	Violation of Sec. 65(a) of R.A. No. 9184 - Delaying, without justifiable cause, the screening for eligibility, opening of bids, evaluation and post evaluation of bids, and awarding of contracts beyond the prescribed periods of action.
○	Violation of Sec. 65(a) of R.A. No. 9184 - Unduly influencing or exerting undue pressure on any member of the BAC or any officer or employee of the procuring entity to take a particular action which favors, or tends to favor a particular bidder.
○	Violation of Sec. 65(a) of R.A. No. 9184 - Splitting of Contracts.
○	Violation of Sec. 65(a) in relation to Sec. 47 of R.A. No. 9184 - Abuse of Reservation Clause with manifest preference to relatives.
○	Violation of Sec. 65(b) of R.A. No. 9184 - Collusion among bidder.
○	Violation of Sec. 65(b) of R.A. No. 9184 - Maliciously submitting different bids through two or more persons, corporations, partnerships or any other business entity in which he has interest to create the appearance of competition.
○	Violation of Sec. 65(b) of R.A. No. 9184 - Agreeing to refrain from submitting, or withdrawal of bids.

<input type="radio"/>	Violation of Sec. 65(b) of R.A. No. 9184 - Employment of schemes to suppress competition.
<input type="radio"/>	Other violation: (Specify) State the violation and the legal basis

3. The penalty is being imposed in connection with the following procurement details:
 - a. [Name of the Project/Contract]
 - b. [Location of Project]
 - c. [ABC for offenses committed during procurement stage or Contract Amount for offenses committed during implementation stage]
4. In addition to the foregoing, the following sanctions are also imposed:
[Please check other applicable sanctions]
 - ☐ Forfeiture of Bid Security in the amount of PhP [amount of Bid Security].
 - ☐ Forfeiture of Performance Security in the amount of PhP [Bid Security amount].
 - ☐ Suspension of account in the PhilGEPS website.
 - ☐ Cancellation of account in the PhilGEPS website.
 - ☐ Denial of registration with PhilGEPS.
5. Additional information, if any: *[Please specify]*

The name/s of the foregoing persons and/or entities shall be posted within three (3) calendar days from the date of effectivity of this Blacklisting Order in the Consolidated Blacklisting Report (CBR) through the Online Blacklisting Portal pursuant to Section 10 of the *"Uniform Guidelines for Blacklisting of Manufacturers, Suppliers, Distributors, Contractors and Consultants"*, as amended by GPPB Resolution No. 14-2020 dated 25 June 2020. The name/s of the Blacklisted Entity/ies shall be removed upon the lapse of the period of penalty.

Issued this [date of issuance], in [place of issuance].

SO ORDERED.

Name of HoPE/ Ponente of Appellate Authority

Received by: (Name of Blacklisted Entity's Representative)
 Designation: _____
 Date Received: _____

In case of concerns/clarifications, you may contact the agency through:

Address: _____
 Contact Person: _____
 Telephone No.: _____
 E-mail Address: _____

Posted on:

Date & time: _____
 Name: _____
 Position.: _____

**UNIFORM GUIDELINES FOR BLACKLISTING OF MANUFACTURERS, SUPPLIERS,
 DISTRIBUTORS, CONTRACTORS AND CONSULTANTS**

Section 10	
ORIGINAL	AMENDMENT
METHODOLOGY FOR NOTIFICATION TO THE GPPB	ISSUANCE AND POSTING OF BLACKLISTING ORDERS, AND UPDATING THE STATUS OF BLACKLISTED ENTITY
<p>10.1. Unless otherwise provided in these guidelines, the blacklisting agency concerned shall submit to the GPPB, within seven (7) calendar days after the issuance of the blacklisting order/delisting orders made by the agency, the following documents:</p> <p>a) Blacklisting Order duly signed by the Head of the Procuring Entity/appellate authority containing, among others, Department/Office Order or Board Resolution number, name and address of the blacklisted person/entity, license number, if applicable, Authorized Managing Officer ("AMO"), name of project/contract and location/amount, specific ground(s)/offense(s) committed as provided in Section 4 hereof, sanction imposed and its specific duration, that is, "start" date and "end" date, and date of issuance of the order to blacklist.</p> <p>b) Delisting Order duly signed by the blacklisting agency containing, among others, Department/Office Order or Board Resolution number, name and address of the blacklisted person/entity, name of project/contract</p>	<p>10.1. Blacklisting Orders duly approved by the Head of the Procuring Entity or Appellate Authority, shall contain the following information:</p> <p>a) Department/Office Order or Board Resolution number;</p> <p>b) Complete registered business name, address and PhilGEPS registration number of the blacklisted person/entity,</p> <p>c) License number, if applicable,</p> <p>d) Authorized Managing Officer ("AMO");</p> <p>e) Name of project/contract and location/amount;</p> <p>f) Specific ground(s)/offense(s) committed as provided in Section 4 hereof;</p> <p>g) Sanction/s imposed and its specific duration, that is, "start" date and "end" date; and</p> <p>h) Date of issuance of the order to blacklist.</p> <p>b. Delisting Order duly signed by the blacklisting agency containing, among others, Department/Office Order or Board Resolution number, name and address of the blacklisted person/entity, name of project/contract and location, specific sanction being lifted and the number of previously issued blacklisting Department/Office Orders or Board Resolutions, effectivity date of delisting, and date of delisting approval.</p>

and location, specific sanction being lifted and the number of previously issued blacklisting Department/Office Orders or Board Resolutions, effectivity date of delisting, and date of delisting approval.	
[New Subsection]	10.2. The Procuring Entity through its official or alternate user shall post the Blacklisting Order in the Online Blacklisting Portal within three (3) calendar days from the date of its effectivity.
[New Subsection]	<p>10.3. A Blacklisted Entity shall automatically be delisted from the Consolidated Blacklisting Report after the lapse of the period of penalty imposed. The Procuring Entity shall not be allowed to delist a Blacklisted Entity from the Consolidated Blacklisting Report for reasons other than the lapse of the one (1) year or two (2) years period of suspension, as the case may be.</p> <p>On the other hand, the Procuring Entity, through its official or alternate user, shall immediately remove the name of Blacklisted Entity upon receipt of a lawful order from a judicial or quasi-judicial body directing it to temporarily or permanently lift the period of suspension or remove the name of a Blacklisted Entity from the Consolidated Blacklisting Report.</p>
[New sub-section]	10.4. A Blacklisted Entity which was delisted from the Consolidated Blacklisting Report or whose period of suspension was permanently lifted or which has been permanently removed from the Consolidated Blacklisting Report pursuant to a lawful order shall be qualified to participate in all government procurement upon the lapse of the period of suspension or effectivity of the order, as the case may be, without further clearance from the Procuring Entity that issued the Blacklisting Order.

	<p>On the other hand, in case the period of suspension of a Blacklisted Entity was temporarily lifted or its name was temporarily removed from the Consolidated Blacklisting Report pursuant to a lawful order, the Blacklisted Entity shall only be qualified to participate in all government procurement during the period of the temporary lifting or removal as stated in the said order, without further clearance from the Procuring Entity that issued the Blacklisting Order.</p>
[New Subsection]	<p>10.5. The Procuring Entity's official or alternate user shall immediately repost the name of a Blacklisted Entity in the Consolidated Blacklisting Report upon the lapse of the order temporarily lifting the period of suspension or removing the name of a Blacklisted Entity in the Consolidated Blacklisting Report.</p> <p>The period of suspension imposed upon the Blacklisted Entity shall not be diminished by an order temporarily lifting the period of suspension or removing a Blacklisted Entity from the Consolidated Blacklisting Report. Upon reposting, the PE's official or alternate user shall adjust the period of suspension by adding the number of days the suspension of the Blacklisted Entity was temporarily lifted or its name was removed from the Consolidated Blacklisting Report in order to fully serve the one (1) year or two (2) years penalty, as the case may be.</p>
<p>10.2. The GPPB shall prepare the Consolidated Blacklisting Report every quarter, based on the submitted Blacklisting Orders as provided for in Section 9.1(a) hereof and disseminate the same to procuring entities and the Commission on Audit ("COA"). The report shall be further posted in the GPPB website and the Government Electronic Procurement System ("G-EPS") and shall indicate the number of times a person/entity has been blacklisted, the type of offense/violation committed, the</p>	<p>10.6. The GPPB shall prepare the Consolidated Blacklisting Report every quarter, based on the submitted Blacklisting Orders as provided for in Section 9.1(a) hereof and disseminate the same to procuring entities and the Commission on Audit ("COA"). The report shall be further posted in the GPPB website and the Government Electronic Procurement System ("G-EPS")</p> <p>The Consolidated Blacklisting Report shall be generated and updated real-time by the posting and updating</p>

<p>penalty imposed, and the blacklisting agency concerned.</p> <p>The GPPB shall delist from such report those whose sanctions are lifted automatically after serving the given penalty as provided for in Section 8 hereof.</p>	<p>made in the Online Blacklisting Portal. The following information shall be available in the Consolidated Blacklisting Report, which can be accessed by any interested party through https://www.gppb.gov.ph/ConsolidatedBlacklistingReport.php:</p> <ul style="list-style-type: none"> a. List of permanently Blacklisted Entities; b. List of Blacklisted Entities with the corresponding period of blacklisting; and c. List of temporarily removed Blacklisted Entities with the corresponding period in compliance with a lawful order issued by a judicial or quasi-judicial body. <p>The GPPB shall delist from such report those whose sanctions are lifted automatically after serving the given penalty as provided for in Section 8 hereof.</p>
<p>[New Subsection]</p>	<p>10.7. The Online Blacklisting Portal shall automatically notify the Procuring Entity through its BAC Chairperson, GPPB-TSO, and PhilGEPS of the posting and updating made by the Procuring Entity's official or alternate user. The notice shall be the basis of the PhilGEPS in denying the registration of, or excluding from the Government of the Philippines-Online Merchant Registry (GoP-OMR) the account of the Blacklisted Entity pursuant to Section 5.6 of Resolution No. 12-2012 or the Guidelines for the Use of the GOP-OMR.</p>
<p>10.3. The ministerial authority of the GPPB and its Technical Support Office is limited to the receipt and posting of Blacklisting Orders in its website and the preparation of the Consolidated Blacklisting Report based on submitted Blacklisting Orders. The blacklisting order submitted to the office carries with it the presumption that the provisions of the Blacklisting Guidelines and the Contract Termination Guidelines were duly complied with and that due process was afforded</p>	<p>10.8. The ministerial authority of the GPPB and its TSO is limited to maintenance and updating of the Online Blacklisting Portal. The Blacklisting Order posted by the Procuring Entity carries with it the presumption that the provisions of the Blacklisting Guidelines and the Contract Termination Guidelines, as the case may be, were duly complied with and that due process was afforded to the Blacklisted Entity.</p> <p>Non-posting of the Blacklisting Order in the GPPB Website or the non-inclusion</p>

<p>the blacklisted manufacturer, supplier, distributor, contractor or consultant.</p> <p>Non-posting of the Blacklisting Order in the GPPB Website or the non-inclusion of the name of the blacklisted manufacturer, supplier, distributor, contractor or consultants in the GPPB Consolidated Blacklisting Report does not affect the status of the blacklisted entity in as much as the operative act of the blacklisting is the issuance of the Blacklisting Order by the agency concerned, and not the submission thereof to the GPPB.</p>	<p>of the name of the Blacklisted Entity in the GPPB Consolidated Blacklisting Report does not affect the status of the Blacklisted Entity in as much as the operative act of the blacklisting is the issuance of the Blacklisting Order by the Procuring Entity concerned, and not the submission thereof to the GPPB. and not the posting in the Online Blacklisting Portal.</p>
<p>10.4. In the case of procurement of infrastructure projects, should a blacklisting agency decide to refer the case of its blacklisted person/entity to the Philippine Contractors Accreditation Board ("PCAB") for license suspension/revocation, it shall submit to PCAB a copy of the decision accompanied with supporting documents.</p>	<p>10.9. In the case of procurement of infrastructure projects, should the Procuring Entity decide to refer the case of its Blacklisted Entity to the Philippine Contractors Accreditation Board ("PCAB") for license suspension/revocation, it shall submit to PCAB a copy of the decision accompanied by supporting documents.</p>
<p>10.5. All existing blacklisting reports of the Government or any of its procuring entities, as well as the list of constructors whose licenses are suspended or revoked by the PCAB as of the date of effectivity of the IRR, are hereby adopted and made part of the GPPB Consolidated Blacklisting Report upon the issuance of these guidelines.</p>	<p>10.5 All existing blacklisting reports of the Government or any of its procuring entities, as well as the list of constructors whose licenses are suspended or revoked by the PCAB as of the date of effectivity of the IRR, are hereby adopted and made part of the GPPB Consolidated Blacklisting Report upon the issuance of these guidelines.</p>