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DEPARTMENT OF PUBLIC WORKS AND HIGHWAYS
CENTRAL OFFICE
Manila

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DEPARTMENT MEMORANDUM)

CIRCULAR NO.)
Series of 2023)

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FOR/TO : SENIOR UNDERSECRETARY
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. 02-2023** dated March 21, 2023, with the subject: "**APPROVING THE RECONSIDERATION OF SUBMISSIONS OF FISCAL YEAR 2021 PROCUREMENT REPORTS AND CERTIFICATIONS**".

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. 02-2023 dated March 21, 2023

cc: Office of the Secretary

10.1.4 JVL/CDP/VGV

APPROVING THE RECONSIDERATION OF SUBMISSIONS OF FISCAL YEAR 2021 PROCUREMENT REPORTS AND CERTIFICATIONS

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 63.1(d) of the 2016 revised IRR of RA No. 9184 mandates the Government Procurement Policy Board (GPPB) to ensure the proper implementation by Procuring Entities (PEs) of the Act, IRR, and all other relevant rules and regulations pertaining to public procurement. Relatedly, Section 63.3(e) of the 2016 revised IRR of RA No. 9184 directs the GPPB-Technical Support Office (TSO) to monitor the compliance to the Act and assist the PEs improve their compliance;

WHEREAS, Section 7.3.5 of the 2016 revised IRR of RA No. 9184 provides that the Annual Procurement Plan (APP), which is in accordance with the General Appropriations Act, Corporate Budget, or Appropriations Ordinance, as the case may be, is required to be submitted to the GPPB;

WHEREAS, on 20 May 2020, the GPPB, through its Resolution No. 11-2020,¹ approved Circular No. 02-2020, among others, relative to the mandatory submission of APPs, Procurement Monitoring Reports (PMRs) and Agency Procurement Compliance and Performance Indicators (APCPI) results through electronic mail, in both Microsoft Excel and Portable Document Format (PDF) files, as well as the posting certification signed by the Head of the Bids and Awards Committee (BAC) Secretariat to show compliance with the mandatory posting of the APPs and PMRs in the agency website, and in case the PE has no agency website, the APP and PMR shall be posted in a conspicuous place reserved for the same purpose in the premises of the PE;

WHEREAS, the following were the set deadlines for the submission of Procurement Reports in view of the Coronavirus Disease 2019 pandemic:

| Procurement Report | Original Deadline of Submission | Extended Deadline of Submission |
|--|--|--|
| Fiscal Year (FY) 2020 APP with changes within the 2 nd Semester | 30 July 2020 | 31 March 2021 ² |
| FY 2020 1 st Semester PMR | 14 July 2020 | 30 September 2020 ³ |
| FY 2020 2 nd Semester PMR | 14 January 2021 | 31 March 2021 ⁴ |
| FY 2019 APCPI Results | 31 March 2020 | 30 June 2020 ⁵ |

WHEREAS, the GPPB subsequently issued Resolution No. 08-2021⁶ that further extended the deadlines to submit the FY 2021 APP, FY 2020 2nd Semester PMR and FY

¹ Approving the Electronic Submission of Annual Procurement Plans, Procurement Monitoring Reports and Agency Procurement Compliance and Performance Indicator Results, and Posting and Extension of Deadline for Submission of Annual Procurement Plans and Procurement Monitoring Reports

² GPPB Resolution 11-2020 dated 20 May 2020.

³ *Ibid.*

⁴ The deadline to submit the FY 2021 APP, FY 2020 2nd Semester PMR, and FY 2020 APCPI Results was extended to 30 June 2021 in accordance with GPPB Resolution 08-2021 dated 17 May 2021.

⁵ *Ibid.*

⁶ Dated 17 May 2021.

2020 APCPI results until 30 June 2021, subject to the submission of a letter containing justification or reason for failure to submit on 31 March 2021 that was duly signed by the HoPE;

WHEREAS, as one of the Performance-Based Bonus (PBB) eligibility requirements, Administrative Order (AO) No. 25 Inter-Agency Task Force (IATF)⁷ Memorandum Circular Nos. 2021-1⁸ and 2021-2⁹ required the submission of a notarized Certification of Undertaking of Early Procurement Activities (EPA) to show that the PE conducted at least 50% of the value of its eligible procurement projects;

WHEREAS, on 17 January 2022, the GPPB-TSO, through Non-Policy Matter Opinion No. 001-2022,¹⁰ provided guidance to PEs regarding the submission requirements of APP and EPA. In particular, PEs shall submit the APP consistent with the approved budget and approved by the Head of the Procuring Entity (HoPE) or his/her second-ranking designated official to the GPPB on or before January of the budget year using the prescribed format, in both PDF and Microsoft Excel file through electronic mail at app@gppb.gov.ph, with Certification that PE complied with the posting requirements. Certification under Oath (with appropriate template) relative to EPA must be submitted on or before 31st of January of the Fiscal Year to earlyprocurement@gppb.gov.ph;

WHEREAS, the GPPB-Technical Support Office (TSO) evaluated the submitted procurement reports as follows:

| Requirement | No. of PEs with Submissions | Submissions | |
|---|-----------------------------|-------------|---------------|
| | | Compliant | Non-Compliant |
| FY 2021 APP | 2,257 | 1,148 | 1,108 |
| 2 nd Semester FY 2021 PMR | 1,698 | 720 | 978 |
| FY 2020 APCPI | 1,578 | 1,033 | 575 |
| FY 2022 Certification of Undertaking of EPA | 1,081 | 699 | 382 |

WHEREAS, the GPPB-TSO, as a validating agency for the grant of PBB, issued a List of Complying PEs, known as "Positive List,"¹¹ that were evaluated as fully compliant in the submission of APP, APCPI and Certification of Undertaking of EPA;

WHEREAS, some of those that were not included in the Positive List filed their respective Requests for Reconsideration for FY 2021 APP, 2nd Semester FY 2021 PMR, FY 2020 APCPI results, and FY 2022 Certification of Undertaking of EPA based on the Requests for Reconsideration received, the following were noted as the common reasons cited for non-compliance of the PEs:

- The PE was able to submit its approved APP on time, however, it was unaware of the requirements to submit in Microsoft Excel file, Posting Certification, or both;
- Although submitted on time, the PE was unable to include the Microsoft Excel file or the Posting Certification in the submission by mistake or technical issues;
- The submission records and requirements of the PE were not endorsed properly to the new focal person or personnel in charge of the APP submissions; and
- The EPA were conducted successfully, and it met the 50% requirement, but the PE failed to submit the Certification on or before the deadline;

⁷ Refers to Task Force on the Harmonization of National Government Performance Monitoring, Information, and Reporting System.

⁸ Dated 3 June 2021

⁹ Dated 25 October 2021

¹⁰ Submission of Annual Procurement Plan (APP) and Conduct of Early Procurement Activities (EPA) as Requirements for the Grant of Performance-Based Bonus

¹¹ Section 4.6 of GPPB Circular No. 02-2020 dated 20 May 2020.

WHEREAS, the GPPB-TSO released Advisories¹² to remind PEs to submit their procurement reports, including the corresponding requirements. Further, extended deadlines were provided to give PEs sufficient time to comply with the submissions. Thus, the lack of awareness of the requirements, particularly the Microsoft Excel file and Posting Certification, cannot be considered as an acceptable justification;

WHEREAS, to aid in the collection and consolidation of data by the PMD, GPPB Circular No. 02-2020¹³ required PEs to submit a Microsoft Excel file of their procurement reports. Consequently, the non-submission of Microsoft Excel file would delay PMD work in processing the data. However, it is deemed that submitting a PDF file of the procurement report satisfies the reporting requirement, considering that the Microsoft Excel file is only a back-up source of information. In view thereof, the PEs which submitted a copy of the procurement report in PDF file but failed to submit the Microsoft Excel file may be reconsidered subject to the later submission of the Microsoft Excel file as this is required under GPPB Circular No. 02-2020. The Posting Certification, on the other hand, cannot be dispensed with as it serves as proof or basis that the PEs complied with the mandatory posting and Good Governance requirements;

WHEREAS, in order to be eligible for the grant of PBB, the submission of a notarized Certification of Undertaking of EPA is required by the AO25 IATF to ensure that the PE conducted the EPA for at least 50% of the value of its eligible procurement projects. It bears emphasis that the grant of the PBB incentivizes the PE for its actual conduct of the EPA the year before the submission of the Certification. Thus, what is important is the conduct of EPA, and not merely the submission of a document. Further, only those that submitted the certification after the deadline but no later than the date of the Board approval are reconsidered;

WHEREAS, in consideration of the foregoing, the GPPB, upon recommendation of the GPPB-TSO, has agreed to adopt the following:

1. **APPROVE** to reconsider the submissions of FY 2021 Procurement Reports that complied with all requirements except for the Microsoft Excel file, provided that the Microsoft Excel file are submitted within sixty (60) calendar days from the GPPB's approval of the Resolution, as this is required under GPPB Circular No. 02-2020;
2. **ACCEPT** the notarized Certification of Undertaking of EPA submitted after the deadline but no later than the date of the Board's approval;
3. **INCLUDE** in the Positive List posted on the GPPB Website the reconsidered PEs labelled accordingly with a caveat that this is a one-time approval only;
4. **REITERATE** to the PEs the mandatory requirements on the submission of procurement reports as provided under GPPB Circular No. 02-2020;
5. **INFORM** all affected PEs of the above Board Reconsideration; and
6. **SUBMIT** to the AO No. 25 Secretariat¹⁴ the updated Positive List for FY 2021.

¹² GPPB Advisory 01-2021 dated 25 March 2021 and GPPB Advisory 04-2021 dated 4 June 2021.

¹³ Guidelines in the Posting and Submission of Annual Procurement Plans, Procurement Monitoring Reports and Agency Procurement Compliance and Performance Indicator Results.

¹⁴ Refers to the Secretariat of the IATF on the Harmonization of National Government Performance Monitoring, Information and Reporting Systems.

NOW, THEREFORE, for and in view of the foregoing, **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 aforementioned actions pertaining to the FY 2021 submissions of procurement reports and certifications.

This Resolution shall take effect immediately.

APPROVED this 21st day of March 2023 at Pasig City, Philippines.

Sgd.

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

Sgd.

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

**NATIONAL ECONOMIC AND
DEVELOPMENT AUTHORITY**

DEPARTMENT OF EDUCATION

Sgd.

DEPARTMENT OF ENERGY

Sgd.

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**

DEPARTMENT OF TRADE AND INDUSTRY

Sgd.

DEPARTMENT OF TRANSPORTATION

Sgd.

**DEPARTMENT OF INFORMATION AND
COMMUNICATIONS TECHNOLOGY**

Sgd.

PHILIPPINE SPACE AGENCY

PRIVATE SECTOR REPRESENTATIVE