



**Methodology for Assessing Procurement Systems (MAPS)**  
**Volume III - ANNEXES**

**Philippines**

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**Assessment of the  
Public Procurement System**

**June 2021**



# Volume III:Annexes

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## **Annex 1: Concept Note and related material -Final Revised and list of participants from Preparation mission till Validation Mission**



MAPS Philippines  
Final Concept Note.pc

### **Preparation Mission**



List of Participants -  
Preparation Mission .j

### **Launch Mission**



List of Participants -  
Launch Mission .pdf

### **Implementation mission**



List of Participants -  
Implementation Missi

### **Private Sector Survey**



List of Participants -  
Private Sector Survey

### **CSO Survey**



List of Participants -  
CSO Survey .pdf

### **Second Virtual Implementation Mission**



List of Participants -  
Second Virtual Implen

### **Stakeholder Validation Mission**



List of Participants -  
MAPS Validation Wor

## ANNEX 2: An update on CPAR 2012 Action and APCPI comparison

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These attachments provide an update of CPAR 2012 Action Points and APCPI comparison between 2010 data in CPAR 2012 and APCPI 2019 Data provided by GPPB-TSO in March 2021



MAPS- Philippines-  
Follow-up of 2012 CP



MAPS- PH- APCPI  
Trend from 2010 to 20

## ANNEX 3: A note on Emergency Procurement (Post COVID-19)

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### International practices

**OECD issued Stocktaking report on immediate PP and infrastructure responses to COVID-19 in May 2020**

<http://www.oecd.org/coronavirus/policy-responses/stocktaking-report-on-immediate-public-procurement-and-infrastructure-responses-to-covid-19-248d0646/>

*As per introduction of the report dated May 15, 2020:* The report documents the special measures taken by 30 OECD countries and partners. It provides evidence on institutional arrangements and monitoring rules that were introduced for emergency contracting of critical items needed for the current COVID-19 situation and the support provided by the respective ministry or public procurement central body to the contracting *authorities*, especially in terms of supplier and ongoing contract management. Regarding infrastructure governance, the report presents the actions on identifying critical infrastructure, setting up new or temporary

### **Supplement to Indicator 1(b) (b) on Procurement Method (Emergency Procurement) Response to COVID-19: legal provisions - Snapshot as of May 2021**

The existing legal framework contains provisions to permit the use of Negotiated Procurement (essentially direct award without negotiation) in specified emergency cases (“Negotiated Procurement under Emergency Cases”).

RA 9184 s.53(b) refers to cases where there is *“imminent danger to life or property during a state of calamity, or when time is of the essence arising from natural or man-made calamities or other causes where immediate action is necessary to prevent damage to or loss of life or property, or to restore vital public services, infrastructure facilities and other public utilities.”* IRR Annex H - Consolidated Guidelines for Alternative Methods of Procurement (“Annex H”) elaborates upon these provisions and also sets out the approvals and procedures to be followed. Annex H s.V(D)(2)(a) provides that when the grounds for use of Negotiated Procurement under Emergency Cases is based on imminent danger to life during a state of calamity there must be a declaration by a competent authority of a state of calamity, pursuant to existing laws, rules and regulations before any procurement activity

may be undertaken<sup>1</sup>.

Further explanation and guidance on Negotiated Procurement under Emergency Cases is provided in GPPB Circular No.4 of 2016<sup>2</sup>.

Both Annex H and the GPPB Circular No.4 of 2016 note that as the underlying reason (justification) for use of this procedure is the “time element”, the Procuring Entity should “consider appropriate timing or the proximity of time between the actual procurement activity to be conducted and the emergency sought to be addressed, such that when the reason or cause for the emergency has already abated, adoption of competitive bidding as the primary mode of procurement shall be considered.”

In response to COVID-19 situation, a Presidential Proclamation of State of Health Emergency (9 March 2020)<sup>3</sup>, Presidential Proclamation of State of Calamity (16 March 2020)<sup>4</sup> and the subsequent Declaration of National Emergency in response to the COVID-19 crisis, on 23 March 2020<sup>5</sup> were all issued in form of legislative acts. In response to the above acts, the GPPB promptly issued two Resolutions: (1) GPPB Resolution No. 03-2020<sup>6</sup> (dated 10 March 2020) which covered matters such as confirming the availability of Negotiated Procurement under Emergency Cases; easing delegation for conduct of Negotiated Procurement under Emergency Cases; annual procurement plan adjustments. It also added items to the list of central common-use supply items. These items, identified by the Department of Health, included personal protective equipment, medical devices, testing kits; and(2) GPPB Resolution No. 05-2020<sup>7</sup> (dated 20 March 2020), aimed at further streamlining the Negotiated Procurement under Emergency Cases by relaxing documentary requirements.

This was followed up with GPPB Resolutions 06/2020(Circular 01/2020) (6 April 2020) which set out Guidelines for Emergency Procurement under Republic Act No. 11469 or the *Bayanihan* to Heal as One Act. This Circular applied to all Procuring Entities and to any branch, constitutional commission or office, 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 procuring Goods, Infrastructure Projects and Consulting Services. The Circular provides guidelines on the procedure to be used including requiring the preparation of project requirements, inclusion in the annual procurement plan (with flexibilities). It allows for direct negotiation or direct procurement from a legally, technically and financially capable supplier, distributor, manufacturer, contractor or consultant, with guidelines on suitable evidence of capability. It permits procuring entities to dispense with the requirement for a formal written offer or bid. The Circular covers a number of other issues including: publication of Notice of Award, documentary requirements; negotiation of the most advantageous price; direct purchase from local farmers; advance payment; special repeat orders. It also provides for a number of administrative and criminal penalties, including blacklisting, liquidated damages and imprisonment relating to failure to contractual failure/refusal. The provisions for Emergency procurement of specified goods, facilities and services under Republic Act 11469 “Bayanihan to Heal as One Act” were time limited, applying for 3 months to 23 June 2020. Contract awarded under Republic Act 11469 on or before 23 June 2020 will continue to be subject to RA 11649. Procurement projects under RA 11649 not awarded on or before 23 June 2020 should start anew using procurement modalities under RA 9184 and IRR.

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<sup>1</sup> Annex H s.V(D)(2)(a) references s.16 RA No.10121 in this case.

<sup>2</sup> GPPB Circular No. 04-2016 “Clarification on Negotiated Procurement under Emergency Cases modality embodied in Section 53.2 of the 2016 revised Implementing Rules and Regulations of (IRR) of Republic Act (RA) No.9184” (20 December 2016). Issued to explain and summarize the provisions on Negotiated procurement in GPRA s.53(b) and IRR s.53.2.

<sup>3</sup> Presidential Proclamation No.922 declaring a State of Public Health Emergency.

<sup>4</sup> Presidential Proclamation No.929 declaring a State of Calamity due to COVID-19 throughout the Philippines.

<sup>5</sup> Republic Act 11469 (“Bayanihan to Heal as One Act”), passed and adopted 23 March 2020.

<sup>6</sup> GPPB Resolution No. 03-2020 (dated 10 March 2020 and published in Philippine Daily Enquirer on 13 March 2020).

<sup>7</sup> GPPB Resolution No. 05-2020 (dated 20 March 2020 and published in Philippine Daily Enquirer on 24 March 2020)

In May 2020 the GPPB-TSO issued GPPB Resolution No. 09-2020 (dated 7 May 2020). This covers a range of measures aimed at ensuring the efficient conduct of procurement measures during the state of calamity, implementation of community quarantine or similar restrictions. These include: review of planned procurements for the fiscal year 2020 to identify which shall be discontinued, terminated, suspended or continued and on what basis they shall be continued; encouraging procuring entities to maximize use the existing rules under the procurement legal framework, particularly those meant to streamline, simplify and expedite the conduct of procurement such as videoconferencing, webcasting and similar technology as well as digital signatures and electronic/facsimile submission of bids; acceptance of alternative evidence and relaxation of some notarization and guarantee requirements

The GPPB provided further assistance to procuring entities by, for example, issuing FAQs on use of Negotiated Procurement under Emergency Cases<sup>8</sup>. It also published with the Philippines Commission on Audit, a Joint Memorandum Circular<sup>9</sup> which confirmed that, during the State of Public Health Emergency, Procuring Entities are allowed to resort to Negotiated Procurement under Emergency Cases under [GP]RA s.53(b)/IRR s.53.2 and associated issuances, for procurement of Goods, Infrastructure Project and Consulting Services that are directly related to the mitigation and containment of the transmission of COVID-19, in order for Procuring Entities to properly and timely respond to this Public Health Emergency.

In the light of the continuing pandemic situation, Republic Act 11494 Bayanihan to Recover as One Act (“Bayanihan 2”), dated 27 July 2020 exempts procurement for specified goods, facilities and services from the provisions on bidding procession required under [GPRA 9184] and other relevant laws, whilst requiring procurement to be undertaken “in the most judicious, economical and judicious manner” (Section 4(u)). The list of exempt goods, facilities and services is similar to the list of exemptions in Republic Act 11469 “Bayanihan to Heal as One Act”. Bayanihan 2 requires publication of specified information concerning contract award on the GPPB online portal and on the website of the procuring entity or if none, any conspicuous place in the premises of the procuring entity. Section 4(u) also provides, in relation to the list of exempt goods, facilities and services, for a 15% preference for domestic products, materials and supplies procured using competitive procedures. Section 4(t) provides that provision of PPE shall give preference and incentives to medical safety products that are locally manufactured. In support of this legislation, the GPPB published in September 2021 GPPB Resolution No.18-2020 Approving rules on the conduct of procurement activities covered under Republic Act 11494 Bayanihan to Recover as One Act and GPPB-Resolution No.19-2020 approving the rules in the conduct of Procurement of Goods with application of Domestic Preference covered under Republic Act 11494 Bayanihan to Recover as One Act.<sup>10</sup> The rules on conduct of procurement activities Bayanihan 2 were in effect to 19 December 19 2020.

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<sup>8</sup> NPM No. 003/2020 addressed to Heads of Procuring Entities (23 March 2020)

<sup>9</sup> GPPB and Republic of the Philippines Commission on Audit Joint Memorandum Circular No.1 “Emergency Procurement by the Government during a state of public health emergency arising from coronavirus disease (COVID-19)”, dated 26 March 2020

<sup>10</sup> GPPB-TSO published, and continues to publish other supporting Resolutions/Circulars not discussed in these paragraphs, including: GPPB-TSO Resolution 11/2020 Approving electronic submission of Annual Procurement Plan, Procurement Monitoring Reports and Agency Procurement Compliance and Performance Indicator Results and Posting and Extension of Deadline for submission of Annual Procurement Plan and Procurement Monitoring Reports; GPPB-TSO Resolution 12/2020 Approving the prescribed form for certifications required for the conduct of electronic submission and receipt of bids by Procuring Entities; GPPB-TSO Resolution 17/2020 Approving the streamlining of Procurement of Common-Use supplies and equipment items from the Department of Budget Management -Procurement Services; GPPB-TSO Resolution 18/2020 Approving the rules on the conduct of procurement activities under Republic Act 11494 of the Bayanihan to Recover as One Act; GPPB-TSO Resolution 01/21 Approving the issuance of a Letter to the Inter-Agency Task Force for the Management of Emerging Infectious Diseases and to the COVID\_19 Vaccine Cluster Asking Clarification on the Procurement of COVID\_19 Vaccines; GPPB-TSO Resolution 02/21 Approving the Issuance of Resolution Seeking Clarifications on the Intended Role of

## Observations on immediate response to the COVID-19 Pandemic

- The amendments made to the procurement legal framework were made promptly and, as far as we are able to assess, in accordance with wider procedural requirements.
- The amendments were issued in a comprehensive and clear format - with a helpful Annex A to GPPB Resolution 03-2020 showing both the original and revised version (with revisions shown) of the relevant provisions of Annex H - Consolidated Guidelines for Alternative Methods of Procurement.
- The amendments made to the legal framework appear to be a relevant and proportionate response, in particular to simplify and streamline selection and award processes, including providing for wider powers of delegation and relaxing some documentary requirements as well as permitting changes to annual procurement plans.
- The amended legal framework included safeguards to ensure, as far as possible in this unprecedented situation, the proper use of Negotiated Procurement under Emergency Cases. The legal framework retains important existing provisions such as those mentioned above concerning the time element the Joint Memorandum Circular refers to the need for negotiated procurement to be directly related to the COVID-19 crisis.
- The country used the flexibilities of existing procurement methods available under the legal framework, with limited adaptation, to respond to the COVID-19 crisis.
- The authorization of Presidential powers under the general Declaration of the State of Emergency<sup>11</sup> was time limited and subject to restrictions. Section.4(k) of the Declaration of the State of Emergency concerns public procurement. It clearly specifies the exemptions from the provisions of RA 9184 and other relevant laws – listing the type of goods, facilities and services covered.

## Practical Implementation: Evidence prepared by Civil Society/ Independent Organization

A report has been published recently by Civil Society and Independent Organization with conclusion as in the given box below.

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the Procurement service [in the implementation of deployment and national vaccination plan for COVID-19 Vaccines]; GPPB-TSO Resolution 06/21 Approving the Issuance of Circular on Guidelines for Emergency Procurement under Republic Act No.11525 or the COVID-19 Vaccination Program Act of 2021 & Circular 02/2021 Guidelines for Procurement of Coronavirus Disease 2019 Vaccines and it Ancillary Supplies and Services or Other Goods and Services Authorized under Republic Act No.11525 or the COVID-19 Vaccination Program Act of 2021

<sup>11</sup> Republic Act 11469 (“Bayanihan to Heal as One Act”), passed and adopted March 23 2020, declares the existence of a national emergency arising from the Coronavirus Disease 2019 (COVID-19) situation and a national policy in connection with that national emergency. It authorizes the President, for a limited period and subject to restrictions to exercise powers necessary and properly to carry out the declared national policy and for other purposes.

## Strengthening Procurement in the Time of a Pandemic: Evidence from the Philippines\*

The coronavirus pandemic has tested the resilience of procurement systems around the world, as governments try to deliver critical public goods while mitigating the risks of relaxing procurement rules to cope with the demands of this emergency. What lessons might we learn from the experience of the Philippines? We construct and open for public use a novel dataset on coronavirus-related government contracts worth P20 billion (USD 400 million), representing nearly 60% of the total value of publicly available contracts as of August 2020. Using this item-level dataset, we find that: (i) medical and social amelioration goods comprise 99% of the value of our sampled contracts, (ii) the typical (median) procurement from award date to reported delivery took 9 days, (iii) around 71% of items were procured at high prices and which warrant a second look from authorities, (iv) more than 60% of items by value had data quality issues, and (v) more than 66% of items by value did not have sufficient descriptions or specifications to warrant price comparisons. Learning from the literature on social accountability movements, we propose ways for civil society, government, journalists, business, and the academe to collaborate to systematically verify and improve the quality of procurement data, so procuring entities can buy better and be more responsive to people's needs in the next rounds of coronavirus purchases and in future emergencies.

*\*Source: (This Version: 18 May 2021) WeSolve and Citizens' Budget Tracker, funded and supported by Hivos Southeast Asia's Open Up Contracting Program*

*Link: [Strengthening Procurement — wesolve](#)*

*It is recommended that GoP/ GPPB-TSO engages with the Civil Society and Independent Organization to account for citizen's voice in improving the procurement system in the time of pandemic*

Finally, it may be useful to share the experience of implementation of the World Bank – financed procurement for Philippine COVID-19 Emergency Response Project as given in the box below:



## Implementation of World Bank-financed Philippine COVID-19 Emergency Response Project

The GoP has secured an initial loan of US\$100m from the World Bank to finance the Philippines COVID-19 Emergency Response Project (PCERP). The project development objective is to strengthen the Philippines' capacity to prevent, detect and respond to the threat posed by COVID-19 and strengthen national systems for public health preparedness. Among others, it aims to provide critical medical and laboratory equipment, PPE, medical supplies as well as essential inputs for treatment to selected hospitals and health facilities, including civil works requirements. During the last three implementation support missions, the Bank has been observing that the emergency procurement under the project has been very slow and not working as efficient as originally expected. It appears that the flexible arrangements designed for the project are not fully working. A major challenge affecting the project procurement is the unfamiliarity of critical Department of Health (DOH) units involved in the process, such as Procurement Service (PS), TWG/BAC, and Legal Service (LS) with Bank Procurement Regulations and approaches to prioritize fast-track emergency procurement agreed with the government. It was also observed that there were too many overlaps of review (technical, implementation, procurement, legal, finance, management) function, making processing longer than expected from an emergency response project. Personnel involved in procurement processing tends to be tentative inspite of clear guidelines unless these are directly supported by the Commission on Audit. Overall, the project benefitted from the special features of the Bank's procurement arrangement involving Hands-on Expanded Implementation Support (HEIS) and Bank-Facilitated Procurement (BFP) in acquiring critical goods at an economical cost, however the long processing period within DOH/govt did not allow timely delivery of these goods, hence it lessened the value for money proposition, wherein time is gold specially under emergency situation.

## ANNEX 4: Assessment Criteria in Quantitative Terms- Compliance

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This document lists compliance as per Annex 2 of MAPS Methodology – Assessment Criteria expressed in Quantitative Terms on Quantitative Indicators (minimum) and Additional recommended quantitative indicators. These figures are reflected in Detailed Matrix (Volume II of the Assessment Report)



June 15 MAPS-  
Quantitative-Compliar

## ANNEX 5: Extracts from Data Analytics of June 2019 (RAS: PhilGEPS)

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Insights and Ideas for Procurement Policies and Strategies that generate savings - Extracts from Data Analytics of June 2019 (carried out as Reimbursable Advisory Service by the World Bank) given with permission from DBM/GPPB-TSO.

### Important extracts relevant for MAPS

Based on available procurement data, it is estimated that the Government of the Philippines could save between 26% and 29% of the total procurement spend through designing and implementing better procurement strategies and policies. Changes to laws or regulations are not required to materialize these savings, but rather a more strategic approach to government procurement<sup>12</sup>

Some of the key findings of this **Data Analytics** are as under:

- Buying in bulk resulted in more economical prices and our model estimates that the Philippines could save 8.2% by leveraging the demand of the Government as a whole to drive prices down. Our recommendation is to do one procurement that supplies 70% of the annual demand of high volume, low complexity items. The instrument we recommend for implementation is framework agreements.
- The time allowed for bidders to prepare and submit their bids had an impact on prices. Very short periods and especially very long periods yielded higher prices. Our model estimates that the Philippines could save 6.1% with a reasonable amount of time for bidders to prepare and submit their bids.
- Bundling up items within a single procurement process resulted in more economical prices for the Philippines. We estimate that the Government of the Philippines could save 3.8% with more strategic packaging of items that consolidate demand and reduce the share of very small processes. But 94% of the processes had only one item, dispersing the demand in small-value processes.
- Agencies that were more efficient in evaluating bids paid more economical prices than agencies that took longer to assess bids and decide on an award. We estimate that the Government of the Philippines could save 0.8% if agencies were more efficient on the process of evaluating bids and decide on an award. The time spent to turnaround bid evaluation is an indication of organizational efficiency, capacity and resources. Our recommendation is to offer a capacity building program for agencies that underperform on this task as well as to evaluate strategic reallocation of qualified staff on processes with a high turnout of bidders.
- The number of bids received has an important impact on bid evaluation turnaround. Bidding processes with a higher turnout of bidders demand more time from bid evaluation committees to complete the work. Our recommendation is to have a plan to reallocate qualified resources for processes with high bidder turnout
- Agencies with fewer failed bidding processes paid more economical prices. And, we estimate that the Government of the Philippines could save 0.3% of the value spent in procurement if agencies reduce the number of failed tenders. During the period 2014-2018, about 9% of the items put out to market failed to result in a contract. Our recommendations is to design and implement a capacity building program

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<sup>12</sup> PhilGEPS Reimbursable Advisory Services of the World Bank- Insights and Ideas for Procurement Policies and Strategies that Generates Savings (June 2019)

custom-tailored to agencies with high degrees of failed tenders, focusing on easing participation requirements, improving bidding documents and bid evaluation procedures.

- November and December were the most expensive months for public procurement in the Philippines. And, these months accounted for 20% of the volume and 24% of the awarded value during 2014-2018. We estimate that the Government of the Philippines could save almost 0.1% with better procurement planning that avoids bunching up procurement at the end of the year. It is worth noting that the Philippines showed a strong kickoff of procurement in the first quarter of the year, which is not typical in government administrations.
- Public bidding did not produce low prices by itself; only well-implemented public bidding did. Good implementation required sufficient period for bid preparation and submission, strategic bundling, leveraging scale, high bidder turnout amongst others. Our model estimates savings of 0.03% with a reduction of direct contracting. Also, the large majority of procurement done by public bidding compared with a lot fewer processes for other methods meant that data did not have equal variation for these other methods.
- Monopolies and oligopolies of public procurement markets had a substantial impact on prices paid by the Government. In fact, we estimate that the Government of the Philippines could save 3.4% with a more diversified supplier base, which requires breaking-up some monopolies and oligopolies. Our recommendation is to approach these markets with custom-tailored strategies to foster competition and new entrants to public procurement.
- Small and medium-sized companies offered more economical prices than large companies according to data for years 2014-2018. Our model estimates savings of 1.6% by increasing participation of medium sized companies in public procurement. Company size was calculated as terciles of awarded value by suppliers. Our recommendation is to develop an outreach and training program for small and medium sized companies on how to bid for government contracts.
- Local suppliers (from same province of buyer) offered more economical prices during 2014-2018. Our model estimates savings potential of 0.7% if the market share of local suppliers increases. Our recommendation is to conceive and implement an outreach and training program to local suppliers so they can find bidding opportunities and can prepare responsive bids for government contracts.
- In addition to monopolies and oligopolies at markets, they also exist at the level of Government buyers. And, data showed that buyers with indications of monopolies and oligopolies paid higher prices. It is important to note that monopolies and oligopolies at buyers exist even for markets that are competitive in public procurement. We estimate that the Government of the Philippines could save 0.4% with a successful strategy to break up these monopolies and oligopolies. Our recommendation is to tackle the challenge with custom strategy for the buyers that face this issue.
- Specialized suppliers are an important aspect in public procurement. The idea would be that specialized suppliers are manufacturers or else specialists in a specific market. Specialized suppliers could offer higher quality products and perhaps at more economical prices, by eliminating middlemen. However, data from the Philippines showed that specialized suppliers offered higher prices. And, almost half of the suppliers to the Government offered products of only one family. Our model estimates that the Government of the Philippines could save 0.2% by procuring from less specialized suppliers. This result came as a surprise and

deserves more research, perhaps to understand the level of competition faced by specialized suppliers and whether specifications were neutral.

The above findings have been used by the Assessment Team for relevant indicators as per MAPS 2018 version of this Assessment for relevant indicators (Indicator 9 and Indicator 10 on Procurement Operations and Market Practices)

## ANNEX 6: Private Sector Survey- Objective, Methodology, Questionnaire and Results of Survey

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### A. Objective of the Survey

MAPS assessment methodology requires use of survey to seek feedback from private sector and other stakeholders on the following aspects:

- i- Perception that the normative and regulatory body GPPB-TSO – In this cases is free from **conflict of interest in its functions and responsibilities** that provides for separation of duties such as regulation, monitoring, oversight, procurement audit, complaints review with clarity (sub-indicator 5(d) on Avoiding Conflict of Interest);
- ii- Perception of **openness and effectiveness of the public sector** in engaging with the private sector (sub-indicator 10 (a) on dialogue and partnership between public and private sector);
- iii- Perception about the appropriateness of conditions in the **public procurement market** such as access to credit, procurement methods and procedures, contracting provisions, fair payment provisions, existence of effective appeals mechanism and dispute resolution in the law (footnote 30 of indicator 10 (b) on private sector’s organization and access to public procurement);
- iv- Further to the above, a perception that **in practice the appeals system is trust worthy** and appeal decisions are consistent with the findings of the case and with the available remedies provided in the legal/regulatory framework (sub-indicator 13 (c) on decisions of the appeals body);
- v- Admission about **indulgence in unethical practices** including making gifts (sub-indicator 14(c) on Effective sanctions and enforcement system; and
- vi- Perception of favorable opinions by the public on the **effectiveness of anti-corruption measures** (sub-indicator 14(d) on Anti-corruption framework and integrity training).

### B- Methodology of Survey

- GPPB-TSO led a consultation workshop with private sector on December 12, 2019 in Manila with participation of 36 representatives of private sector to seek their feedback to improve public procurement system of Philippines, also to address MAPS assessment criteria under Pillar III, Indicator 10.
- Dialogue between the government and private sector is important and the voice of private sector needs to be heard with regard to national procurement objectives, changes to the legal and institutional framework and practices by the government that may undermine the competitive effectiveness of the private sector
- There should be no major systemic constraints (e.g. inadequate access to financing, contracting practices, etc.) inhibiting the private sector’s capacity to access the procurement market.
- Based on the government’s priority spending areas, key sectors associated with the procurement of goods, works, and services needs to be identified by the government. Risks associated with certain sectors and opportunities to influence sector markets are to be assessed by the government, and sector market participants need to be engaged in support of procurement policy objectives.
- There were 21 questions given to participants and written anonymous responses received in the consultation workshop.

### C- Questionnaire

Initially it was intended that responses shall be received electronically. However, it was possible to hold a Consultation Workshop and face to face interaction with on-the-spot response (written anonymous) followed by a robust discussion. Copy of the questionnaire which was distributed is as attached



Survey Questions for  
Private Sector- Philipp

#### D- Results of Survey

In the virtual mission on Oct 19-23, 2020, based on the analysis of the survey response and result of consultations a Summary of Private Sector Survey was presented by the Assessment Team as attached



WB Survey Questions  
Graphs EB1 (1).pptx



MAPS -  
Philippines-Results of

## ANNEX 7: Summary of feedback from CSO consultations

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The objective of consultation among other things was to explore how (i) CSOs could act as safeguard against inefficient and ineffective use of public resources; (ii) CSOs could help public procurement to be more competitive, fair, transparent, improve contract performance and secure results; (iii) to use Open Contracting Data by CSOs; and; (iv) to improve engagement of CSO through participation, monitoring and oversight, all related to public procurement system in Philippines. Based on MAPS methodology participants were requested to respond to questions for a written response.

### **Questions for the participants related to Public Procurement System in Philippines**

- Is there a transparent and consultative process when changes are formulated to the public procurement system?
- Are CSOs permitted or encouraged to act as observers in procurement proceedings?
- Whether programs are in place to build capacity of CSOs to support participatory public procurement?
- How to create more opportunities for dialogue and partnership with CSOs to improve public procurement system in Philippines?

An electronic survey was carried out to seek feedback from selected CSOs (9 responses received by June 22, 2020) followed by videoconferencing on July 20, 2020 in which 10 representatives of CSOs participated. The event was led by GPPB-TSO.

The video recording of the even is available. In the virtual mission on Oct 19-23, 2020, based on the analysis of the survey response and content of the video recording a **result of consultations with CSO was presented by the Assessment Team as attached**



MAPS - Philippines-  
Results of CSO Consu

## ANNEX 8: Sample Cases- Approach for Sampling and Results and Snap shot on LGU Procurement and Capacity

**A. Objective:** The objective of MAPS Indicator 9 is to collect empirical evidence on how procurement principles, rules and procedures formulated in the legal and policy framework are being implemented in practice. It focuses on procurement-related results that in turn influence development outcomes, such as value for money, improved service delivery, trust in government and achievement of horizontal policy objectives.

Reliable data from actual procurement contracts and documents must be obtained to arrive at a reasonable assessment of how the processes and procedures contained in the procurement law, its associated rules and regulations, are actually implemented on the ground. Apart from the actual data, information must be secured from various sources across the jurisdiction to have a good picture of how procurement is conducted from planning, selection, until contract implementation, with a view to providing “enough information to arrive at conclusions that can be regarded as valid at an aggregate level.”<sup>13</sup>

**B. Approach for sampling:** To achieve the foregoing objectives, the MAPS Assessment Team - 1) identified and selected contracts from different levels and various agencies of government; 2) reviewed, studied and assessed actual procurement contracts to generate necessary data and information; and, 3) discussed with procurement officials, personnel and practitioners to be able to validate and verify the information gathered in the course of the contract review.

Taking-off from the coverage of application in the procurement law<sup>14</sup> and the above-mentioned assessment approach, the MAPS Team, with assistance from the Government Procurement Policy Board - Technical Support Office (GPPB-TSO), requested for sample contracts posted by National Government Agencies (NGAs), Government Owned and/or Controlled Corporations (GOCCs), Government Financial Institutions (GFIs), State Universities and Colleges (SUCs) and Local Government Units (LGUs) with the Philippine Government Electronic Procurement System (PhilGEPS)<sup>15</sup> for the years 2016, 2017 and 2018. From the List provided by PhilGEPS, an aggregate of One Hundred Twenty (120) goods, civil works and consulting services contracts were selected. Included in the sampling are the following seventeen (17) Procuring Entities/Participating Agencies<sup>16</sup>:

### **I. NGAs**

1. Department of Education (DepED) – Main
2. Department of Education (DepED) - Tagum City
3. Department of Social Welfare and Development (DSWD)
4. Department of Transportation (DOTr)

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<sup>13</sup> Section I, Par. 28, MAPS User’s Guide, p. 9.

<sup>14</sup> Sec. 4, Scope and Application, RA 9184 and the 2016 revised IRR.

<sup>15</sup> Republic Act No. 9184, Sec. 8. Procurement by Electronic Means. - To promote transparency and efficiency, information and communications technology shall be utilized in the conduct of procurement procedures. **Accordingly, there shall be a single portal that shall serve as the primary source of information on all government procurement. The G-EPS shall serve as the primary and definitive source of information on government procurement...** (Emphasis supplied)

<sup>16</sup> DepED Negros Oriental, DPWH Negros Oriental, DPWH Davao del Norte and DBM-PS were originally included, but due to the challenges brought by Covid 19, numerous lockdowns, travel restrictions and the growing number of Covid 19 cases in the country, access to these agencies’ procurement contract documents became a serious challenge.



5. Department of Public Works and Highways (DPWH) Main
6. Department of the Interior and Local Government (DILG)

**II. LGUs**

1. City of Pasig, Metro Manila
2. City of San Fernando, Pampanga
3. Municipality of Ayungon, Negros Oriental
4. Municipality of La Trinidad, Province of Benguet
5. Province of Aklan

**III. GOCCs/GFIs**

1. Landbank of the Philippines (LBP)
2. Philippine General Hospital (PGH)
3. Philippine Heart Center (PHC)

**IV. SUCs**

1. University of the Philippines System (UP)
2. Cagayan State University (CSU)
3. West Visayas State University (WVSU)

The MAPS Assessment Team examined and reviewed actual physical contracts when they visited DepED Main, DSWD, DOTr, DPWH Main, LBP, PGH, PHC and the City of Pasig. However, due to the seriousness of the Covid 19 spread and contamination, coupled by the government-imposed lockdowns, travel restrictions and multi-staged community quarantines, the MAPS Team, with the assistance from the GPPB-TSO, agreed to the uploading of remaining procurement contract documents in a Cloud created for the purpose. Availability of these contracts for uploading likewise posed a challenge due to access to the actual contracts and documents; ingress and egress to the respective offices; and, the Work-from-Home or Skeletal Work Arrangement implemented by various authorities.

Eventually, a combined One Hundred (100) goods, civil works and consulting services contracts from the original 120 contracts were examined either physically or downloaded by the Assessor from the Cloud. Due to the challenges brought by the Covid 19 malady, the MAPS Assessment Team agreed to add Eighty-Six (86) civil works contracts that were taken from the DPWH Civil Works Application/Registry (CWA/CWR), the DPWH Project and Contract Management Application (PCMA), and the DPWH-Electronic National Government Accounting System (eNGAS). A total of One Hundred Eighty-Six (186) Contracts were reviewed and assessed with the following breakdown in terms of the nature and the modality of procurement, thus:

	Competitive Bidding	Negotiated Procurement – Lease of Venue	Negotiated Procurement – Agency-to-Agency	Negotiated Procurement – Small Value Procurement	Negotiated Procurement – Two Failed Biddings	Negotiated Procurement - Adjacent and Contiguous	SSS	Total
Goods	37	1	3	4	4	0		49
Civil Works	124	0	0	0	3	3		130
Consulting Services	6	0	0	0	0	0	1	7
Total	167	1	3	4	7	3	1	186

In the course of the review and assessment, and due to the difficulties encountered during the COVID-19 Pandemic, data and information that would have been otherwise made available by Participating Agencies cannot

be obtained or accessed. For this reason, sample contracts with lacking or unverifiable information were excluded from the computation of the average. Hence, there were occasions where out of a universe of 186 contracts only 177 (compliance with publication requirements) or 87 (CSO involvement) were included in the analysis.

Procurement and contract documents examined and assessed in the course of the MAPS exercise include those used in the planning, selection and contract implementation stages that cover the following: Annual Procurement Plan; Project Procurement Management Plan; Purchase Requests; Invitation to Bid, Supplemental/Bid Bulletin; Minutes of the Pre-Bid Conference; Instructions to Bidders; Bid Data Sheet; General Conditions of the Contract; Special Conditions of the Contract; Technical Specifications; Terms of References; Minutes of the Bid Opening; Abstract of Bids as Read; Bid Evaluation Result; Abstract of Bids as Evaluated; Post-Qualification Results through the Bids Awards Committee Resolution recommending award of contract; Bidding Documents submitted by the winning bidder; Notice of Award; Contract/Purchase Order; Notice to Proceed;; Inspection and Acceptance Report (IAR)/Certificate of Inspection and Acceptance (CIA); Certificate of Completion; Certificate of Acceptance; Invoices; Progress Billings; Disbursement Vouchers; Journal Entry Vouchers; Procurement Monitoring Reports, and other allied procurement documentations that would assist in the confirmation and validation of the data and information provided during the assessment.

To certain extent possible, the MAPS Team was able to access the actual facilities where procurement contracts and documents were kept and maintained. In addition, alongside the procurement contract review, interview and discussions with the members of the Bids and Awards Committee (BAC), the BAC Secretariat and Technical Working Group were also made by the MAPS Assessment Team to verify, clarify and validate data and information gathered in the course of the assessment.

The data and information gathered and the findings, including the identified gaps and the proposed recommendations by the MAPS Assessment Team are reflected in the attached MAPS Matrix, which shall then be presented to the identified Procuring Entities/Participating Agencies, the GPPB and its Technical Support Office, and all concerned stakeholders for review, validation and confirmation to allow for constructive comments, reactions and suggestions all in conformity with the thrust to achieve a valid and credible MAPS exercise.

### **C. Consolidated Results of 186 Samples with Assessment Expressed in Quantitative Terms (Indicator -9 and others relevant indicators)**



PH MAPS\_Master  
Contract\_Data\_Table\_1

*Reference: Mail of April 15, 2021 in MAPS Assessment Team files*

### **D. Snapshot of LGU Procurement and Capacity Development**

In the course of the assessment and review of procurement and contract documents from the five (5) participating LGUs<sup>17</sup> and interview with the procurement practitioners, it was noted that their Annual

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<sup>17</sup>City of Pasig, Metro Manila; 2) City of San Fernando, Pampanga; 3) Municipality of Ayungon, Negros Oriental; 4) Municipality

Procurement Plan were prepared and guides the schedule of procurement for the fiscal year. During the selection process, compliance with the step-by-step procedures as mandated by the procurement law and the rules were adhered to in most of the cases. Procurement opportunities are communicated, published and posted. Bidders are allowed to inquire and clarify on the requirements of the procuring entity per the bidding documents. Notification for the award of contract were given to the Lowest Calculated and Responsive Bid (LCRB).

The conduct of the procurement activities in the LGUs from needs identification and planning; selection and award; and contract implementation and close out were, however, beset by procurement practices that are less desirable as they are not in conformity with the mandate of the procurement law and its associate rules as observed by the Assessment Team, such as:

1. Preparation of the Annual Procurement Plan (APP) without target dates; the procurement of items that are not included in the APP, coupled by lack of market research to support the development of the specifications, budget and the mode of procurement to be employed;
2. Unreliable cost estimates resulting to failures of bidding;
3. Non-compliance with the posting requirements;
4. Insufficient timelines afforded to bidders to prepare a responsive offer;
5. Irregular attendance of NGOs in procurement activities;
6. Quality Control and Inspection of the goods delivered are left to personnel that are often times randomly assigned to the task;
7. Delays in delivery and project execution;
8. Delays in payment;
9. No retention money, warranty security; and Liquidated Damages imposed on bidders; and
10. Procurement documents are not compiled together as there is no single file containing complete documentation from needs identification, selection and contract implementation.

To address the foregoing issues and concerns on procurement practices, the development of the capacities of procurement practitioners at the LGU level is an imperative. No less than the 2016 revised IRR of RA 9184 mandates Head of Procuring Entities (HoPE) to send BAC, BAC Secretariat, TWG members and Procurement Units to procurement training within six (6) months from designation as such member, thus:

Section 16. Professionalization of BAC, TWG Members and Procurement Units - The GPPB shall establish a sustained training program to develop the capability of the BACs, BAC Secretariats, TWGs, and the Procurement Units of Procuring Entities, and professionalize the same. The HoPE shall ensure that the BAC, its Secretariat and TWG members, including other relevant procurement personnel are sent to attend procurement training or capacity development program. Within six (6) months upon designation, the BAC, its Secretariat and TWG members should have satisfactorily completed such training or program conducted, authorized or accredited by the GPPB through its Technical Support Office.

The HoPE is encouraged to attend similar procurement training and capacity development activities. (Underscoring supplied)

### ***Multi-Stage Learning Process***

Capacitating the procurement practitioners at the LGU level would entail multi-stage approach that can be implemented in the short, medium- and long-term goals. Thus, the short-term target, within three (3) to six (6) months, is to brief and educate the procurement practitioners in the LGU of the basic knowledge and information on government procurement and its associated rules in order for them to have a ready grasp and

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of La Trinidad, Province of Benguet; and 5) Province of Aklan.

understanding of how to apply the law and the rules on its face. The end-goal for the short-term learning is to orient and expose the procurement practitioners on the step-by-step procurement processes and procedures.

On the other hand, the medium-term goal, seven (7) months to one (1) year is for the procurement practitioners to have an advance knowledge on government contracting where is the practitioners are expected not only to know the basic procurement rules but to have obtained that comfort level to apply, interpret and construe the provisions of the procurement law, its associated rules and allied issuances by the GPPB.

The long-term goal, to be achieved more than one (1) year from the basic and intermediate training is to be able to send the LGU procurement practitioners to sustainable procurement training programs that will not only enhance their procurement knowledge, but will likewise build their expertise through exposures in the various topics of public procurement that are beyond the confines of the procurement law and its 2016 revised IRR, but knowledge exposures dealing in advance information and education on the strategic procurement, public acquisition system, e.g., use of Life Cycle Costing, Advancing Green and Sustainable Public Procurement, preparation of Technical Specifications, learnings on the Ethics of Procurement, Game Theory, and such other topics that would be deployed in the context of a Mandatory Continuing Procurement Education (MCPE).

### ***Approach and Methodology***

The procurement capacity development of LGUs must be programmatic in approach and *championed* no less by the *Department of the Interior and Local Government* that has jurisdiction over LGUs. The Local Government Academy (LGA) may be assigned to take the lead in educating LGU procurement practitioners by tapping the expertise of the GPPB-TSO Trainers or linking with identified State Universities and Colleges present in the LGU and offering the procurement modules and courses developed by the GPPB with assistance from the World Bank.

The materials and content must be reviewed, recognized and authorized by the GPPB-TSO for consistency pursuant to the requirement of Section 16 of the 2016 revised IRR above-quoted. Accordingly, the DILG, LGA, SUC and GPPB-TSO, the “LGU Team”, must work together in the development and institutionalization of this Procurement Training Program for LGUs looking at short, medium- and long-term implementations, and with a view to ultimately graduating “Procurement Cadres” or practitioners in the LGUs.

The Local Chief Executives (LCEs) are expected to attend procurement trainings and capacity development activities to have a deeper understanding of the public acquisition processes and procedures. For this purpose, the Development Academy of the Philippines (DAP) may be tapped to prepare a “fit-for-purpose” program or workshop for the LCEs with the procurement modules and courses earlier developed with the GPPB-TSO as jump-off point.

### ***Quick Wins for the Short-Term Goal***

The Reconstitution of the GPPB-TSO Composite Team of Trainers comprising a Team in every Region with members from the DBM, DILG and COA shall be able to quickly launch and roll-out the short-term procurement trainings, as well as the “Cluster Procurement Trainings”, to answer the immediate concern on preparing and educating procurement practitioners in the Region or Province by reason of the influx of funds through the Internal Revenue Allotment (IRA) brought about by the recent Supreme Court Decision<sup>18</sup> favoring the return of funds by the National Government to the LGUs bringing an expected increase in the IRA of LGUs in FY 2022.

In the days leading to the preparation, implementation and roll-out of the capacity development program at the LGU, the “LGU Team” must identify and prioritize the procurement topics to be discussed, to include – 1)

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<sup>18</sup> **Congressman Hermilando I. Mandanas, et al. v. Executive Secretary Paquito N. Ochoa, Jr., et al., G.R. No. 199802, July 03, 2018.**

procurement planning, project prioritization and budgeting linkage pursuant to Section 7 of the Procurement Law and its associated 2016 IRR; 2) the rules and procedures for competitive bidding; 3) market research and requirements development; 4) preparation of Bidding Documents; 5) understanding the various modes of procurement; 6) Multi-Year Contracting Authority; and, 7) use of Framework Agreements for procurement efficiency, among others.

The “LGU Team” shall be able to prepare a good “Communication Plan” to cascade the thrust of the LGU Capacity Development Program; reach out to appropriate authorities on the identification of procurement practitioners who will be the audience in these trainings; and, inform stakeholders of the plans and programs down the road to maintain and sustain the overall procurement capacity development for LGUs .

In parallel, the updating of the Local Government Procurement Manual (LGUPM) shall be handy in the learning journey of the LGU procurement practitioners. Immediate thrust should be the updating of the LGUPM to conform with the provisions of the 2016 revised IRR and to “laymanize” the same for ease of understanding, with a view to having the LGUPM developed in various major dialects of the country. “Cluster Procurement Training” may also be adopted for each province for a faster training roll-out, reach and multiplier.

## ANNEX 9: Letter of Request from the Government

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Republic of the Philippines  
**GOVERNMENT PROCUREMENT POLICY BOARD**  
**TECHNICAL SUPPORT OFFICE**



15 February 2019

**MARA K. WARWICK**  
*World Bank Country Director*  
*for Brunei, Malaysia, Philippines and Thailand*  
**The World Bank**  
26th Floor, One Global Place,  
25th Street, Taguig City

**Re: Request for Technical Assistance**

Dear Director Warwick:

The Government Procurement Policy Board (GPPB), supported by its own Technical Support Office (TSO), as the principal agency on government procurement in the Philippines, is mandated to formulate and amend public procurement policies, rules and regulations, and conduct regular review of the effectiveness of Republic Act No. 9184, otherwise known as "Government Procurement Reform Act."

In pursuance thereof, the Philippines underwent an assessment against the Methodology for the Assessment of National Procurement Systems (MAPS) of the Organisation for Economic Co-operation and Development's Development Assistance Committee (OECD-DAC). The recommendation identified in the 2008 Country Procurement Assessment Report of the World Bank on strengthening monitoring system at the agency and national levels pushed for the development by the GPPB-TSO of the Agency Procurement Compliance and Performance Indicator System, a self-assessment tool to measure the performance of a government agency's procurement activities and to compare its effectiveness against that of the national public procurement system and international best practices and standards.

With the recent revision of the OECD-DAC MAPS, we would like to respectfully request for technical assistance from The World Bank on the conduct of an assessment of the Philippine Procurement System. Through this endeavor, we aim to identify opportunities for, and challenges to, the country's procurement system which will guide us in enhancing the current procurement framework and processes to make it more responsive to the needs of the government. If our request merits your kind consideration, we will be identifying our focal person to facilitate the conduct of the assessment and coordination with key agencies.

**Ms. Diane Angela A. Marcos** of our Capacity Development Division will coordinate with your representative to discuss the details of this activity or the latter may get in touch with Ms. Marcos through telephone number **+632 900-6741 to 44 loc. 121** or through e-mail at [damarcos@gppb.gov.ph](mailto:damarcos@gppb.gov.ph).

We are continuously grateful to The World Bank's unwavering support to the Philippine government's commitment for a responsive and efficient procurement regime in the country.

Sincerely yours,



**ROWENA CANDICE M. RUIZ**  
*Executive Director V*

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Unit 2506 Raffles Corporate Center, F. Ortigas Jr. Road, Ortigas Center, Pasig City, Philippines 1605

## ANNEX 10: Stakeholder Analysis

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**1- Objective:** Stakeholder engagement can be a complex process, but it is of extreme importance for the success of the MAPS assessment to abide by the following requirements:

- Considering Stakeholders' interests and expectations in an optimal way to ensure the public procurement framework is credible and viable, drawing on support and identified (Government and private sector/civil society) champions who are critical to success.
- Balancing competing Stakeholders' interests continually affected by the political economy, state of procurement markets and access to legislators.
- Widely publishing the benefits of a sound policy and holding consultations with all stakeholders to at least consider their concerns and suggestions.
- Aligning the public procurement framework with national economic and development goals, including provisions aiming at reducing fraud and corruption.
- Developing a strategy and making incremental changes that lead to steady and feasible improvements.
- Keep Stakeholders engaged after completion of the assessment for strategic planning process for future public procurement reform

**2- Process of Identification of Stakeholders:** This process was undertaken as part of preparation mission considering the following:

- In the case of Philippines, the main counterpart agency GPPB-TSO was already engaged on procurement reform over last decades and actively engaged in previous Country Procurement Assessment carried out as CPAR 2012 (and earlier in CPAR 2008).
- GPPB- TSO provides support to the inter-agency GPPB in the performance of its duties and responsibilities, particularly in spearheading the implementation of public procurement reform initiatives in the Philippines. GPPB is chaired by Secretary, Department of Budget and Management with Alternate Chairperson as Secretary, National Economic Development Authority with representation from twelve (12) line Departments as Member and a Member from Private Sector.
- A preparation mission was undertaken from August 27-30, 2019 to inter alia identify stakeholders and discuss their roles and responsibilities at the stage of preparation of draft Concept Note
- The planning of the Philippines MAPS assessment included an identification of relevant stakeholders as the first step, with the objective to engage them as part of the assessment and as part of the MAPS validation process and next reform initiative.

### **3- Main Stakeholders as envisaged/Identified at the stage of Draft Concept Note**

As part of the stakeholders' consultations, the Assessment Team will co-ordinate the technical inputs of the other development partners such as but not limited to JICA, UNDP, USAID, DFAT, EU, AFD, Global Affairs Canada, AECID, actively involved in the procurement reform agenda in Philippines. Civil Society

Organizations (CSOs) such as but not limited to G-Watch, Social Watch, ANSA-EAP, CBCP-Laiko, CCAGG, involved in public procurement; Government oversight organizations such as Commission on Audits, Philippine Competition Commission, Ombudsman, Presidential Anti-Corruption Commission, are amongst the stakeholders that will be consulted together with the business associations (contractors, suppliers, consultants), academe and media. The Assessment Team has provided a Checklist for Stakeholder (Document -6) to GPPB-TSO during the initial mission and based on their input the same shall be finalized as per overview/checklist on types of key stakeholders that usually have a stake in MAPS Assessment. A tentative list shall be finalized before the Launch Workshop. Other potential stakeholders will be added to the list in consultation with the Government and the analysis of the country context. A launch workshop will be organized to bring together all stakeholders identified and seek their views/support for this important undertaking.

### **Stakeholders Analysis: key stakeholders and their expected contribution in improving Public Procurement System (PPS) of Philippines**

#### **Department of Budget Management:**

- Promote the sound, efficient and effective management and utilization of government resources (i.e., technological, manpower, physical and financial) as instrument in the achievement of national socioeconomic and political development goals
- Leadership and strong interest in public procurement reform agenda.

#### **GPPB and GPPB-TSO:**

- GPPB is a strong institution in charge of the normative/regulatory function as an independent inter-agency body, with GPPB-TSO administratively attached to Department of Budget and Management, providing support.
- Keen in engaging and leading the Philippines MAPS assessment Steering Committee.
- High level of expertise in public procurement
- Relatively fair level of influence on the other parties directly interested in the assessment exercise and its outcomes,
- Ability to ensure and provide strong and comprehensive support to the review team at all assessment stages.

#### **PS- PhilGEPS:**

- Under DBM authority.
- Strong expertise in technical aspects of the procurement web portal.
- Main player in bringing improvements to the existing e- Procurement System.

#### **Procuring Entities:**

- Authorized to procure independently [ central and regional offices or any decentralized, local or lower-level agency/bureau/office of a National Government Agencies (NGA), Government Owned and/or Controlled Corporations (GOCC), Government Financial Institutions (GFI), State Universities and Colleges (SUC) or Local Government Units (LGU). Responsible for conduct of procurement process, bid evaluation and award and contract implementation.
- Operational Expertise in public procurement
- Direct interest and influence on development of public procurement system by initiation of proposals for its improvement.
- Data and institutional memory information holders on actual implementation and performance of the legal and regulatory framework as procuring agencies.



- Key potential partners for bringing improvements to procurement process under GPPB and GPPB-TSO leadership.
- Influencing role in validation and implementation of MAPS findings and recommendations

**Bids and Awards Committee (BAC) and Secretariat:**

- Strong practical expertise in public procurement system
- Main driver of procurement in respective agencies

**Commission on Audit:**

- High interest in well-established and functioning of Public Procurement System.
- High influence as audit/monitoring and enforcement body.
- Potential to provide useful input.

**Ombudsman:**

- Constitutional body.
- Strong expertise in general anti-corruption requirements under the legislation.
- High influence as oversight and accountability enforcement agency being in an inside-outside public procurement stakeholder position.
- Signs of weak interest in MAPS- inadequate interaction with Assessment Team-

**National Economic Development Authority (NEDA):**

- The Country's premier socioeconomic planning body.
- Highly regarded as the authority in macroeconomic forecasting and policy analysis and research
- Strategic influence and importance in procurement reforms.
- 

**Public Private Partnership Center:**

- Mandated to facilitate the implementation of the country's PPP Program and Projects.
- Knowledge and expertise in practical application of PPP Law,
- Potential interest in creating the sustainable public procurement.

**Philippine Competition Commission:**

- Mandated to prohibit anti-competitive agreements, abuses of dominant position, and anti-competitive mergers and acquisitions.
- Interest and influence for sound market regulation to foster business innovation, increase global competitiveness, and expand consumer choice to improve public welfare.
- Useful for studies on bid-rigging, collusive practices.

**Private Sector:**

- **Robust engagement** (as observed in Workshop from 36 representatives on Dec 12, 2019).
- Provide fair opinion on public procurement system through survey and feedback (face-to face).
- Important influencer role in validation process and implementation of recommendations

**Civil Society Organizations:**

- Feedback from 9 CSOs and virtual feedback on July 20, 2020 from 10 representatives. Some of CSOs who are active in the area related to procurement and consulted in July 2020 for this MAPS tasks are: (i)Institute of Environmental Planners, and Philippine Institute of Civil Engineers; (ii) National

Citizens' Movement for Free Elections (NAMFREL); (iii) Life-long Initiatives for the Formation of Ecosystem (LIFE, Inc.); (iv) CODE-NGO; (v) QCPTA Federation, District 6-QC PTA Federation; (vi) Sorsogon Provincial Alliance of NGOs and POs for Development; (vii) Bohol Integrated Development Foundation, Inc.; (viii) Maguindanao Development Foundation, Inc.; (ix) Philippine Partnership for the Development of Human Resources in Rural Areas, Inc. (PhilDHRRA)

- Provided feedback on improving transparency and integrity in PPS (survey response and virtual consultation)

**Academia and Training institutions:**

- Partner in training procurement cadre
- Influence trainees on good procurement practices
- Fifteen SUCs nationwide have partnered with GPPB-TSO in providing the Procurement Certification Course

**Media:**

- Potential interest in public procurement oversight
- Influence on the public opinion

**Actual Engagement of Stakeholders:** Apart from representatives from GPPB-TSO, the World Bank and Asian Development Bank, the table below presents the list of key Stakeholders which attended the MAPS Launch Workshop on October 15, 2019

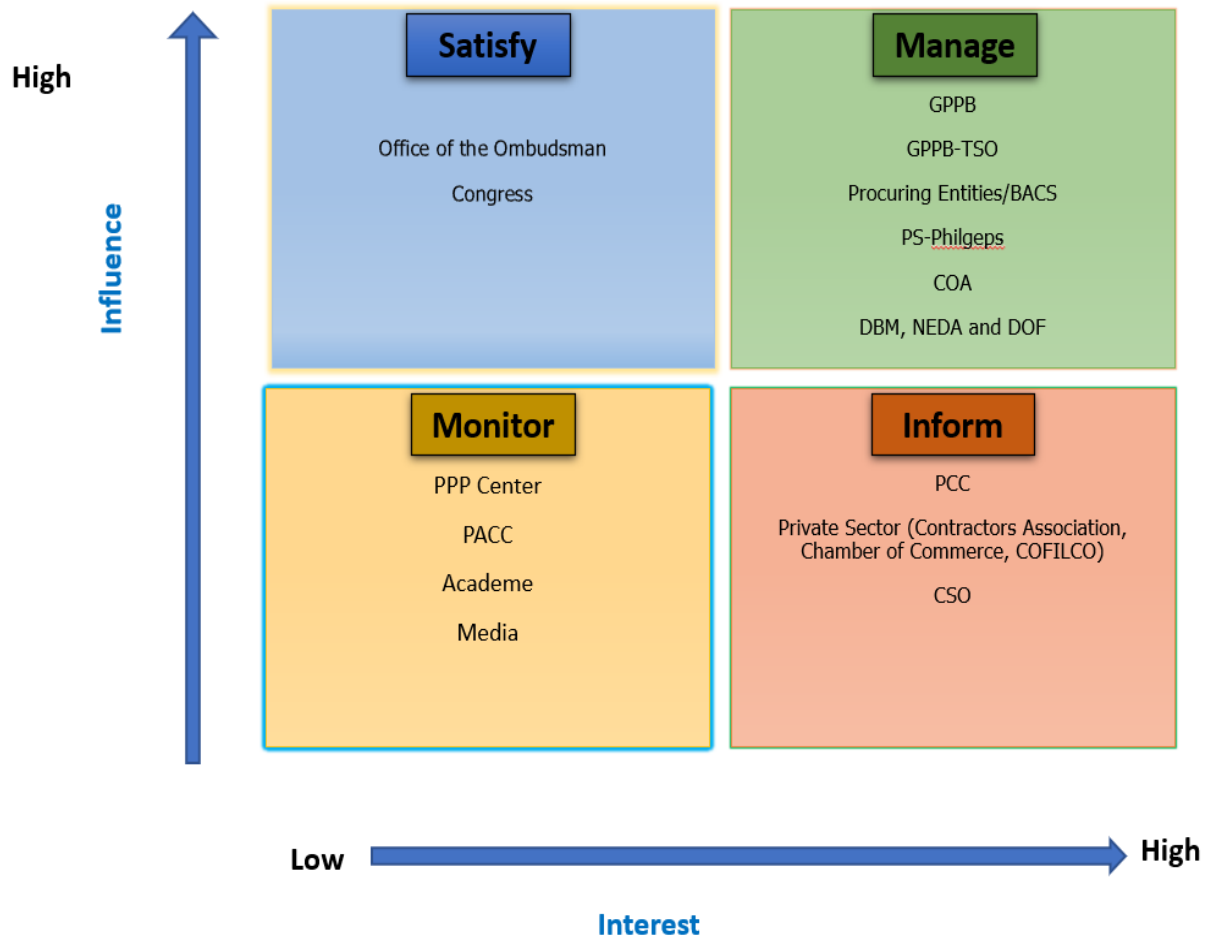
key Stakeholders that attended MAPS Launch Workshop on October 15, 2019	
<ul style="list-style-type: none"> <li>- Department of Budget and Management</li> <li>- National Economic and Dev't Authority</li> <li>- Department of Education</li> <li>- Department of Finance</li> <li>- Department of Public Works and Housing</li> <li>- Department of Interior and Local Gov't</li> <li>- Department of Health</li> <li>- Department of Science and Technology</li> <li>- Department of Transportation</li> <li>- Private Sector</li> <li>- Cavite State University</li> <li>- Commission on Audit</li> <li>- House of Representatives</li> <li>- Landbank</li> <li>- Local Government Units, Manila</li> <li>- Local Government Unit, Pasig</li> <li>- National Irrigation Administration</li> </ul>	<ul style="list-style-type: none"> <li>- Philippine Competition Commission</li> <li>- Philippine General Hospital</li> <li>- PS- PhilGEPS</li> <li>- Social Security System</li> <li>- Supreme Court</li> <li>- AECID (Spanish Agency for International Development Cooperation Office)</li> <li>- ANSA-EAP</li> <li>- Government Watch</li> <li>- Japan International Cooperation Agency</li> <li>- Philippine Constructors Association</li> <li>- Social Watch Philippines</li> <li>- United Nations Development Programme</li> <li>- Office of Ombudsman</li> </ul>

All the above representatives were invited for the Stakeholder Validation Workshop on **May 17, 2021**

The Assessment Team had active engagement with key stakeholders through face-to-face interaction till March 2020 and through virtual means thereafter (due to pandemic situation).

The Stakeholder analysis prior to the launch workshop on October 15, 2019 was critical in planning the meetings, interviews, and survey with the identified stakeholders and very helpful in the validation process of

the assessment outcomes and recommendations for the implementation of the prioritized improvements. The conclusions of the stakeholder's analysis are summarized in the figure below. The Analysis has informed the planning of the MAPS assessment meetings, interviews, and survey with the identified stakeholders. It's role is expected to be very critical for the validation process of the assessment outcomes and recommendations for the implementation of the reform priorities improvements.



## ANNEX 11: List of laws, regulations, documents reviewed and websites

Legislation all as amended, where relevant*
<b>Constitution &amp; Codes</b>
1987 Constitution of the Republic of the Philippines
RA 386 Civil Code & EO instituting Civil Code
Administrative Code of 1987 (Executive Order 292),
Cooperative Code (RA 6938 (1990)/RA 9520)2009),
Revised Corporation Code RA 11232 (2019)
Local Government Code RA 7160 (1991_
<b>Procurement Legislation</b>
GPPB Website content reviewed <a href="https://www.gppb.gov.ph/">https://www.gppb.gov.ph/</a>
Including all References, Monitoring, Training, Downloadables available from website
RA 9184 (PPL) An act providing for the modernization, standardization and regulation of procurement activities of the Government and for other purposes
IRR 2016 Revised
GPPB Resolutions amending GPRA 9184 & IRR 2016: 2017-2021
Handbook on Philippine Government Procurement (Includes 2016 Revised IRR of RA 9184 and Latest GPPB Issuances) 8 <sup>th</sup> Edition(Revised February 2020) (used for main assessment) & update as of 31 March 2021 (update notes)
<b>Manuals</b>
Community Participation
GPM Volume 1 Procurement Systems and Organizations
GPM Volume 2 Goods and Services
GPM Volume 3 Infrastructure
GPM Volume 4 Consulting Services
Local Government Units Procurement Manual
GPPB Guidelines – not listed elsewhere under subject headings
Agency to Agency Arrangements 2007
Shopping/small value 2009
Extension of contracts for support services
Virtual Store Procurement
Implementation of infrastructure projects
<b>Standard Bidding Documents – Philippines Bidding Documents (PBD)</b>
5 <sup>th</sup> Edition Goods, Works, Consulting Services,
6 <sup>th</sup> Edition Goods, Infrastructure Projects
<b>Anti Graft</b>
Revised Penal Code
RA 1606 Sandiganbayan

RA 3019 Anti-Graft an Corrupt Practices Act
RA 6713 Act Establishing Code of Conduct and Ethical Standards for public officials and employees & Implementing Rules
RA 6770 Ombudsman Act
<b>Blacklisting/debarment</b>
GPPB Circular No 10-2017 Blacklisting
GPPB Resolution N0140-2017 Revised Blacklisting Guidelines
GPPB Resolution No. 14-2020 Blacklisting
<b>Central purchasing/Procurement service/e-procurement</b>
Procurement Service Legal Bases webpage list <a href="https://ps-philgeps.gov.ph/home/index.php/about-ps/legal-bases">https://ps-philgeps.gov.ph/home/index.php/about-ps/legal-bases</a>
LOI 755-1978 Establishment of integrated procurement system, EO No 359 of 1983, EO No.40 of 2001
EO 285-1987 Reorganisation
EO 359-1989 Abolishing General Services Administration and Transfer of Functions
IRR-EO 262-2000 Procurement of goods and supplies by national government
PPPI (Pharam) <a href="http://pitcpharma.com.ph/aboutus.html">http://pitcpharma.com.ph/aboutus.html</a> , RA 9502, IRR of RA 9502
EO 322-2000 Use of Electronic Procurement System
Administrative Order No.17 Directing the use of procurement services and PhilGEPS
PhilGEPS <a href="https://www.philgeps.gov.ph/">https://www.philgeps.gov.ph/</a> & History webpage <a href="https://www.philgeps.gov.ph/GEPSNONPILOT/aboutGEPS/aboutGEPS.aspx?menuIndex=5">https://www.philgeps.gov.ph/GEPSNONPILOT/aboutGEPS/aboutGEPS.aspx?menuIndex=5</a>
EO 40-2001 Consolidated procurement rules and procedures for all national government agencies, GOCCs and GFIs and requiring the use of electronic procurement system
<b>PPP/JV</b>
Review of PPP Center website and content <a href="https://ppp.gov.ph/">https://ppp.gov.ph/</a>
<b>PPP</b>
RA 6957 BOT Law
RA 7718 Amending BOT Law
PPPC Guidelines Unsolicited Proposals BOT Law
PPPGB Resolution 2018-03-03 Guidelines on appointment of probity advisors
NGA PPP Guidebook
PPPcenter Annual Reports, 2017, 2018, 2019
EO 13 of 2013
<b>JV</b>
EO no.423 of 2005
NEDA JV Guidelines 2008 neda.gov.ph
2013 Revised JV Guidelines
PPPC Guidebook on JVs in local government units
PPPGB Resolution No 2018-03-05 Framework on PPP Center's assistance on JV agreements
PPPGB Resolution No.2019-0702 Hybrid PPPs
<b>Audit</b>
Revised Philippine Government Internal Audit Manual (2020)
COA Circular 2014-004 information and publicity on programs/projects/activities of government agencies
GCG Annual Report 2017

<b>SOE/GOCC</b>
Minister of State Owned Enterprises Regulation No.PER 089/MBU/12/2019 Guidelines for Procurement of Goods and Services by State-Owned Enterprise
GCG: Governance Commission for GOCCs <a href="https://gcg.gov.ph/about-us/">https://gcg.gov.ph/about-us/</a>
Office of the Government Corporate Counsel: <a href="http://ogcc.gov.ph/gocc/">http://ogcc.gov.ph/gocc/</a>
<b>COVID-19</b>
RA 11469 “Bayanihan to Heal as One Act”
RA 11494 “Bayanihan to Recover as One Act”
Presidential Proclamation No.922 declaring a State of Public Health Emergency
Presidential Proclamation No.929 declaring a State of Calamity due to COVID-19 throughout the Philippines.
GPPB Circular No.04-2016 Emergency Procurement
GPPB Circular No. 01-2020
GPPB Resolution No. 03-2020
GPPB Circular No. 02-2020
GPPB Resolution No.03-2020
GPPB Resolution No.05-2020
GPPB Resolution No.06-2020
GPPB Resolution No.09-2020
GPPB Resolution No.18-2020
GPPB Resolution No.19-2020
GPPB-COA Joint Memorandum Emergency Procurement 26 March 2020
GPPB-Advisory 06-2020 Posting Procurement Data
GPPB-TSO NPM No.003-2020
Construction guidelines on project implementation during the Period of Public Health Emergency
<b>Transparency seal/ethics</b>
Transparency Seal Circular, Department of Budget and Management, August 29 2012
DOJ website anti-graft laws page <a href="https://www.doj.gov.ph/anti-graft-laws.html">https://www.doj.gov.ph/anti-graft-laws.html</a>
RA No.6173 Conduct and Ethical Standards for Public Officials and Employees
RA No.6770 of 1989 An Act Providing for the functional strength and structure organisation of the Ombudsman and for other purposes (Ombudsman Act)
RA No.1379 An Act Declaring forfeiture in favor of the State any property found to have been unlawfully acquired by any public officer or employee and providing for proceedings therefor
Presidential Decree no. 1606, as amended by RA.No.7975 and RA No.8249 (Revising Presidential Decree No. 1468 Creating a special court to be known as “Sandiganbayan” and for other purposes)
<b>Document retention/archives</b>
IRR of RA 9470
NAP General Circular Nos.1  & 2 2009
<b>GPPB-TSO</b>
GPPB TSO – Annual Reports
GPPB-TS) Service Charter 2019 (1 <sup>st</sup> Edition)
GPPB-TSO departmental descriptions – Secretariat, Capacity Development, Legal Services, Performance Monitoring
Other
GPPB Resolution No.21-2005 Annex A Guidelines for legal assistance and indemnification of bids and award committees
<b>Sustainable PP</b>
Green Public Procurement Roadmap
GPPB Resolution No.25-2017 GPP Technical Specifications

GPPB Technical specifications for priority product groups
GPPB Resolution No.08-2020 Steering Committee and Technical Committee on GPP (amending GPPB Resolution No.15-2013)
GPPB Resolution No.08-2020 Establishment or Sustainable or Green PP Program
GPP Bill Aug 2020 HB06526
Presidential Decree 1586 Environmental Impact Statements
<b>Supreme Court/court system</b>
<a href="https://sc.judiciary.gov/ph">https://sc.judiciary.gov/ph</a>
Rules on Civil Procedure 2019
Rules on Evidence 2019
PCAB v MWC G No.217590
Mandanas GR 199802
Abaya v DPWH GR 167919
DBM-Ps v Kolonwl GR No 175608
<b>Other websites</b>
Official Gazette: <a href="https://www.officialgazette.gov.ph/">https://www.officialgazette.gov.ph/</a>
Commission on Audit: <a href="https://www.coa.gov.ph/coa_at_a_glance/index.html">https://www.coa.gov.ph/coa_at_a_glance/index.html</a>
Construction Industry Authority: <a href="https://ciap.dti.gov.ph/publications">https://ciap.dti.gov.ph/publications</a>
Congress: <a href="http://congress.gov.ph">http://congress.gov.ph</a>
Public Safety College: <a href="https://ppsc.gov.ph/">https://ppsc.gov.ph/</a>
Department of the Interior and Local Government: <a href="https://www.dilg.gov.ph/">https://www.dilg.gov.ph/</a>
Department of Justice: <a href="https://www.doj.gov.ph/">https://www.doj.gov.ph/</a>
ILO: <a href="https://www.ilo.org/global/lang--en/index.htm">https://www.ilo.org/global/lang--en/index.htm</a>
WTO: <a href="https://www.wto.org/english/thewto_e/countries_e/philippines_e.htm">https://www.wto.org/english/thewto_e/countries_e/philippines_e.htm</a>
ASEAN: <a href="https://asean.org/">https://asean.org/</a>

**Remarks:** The above is a partial list of key documents and websites. All documents which were reviewed are listed as footnotes at the relevant paragraph of the Main Report and the Detailed Matrix (Volume I and II of the Report)