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03 November 2020

CUSTOMS MEMORANDUM CIRCULAR

NO. 257 - 2020

To: The Assistant Commissioner
All Deputy Commissioners
All Directors and Division Chiefs
All District/Port Collectors
And Others Concerned

SUBJECT: Administrative Order No. 34 dated 23 October 2020; Policies and Measures in the Procurement Process

Attached is the letter dated 26 October 2020 from Atty. Concepcion Zeny E. Ferrolino-Enad, Director IV, Malacañang Records Office, endorsing a certified copy of Administrative Order No. 34 entitled:

"Directing Strict Compliance by All Agencies and Instrumentalities of the Executive Department with Transparency, Accountability and Good Governance Policies and Measures in the Procurement Process."

For your information and guidance.

For record purposes, please confirm the dissemination of this circular throughout your offices within fifteen (15) days from receipt hereof.


REY LEONARDO B. GUERRERO

Commissioner

NOV 03 2020



BOC-09-16466

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Office of the President
of the Philippines



DEPARTMENT OF FINANCE
Republic of the Philippines

To Mr US=CS/AS=CS/CS/ Malacañang
HOIA



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Manila, October 26, 2020 TIME: 0810

MALACAÑANG RECORDS OFFICE

SECRETARY CARLOS G. DOMINGUEZ III
Department of Finance
Manila



BOC-09-16466

Sir :

DEPT. OF FINANCE
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26 OCT 2020
OFFICE OF THE SECRETARY

I have the honor to transmit for your information and guidance, a certified copy of Administrative Order No. 34 dated October 23, 2020 entitled **"DIRECTING STRICT COMPLIANCE BY ALL AGENCIES AND INSTRUMENTALITIES OF THE EXECUTIVE DEPARTMENT WITH TRANSPARENCY, ACCOUNTABILITY AND GOOD GOVERNANCE POLICIES AND MEASURES IN THE PROCUREMENT PROCESS."**

Thank you.

Very truly yours,

ATTY. CONCEPCION ZENTENO FERROLINO-ENAD
Director IV

DEPARTMENT OF FINANCE
RECEIVED
OCT 26 2020
CENTRAL RECORDS MGMT. DIVISION

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MALACAÑAN PALACE
MANILA

BY THE PRESIDENT OF THE PHILIPPINES

ADMINISTRATIVE ORDER NO. 34

DIRECTING STRICT COMPLIANCE BY ALL AGENCIES AND INSTRUMENTALITIES OF THE EXECUTIVE DEPARTMENT WITH TRANSPARENCY, ACCOUNTABILITY AND GOOD GOVERNANCE POLICIES AND MEASURES IN THE PROCUREMENT PROCESS

WHEREAS, Article II, Sections 27 and 28 of the Constitution declare it a policy of the State to maintain honesty and integrity in the public service, take positive and effective measures against graft and corruption, and implement a policy of full public disclosure of transactions involving public interest;

WHEREAS, Republic Act (RA) No. 9184 or the "Government Procurement Reform Act," has instituted measures to ensure transparency in the procurement process and in the implementation of procurement contracts, as well as accountability of public officials directly or indirectly involved in the same, and, under warranted circumstances, private parties that deal with the government;

WHEREAS, Sections 18, 93 and 94 of the General Provisions of RA No. 11465 or the "General Appropriations Act (GAA) for Fiscal Year (FY) 2020," require transparency in the disbursement of public funds through posting of financial and physical reports of government programs, and reporting on the status of infrastructure projects;

WHEREAS, ensuring a people-centered, clean and efficient governance is one of the key pillars of the Philippine Development Plan (PDP) 2017 to 2022, and towards this goal, the country continuously implements strategies to strengthen public financial management and accountability; and

WHEREAS, the government is committed to ensure fair, transparent and non-discriminatory competition for purchases of goods and services, and embraces the broader purpose of promoting good governance, and the efficient and effective management of public resources;

NOW, THEREFORE, I, RODRIGO ROA DUTERTE, President of the Philippines, by virtue of the powers vested in me by the Constitution and existing laws, do hereby order:

Section 1. Transparency and Accountability in Procurement. Transparency and accountability in all government transactions, especially in procurement processes, shall be observed. To this end, all agencies and instrumentalities of the government shall strictly comply with the relevant provisions on transparency and accountability in the procurement process under RA No. 9184 and its Revised Implementing Rules and

THE PRESIDENT OF THE PHILIPPINES

Regulations (RIRR), the GAA, resolutions of the Government Procurement Policy Board (GPPB) and other relevant laws, rules and regulations.

Section 2. Transparency Portals. The Philippine Government Electronic Procurement System (PhilGEPS) shall be the primary source and repository of information on government procurement. The PhilGEPS shall be user- and mobile-friendly, up-to-date, and compliant with the requirements for the maintenance of a Transparency Seal under Section 94 of the GAA for FY 2020 and the corresponding provisions in succeeding GAAs, as well as the relevant policies on website content and web accessibility prescribed by the Department of Information and Communications Technology.

Procuring agencies shall use and maintain their official websites and social media platforms as secondary source of critical procurement information for the public. Agencies which do not have existing social media platforms are hereby directed to maintain one, for purposes of complying with this Order.

The PhilGEPS shall allow observers, duly authorized by the concerned Bids and Awards Committee (BAC), to monitor the procurement proceedings on-line, provided, that such observers do not have any direct or indirect interest in the contract to be bid out, as prescribed in Section 13 of the RIRR of RA No. 9184.

Section 3. Transparency on Infrastructure Projects. Pursuant to Section 93 of RA No. 11465, all departments, bureaus, agencies and offices of the Executive department, including government-owned or -controlled corporations and government financial institutions, and state universities and colleges, shall ensure transparency in the procurement of infrastructure projects by posting on their official websites and social media platforms the following information:

- a. Project title, location and detailed description; approved budget for the contract; and winning contractor and the detailed estimates of the bid as awarded, within thirty (30) calendar days from entering into the contract;
- b. Start of construction, target date of completion, completion rate, project status and the reason/s in case of delay;
- c. Source of fund, implementing office, responsible official, contact number and electronic mail address; and
- d. Detailed actual cost of the project, variations issued, if any, within thirty (30) calendar days from the issuance of a certificate of completion.

Section 4. Post-Contract Award Disclosures. On top of the existing advertising requirement under RA No. 9184 and its RIRR, RA No. 11465 and other relevant laws, except contracts with implications on national security, all agencies and instrumentalities of the Executive department shall publish in their respective official websites and social media platforms the following post-award information:

- a. Project name;
- b. Approved budget for the contract;
- c. Contract period;
- d. Name of winning bidder and its official business address;
- e. Amount of contract awarded;
- f. Date of award and acceptance; and
- g. Implementing office/unit/division/bureau of the concerned agency or instrumentality.

For contracts involving projects with an approved budget of ₱50 Million and above, the foregoing post-award information shall be published once in a newspaper of general circulation, in addition to posting the same on the respective official websites and social media platforms of the agencies concerned.

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Section 5. Blacklisting. Pursuant to the Uniform Guidelines for Blacklisting of Manufacturers, Suppliers, Distributors, Contractors and Consultants, the GPPB shall prepare the Consolidated Blacklisting Report every quarter, based on the submitted Blacklisting Orders, and disseminate the same to procuring entities and the Commission on Audit. The report shall be further posted on the GPPB website, the PhilGEPS and the official website and social media platform of the procuring entity, and shall indicate the number of times a person/entity has been blacklisted, the type of offense/violation committed, the penalty imposed, and the blacklisting agency concerned.

Section 6. Sanctions. Non-compliance with the foregoing directives shall be a ground for administrative action(s) against the erring public official or employee in accordance with civil service laws, rules and regulations, and other relevant laws.

Section 7. Funding. The funds necessary for the implementation of the foregoing directives shall be sourced from the regular appropriations of the agencies or instrumentalities concerned.

Section 8. Implementing Guidelines. The Department of Budget and Management, in coordination with the GPPB, shall formulate guidelines, as may be necessary, for the effective implementation of this Order.

Section 9. Separability. If any part or provision of this Order shall be held unconstitutional or invalid, the other parts or provisions not affected thereby shall continue to be in full force and effect.

Section 10. Effectivity. This Order shall take effect immediately upon publication in the Official Gazette or a newspaper of general circulation.

DONE, in the City of Manila, this 23rd day of October, in the year of our Lord Two Thousand and Twenty.

R. Duterte



By the President:

SALVADOR C. MEDIALDEA
Executive Secretary

Office of the President
MALACAÑANG RECORDS OFFICE
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[Signature]
ATTY. CONCEPCION E. FERROLINO-ERAS
DIRECTOR IV
10/23/2020



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