TRANSPARENCY INTERNATIONAL | USA

Public Sector Procurement Monitoring

Philippines Country Specific

Procurement Monitoring Guide

A Tool for Civil Society

Acknowledgements

Acronyms

BAC   Bid and Award Committee
BEC   Bid Evaluation Committee
COA   Commission on Audit
GPF   Governance Partnership Facility
GPRA   General Procurement Reform Act
GPPB   Government Procurement Policy Board
G-WATCH   Government Watch
HOPE   Head of the Procurement Entity
IFI   International Financial Institutions
IRR   Implementing Rules and Regulations
MA   Monitoring Assistant
Monitors   Civil Society Procurement Monitors
Phil-GEPS   Philippines Government Electronic Procurement System
PMG   Procurement Monitoring Guide
PSP   Public Sector Procurement
PWI   Procurement Watch Inc. of the Philippines
TI   Transparency International
TWG   Technical Working Group

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I.   Introduction

Government procurement typically accounts for the largest share of public expenditures aside from government salaries and social benefits. Government procurement is generally between 14 to 20 percent of a country's GDP, which on a global basis would total between $8.16 trillion and $11.65 trillion annually.[1]   Therefore, Transparency International (TI) chapters around the world have made the reduction of corruption in government procurement a high priority objective. TI has published a *Handbook for Curbing Corruption in Public Procurement*[2] and developed innovative approaches to enhance transparency and integrity in government and the private sector and to engage civil society in oversight.

In 2011, TI-USA, with support from the Center for International Private Enterprise and the General Electric Foundation, published a series of reports on the implementation of the Asia Pacific Economic Community (APEC) Transparency Standards for Government Procurement by Indonesia, Vietnam, Mexico, Peru and the Philippines.[3]

Starting in 2011, TI-USA, with funding from the Governance Partnership Facility, has been working to develop tools to provide a forensic lens for procurement monitoring by civil society organizations. TI-USA's objective is to produce tools that streamline and systematize the monitoring process and enable civil society organizations to recognize the red flags of corruption. The result of this work is the development of a Civil Society Procurement Monitoring Guide (the "Procurement Monitoring Guide") and an interactive online Monitoring Assistant to assist CSOs worldwide in monitoring procurement processes and transactions.

Based on the Procurement Monitoring Guide and Monitoring Assistant, TI-USA has developed two Country Specific Procurement Monitoring Guides (Country Guides) – for Indonesia and the Philippines -- that take into account specific characteristics and needs of each country. A TI-USA team visited Manila to collect Philippines-specific information in order to create this Country Guide. Consequently, this Country Guide is meant for the use of CSOs in the Philippines.

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[1] TI-USA, "APEC Procurement Transparency Standards in Indonesia: A Work in Progress ("Indonesia APEC Report"), June 2010, available at http://www.transparency-usa.org/documents/IndonesiaTIReportFINAL-May2011.pdf.
[2] Available at http://wiki.bezkorupce.cz/_media/wiki/procurem_handbook_complete.pdf
[3] The reports are available at http://www.transparency-usa.org/news/publications.html.

II.   Background

1. The Philippines public procurement system has many elements that differentiate it from other procurement systems in the world. First, unlike in other countries, procurement in the Philippines has been studied and documented for a long time by a number of international and local organizations, entities and agencies. Secondly, the Government Procurement Reform Act (GPRA) of 2003 explicitly provides for procurement monitoring by Civil Society Organizations (CSOs), an almost unique feature that institutionalizes the role of citizen observers in the procurement process. In addition, although an Access to Information Law has not been passed, there are provisions in the Implementing Rules and Regulations (IRR) of the GPRA giving civil society observers the right to request procurement-related information.

1. An additional feature that differentiates the Philippines from other countries in the area of public procurement is that organizations such as Procurement Watch, Inc. (PWI), G-Watch and others have, over the last few years, been very active in monitoring procurement processes and also in developing mechanisms and tools to make such monitoring more effective, including training of Monitors and training of trainers.

2. In spite of this active civil society presence in monitoring procurement, however, reports indicate that corruption in procurement is still a serious issue in the country.[4] The 2011 Transparency International Corruption Perception Index places the Philippines as one of the most corrupt countries in East Asia.[5]

3. In developing this Country Guide, TI-USA took into consideration facts specific to the Philippines, including:
   a. Since the enactment of the GPRA, the increased participation of CSOs and community-based volunteers in monitoring procurement activities has contributed to empowering communities in the exercise of their citizenship rights, reducing certain forms of corruption and, in some regions, increasing the quality and effectiveness of the delivery of goods;
   b. In spite of the above, corruption in public procurement remains a significant problem in the Philippines;
   c. Philippines' CSOs have to deal with several challenges to monitor procurement:
      i. Some CSOs work mostly with the government agencies that are willing to cooperate with procurement monitors, which are typically not the most corrupt ones.

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[4] The 2008 Country Procurement Assessment Report of 2008 acknowledges that while the procurement system has become more efficient and many loopholes have been closed, many challenges remain in the implementation and enforcement of procurement rules and regulations. World Bank, Philippines Country Procurement Assessment Report, 2008.

[5] Corruption Perceptions Index 2010, available at http://cpi.transparency.org/cpi2011/results/.

ii. Even when CSOs are able to work with some of the least transparent agencies, they often do not have access to the procurement stages or practices that are most vulnerable to corruption.

iii. The GPRA's monitoring mandate is unfunded.

iv. CSOs have limited capacity and resources (human and financial) and are unable to monitor every procurement process, in a country that has thousands[6] of procuring entities and millions of procurement processes every year.

v. Even though several methodologies and processes for monitoring have been developed, CSOs still lack a streamlined, internet-based, comprehensive checklist for monitoring.

vi. The civil society monitoring provisions in the GPRA focus mostly on pre-bid processes and the opening of bids. This may result in gaps in oversight, considering that many forms of corruption appear during other stages of the procurement process, particularly during the drafting of technical specifications and in the contract implementation phase. Access to information in other stages of the procurement cycle depends highly on the openness of the government agency involved.

4. The GPRA therefore, while a landmark piece of legislation, also has significant weaknesses that limit the potential impact of civil society procurement monitoring. This Country Guide takes into consideration these weaknesses and suggests monitoring techniques and strategies to address them.

III.   Procurement Monitoring Guide and Monitoring Assistant

5. This Country Guide is a working tool designed for Philippine CSOs. It should be used in conjunction with the Procurement Monitoring Guide and Monitoring Assistant.   The checklists contained in each of these documents are based on the "Red Flags" methodology, and can be used by Monitors to identify the most common indicators of potential corruption.

6. The Procurement Monitoring Guide and Monitoring Assistant are meant to facilitate the prevention and detection of potential corruption. These tools can also help CSOs present the results of their monitoring activities to government officials, the general public or the media.   More importantly, to ensure its relevance and usefulness, the Procurement Monitoring Guide incorporates and adapts for civil society use common definitions and approaches currently adopted by different organizations for monitoring procurement processes. Consequently, procurement cycle processes and documents that CSOs are unlikely to have access to, have not been included.

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[6] Includes local government units (LGUs), State Universities and Colleges (SUCs), bureaus and line agencies of national government agencies (NGAs)

7. The Procurement Monitoring Guide is a comprehensive document. It includes sections on the legal framework for public procurement; the importance of procurement to citizens; the relationship of procurement to public services; and an analysis of the different procurement methods. The Procurement Monitoring Guide also focuses on CSOs' role in procurement monitoring, what to monitor and how to do it, including comments on the results of monitoring.

8. The Procurement Monitoring Guide also provides a detailed explanation of how to monitor procurement through the use of the Red Flags, with actual examples applicable to the different phases of the procurement process. It also provides a comprehensive procurement monitoring checklist designed for civil society.

9. The Procurement Monitoring Guide describes what to do when corruption is uncovered, including the role of the Ombudsman, if any, the media and donors, as well as issues such as public hearings, the formation and role of Citizens Advisory Boards and, most relevant to procurement monitoring for CSOs, advocacy. Finally, the Procurement Monitoring includes references to sector specific Red Flags and analyzes in detail resources and strategies, and includes sections on funding for monitoring activities and training of Monitors.

10. Due to resource constraints, civil society is not able to monitor all procurement actions and processes in any one country or sector. Consequently, to make civil society procurement monitoring possible, and also for it to be effective, the timing, processes and areas to monitor should be carefully selected. The Procurement Monitoring Guide describes the most relevant parameters to apply in deciding where to focus monitoring efforts. It considers i) the phases of procurement; ii) the volume and magnitude of the procurement; iii) the complexity of the process; iv) the sector vulnerability; and v) where the bulk of the money is spent.

11. The Monitoring Assistant is an online tool that complements the Procurement Monitoring Guide. It is a web-based, interactive list of common red flags of corruption in public procurement that allows users to identify irregularities in the different phases of the procurement process. The Monitoring Assistant helps users assess the possible schemes underlying certain red flags, suggests actions when irregularities are found and makes it easier for Monitors to report their findings.

12. The Red Flags checklist contained in the Monitoring Assistant and Procurement Monitoring Guide are exactly the same, the only difference being that the Monitoring Assistant is available online and allows user interaction. The Red Flags checklist in this Country Guide is based on the same blueprint, but it includes certain additional questions and suggestions based on the Philippines context.

IV.   Procurement Environment in the Philippines

    a.   The legal framework and civil society procurement monitoring

13. The Government Procurement Reform Act (GPRA), adopted in 2003, is an omnibus law that regulates the vast majority of procurement actions in the Philippines, except those procured under the Build, Operate and Transfer Law. It covers the entire procurement cycle, from planning to implementation.[7] The law is applicable at all levels, from the national government to the barangays (neighborhood units), meaning that it is applicable to the more than 50,000 government entities that have authority to procure goods and services in the highly decentralized procurement system of the Philippines. The GPRA includes fundamental principles of procurement, such as transparency, competitiveness, accountability and public monitoring.[8]

14. The GPRA and its revised implementing rules and regulations (IRR) introduced important changes in the procurement framework of the country, including the creation of the Government Procurement Policy Board (GPPB), which is based in Manila, and the establishment of Bids and Awards Committees (BAC) in each procuring entity. It also mandated the use of electronic procurement through the Philippine Government Electronic Procurement System (Phil-GEPS) and the use of standard bidding documents and forms. More importantly, the law mandates the involvement of civil society and private sector monitors to observe bidding processes, specifically bid opening and evaluation. The law is a solid piece of legislation as it strives to introduce due process and transparency, and make procurement more efficient and participatory.

15. From a procurement monitoring perspective, the fact that the law applies to all entities across the board is a significant advantage, as there is only one regulatory framework applicable to all. Article 13 of the GPRA establishes that one representative from the Commission of Audit (COA—the Auditor General), and **two observers – one from a professional organizations and another from non-governmental organizations - are invited to sit on the BAC.** This provision allows in principle, for CSOs to participate in and express their opinion on the procurement decision-making process, thus increasing transparency. However, some limitations in the implementation of this mandate exist. For example, the IRR establishes that civil society observers should have knowledge, experience or expertise in procurement or in the subject matter of the contract to be bid; should have no conflict of interests in the contract; should be formally invited, and should meet **any other relevant criteria that may be determined by the BAC**.

16. These requirements can potentially limit civil society monitoring for various reasons. First, it is difficult for CSOs to participate in all of the thousands of procurements scattered all over

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[7] Except those governed by the Build, Operate & Transfer (BOT) Law and other applicable exceptions.
[8] For a more detailed explanation of the GPRA and IRR, see Transparency International – USA, "APEC Procurement Transparency Standards in the Philippines: A Work in Progress," available at http://www.transparency-usa.org/news/documents/PhilippinesAPECProcurementStandardsFinal.pdf

the country, and to acquire relevant experience and expertise in all areas of procurement. Second, and more troubling from a transparency point of view, it provides ample leeway for BACs to introduce any "relevant criteria" they may wish to establish. This gives government officials discretion to potentially limit participation, particularly of those CSOs that may be keener to criticize government officials or expose corruption.

17. The GPRA stipulates that observers have to be invited at least three calendar days before the date of the procurement activity and that **the absence of observers does not nullify BAC proceedings, as long as observers have been duly invited**. Observers have the responsibility of preparing a report of the procurement activities conducted by the BAC and submitting it to the Head of the Procuring Entity, the GPPB and the Ombudsman. The report is meant to assess BAC's compliance with the procurement law and regulations and recommend areas of improvement. **If no report is submitted** by the observer, however, **it is understood that the bidding activity conducted by the BAC followed the correct procedure.** Under this last provision, the absence of reports from CSOs automatically validates the procurement process. Since CSOs are unable to participate in the thousands of BAC deliberations that are made annually, this validation by default occurs in an overwhelming majority of cases.

18. Furthermore, the provision of article 13 of the GPRA is an unfunded mandate, since no financial or administrative support is provided by the government for civil society procurement monitoring. It should be noted that, even if financial support were provided, CSOs would most likely reject it as this could be perceived as a potential conflict of interest. Consequently, CSOs depend on volunteers to attend BAC meetings, and these volunteers often pay transportation and other costs out of pocket.

19. Finally, it should be noted that the GPRA only provides for civil society participation during certain phases of the procurement process, namely pre-bid conference, bid opening, bid evaluation, post-qualification and award of contract. CSOs are excluded from procurement planning, determination of technical specifications and programs of works (for civil works projects) and, particularly, contract implementation/execution, which is where procurement monitoring is traditionally most successful. A 2009 IRR modification partly offsets this weakness by giving Monitors a role in reviewing implementation of awarded contracts, but only **to check whether the contracts are completed according to technical specifications**.

20. Despite these limitations, evidence indicates that, in practice, CSOs in the Philippines are in some instances able to meaningfully participate in several different stages of the procurement process. In many cases, CSO participation results from securing the collaboration and support of those government agencies that are open to civil society scrutiny. Unfortunately, it is more difficult to secure such collaboration with the entities that are recognized as the most corrupt.

b. General information on corruption in procurement

21. According to the 2012 Bertelsmann Foundation Index, "Corruption and the abuse of public office remain very significant challenges and obstacles to the further deepening of democratic and socioeconomic development" in the Philippines.[9] A 2010 report by the same organization noted that many government-funded projects in the Philippines are greatly affected by corruption, both "in terms of bribery and red tape (bureaucracy)."[10] TI's 2009 Global Corruption Report indicates that corruption and collusion are widespread in the Philippines.[11] Gifts from contractors are regularly expected in order to secure a government contract, as stated by 58.5% of the companies surveyed in the World Bank & International Financial Corporation's 2009 Enterprise Surveys.[12]

22. The process of awarding government contracts for infrastructure and other large projects has been an important source of extra income for parties, politicians and government officials.[13] Traditionally, companies have chosen to either directly bribe politicians or donate cash to parties and campaigns in order to secure good relations and obtain preferential treatment for government contracts. These practices lead to lack of transparency, overpricing of projects and substandard works, particularly in the implementation phase.

23. Each year, Pulse Asia conducts public opinion surveys of officials and government agencies on corruption in government. The latest report reveals that the military is seen by one out of two Filipinos as the most corrupt government agency, closely followed by the Department of Social Welfare and Development and the Departments of Health and Education. In recent years, the Bureau of Internal Revenue (BIR), the Department of Public Works and Highways and the Bureau of Customs have also been identified as the three government entities perceived as the most corrupt.[14]

24. These agencies' primary mandate is to deliver basic public services and come in direct contact with the public. They are also responsible for generating revenue from the public

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[9] 2012 Bertelsmann Transformations Index, Philippines Country Report, available at http://www.bti-project.org/laendergutachten/aso/phl/2012/#summary

[10] Cited in the Business Anti-corruption Portal, Philippines Country Profile, available at http://www.business-anti-corruption.com/country-profiles/east-asia-the-pacific/philippines/corruption-levels/public-procurement-and-contracting

[11] Transparency International, "Global Corruption Report 2009 – Corruption and the Private Sector", 2009, p. 291, available at http://www.transparency.org/whatwedo/pub/global_corruption_report_2009

[12] World Bank, International Finance Corporation, "Enterprise Survey 2009," Philippines Report, available at www.enterprisesurveys.org/Data/ExploreEconomies/2009/philippines

[13] World Bank, "Managing the Politics of Reform", working paper, 2006, p. 2, available at http://www.anti-corruption.org/AntiCorruption%20%20Working%20Docs/Philippines%20-%20Managing%20the%20politics%20of%20procurement%20reform%20-%20E%20Campos%20-%202006.pdf

[14] Social Weather Stations and Transparency and Accountability in Government, "2008 Survey of Enterprises on Corruption," quoted in Procurement Watch Incorporated, "A Study of Anti-Corruption Initiatives in the Philippines' Construction Sector." (2009), p.8, available at http://www.constructiontransparency.org/ResourceCentre/CaseStudies/detail.shtml?id=1018089710.

and are the entities to which large amounts of government funds are directed. The infrastructure sector is also considered highly vulnerable to procurement corruption, and so is the revenue sector, where taxes are collected, although most corruption in this sector is not related to procurement.[15]

Table 1. Corruption in the Philippines[16]

Corruption in the Philippines
Country Profile: Business and Anti-Corruption Portal

World Economic Forum - The Global Competitiveness Report 2010-2011:
- Business executives give the diversion of public funds to companies, individuals, or groups due to corruption a score of 2 on a 7-point scale (1 'very common' and 7 'never occurs').
- Business executives give the favoritism of government officials towards well-connected companies and individuals when deciding upon policies and contracts a score of 2.2 on a 7-point scale (1 'always show favoritism' and 7 'never show favoritism').

The World Bank & International Finance Corporation - Enterprise Surveys 2009:
- 58.5% of the companies surveyed expect to give gifts in order to secure a government contract.
- The average value of a gift expected to secure a government contract is approximately 16.4% of the value of the contract.

Social Weather Stations - Business Survey on Corruption 2007:
- 50% of business leaders surveyed said almost all the companies in their line of business give bribes to win government contracts.
- 50% of business leaders surveyed said one-fifth of the companies in their line of business give bribes to win private sector contracts.

c. Procurement practices and procedures

25. The GPRA designates competitive bidding as the standard procurement method. Exceptions are permitted under conditions enumerated in the law and stipulated in the IRR. The list of procurement methods applicable under exceptional circumstances is not routinely subject to review.

26. Procuring agencies are required to publish procurement opportunities once in a nationwide newspaper and in Phil-GEPS to attract the greatest possible number of tenders, reduce collusion and avoid failure of tenders. Although failure to post the tender on PHIL-GEPS could be grounds for declaring the procurement void, there are still some government

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[15] East Asia & the Pacific Business and Anti-Corruption Portal, "Philippines: Country Profile", available at http://www.business-anti-corruption.com/country-profiles/east-asia-the-pacific/philippines/corruption-levels/tax-administration
[16] Available at http://www.business-anti-corruption.com/country-profiles/east-asia-the-pacific/philippines

agencies that do not comply. Further mechanisms to ensure transparency include the development and compulsory use (when practical) of standard bidding and contract documents.

27. Bid opening must take place in public at a predetermined time and place in order to ensure the transparency of the process. This is an important feature, because it allows bidders to verify that there was no tampering with their proposals. On the other hand, the law does not require bid opening to happen immediately after the submission period, a requirement that is generally considered a safeguard against fraudulent alterations of bids between submission and opening of bids.

28. Concerning the evaluation of tenders, the procurement law prescribes the selection of the eligible bidder that has submitted the lowest responsive offer for goods and works or the highest rated bid for highly technical services.

d. Access to procurement information

29. The Philippines has not yet approved a Freedom of Information Law, although the 1987 Constitution guarantees "the right of the people and their organizations to effective and reasonable participation at all levels of social, political, and economic decision-making."[17]

30. The Constitution provides a right of access to official records and documents but no specific procedures for obtaining information and no enforcement mechanism. Similarly, the Code of Conduct and Ethical Standards for Public Officials and Employees states that officials will make documents accessible to the public but, again, does not establish an implementation mechanism. Although a bill to allow access to key public documents from government agencies was passed by the Senate in 2009, it failed to pass the House of Representatives in 2010. More recently, a new bill has been introduced in the parliament, but has not been approved yet. Therefore, there is still no institutionalized mechanism for the public to access government documents, and no enforcement mechanism to ensure that public officials respond to requests for information.

31. Under the GPRA, civil society and private sector monitors have the right to obtain procurement documents as part of the monitoring process, although these must be requested in writing and are subject to a confidentiality agreement. In general, however, CSOs can obtain the necessary procurement information. Some CSOs have achieved a partnership and signed memoranda of understanding with certain government agencies to facilitate the flow of information necessary for procurement monitoring. However, this kind of agreement may not be applicable in all situations, as it depends on the openness and will of the relevant agency and on constructive working relations between the agency and the civil society community.

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[17] ANSA, Open Doors 2009, "Country Studies, The Philippines," p.105, available at http://www.ansa-eap.net/assets/56/09_6_CountryStudies_Philippines_OpenDoors2009.pdf

e. **Sanctions and Grievances**

32. The GPRA provides for sanctions and grievances mechanisms that are, in principle, consistent with international best practices. However, their effectiveness depends on the quality of implementation.

33. *Sanctions*. Sanctions apply to government officials and bidders. The GPRA provides for penal sanctions for officials who try to manipulate the procurement process. The Head of the Procurement Entity (HOPE) may impose administrative penalties on bidders who try to circumvent procurement rules and regulations, especially for any documented attempt by the bidder to influence the outcome of the bidding in its favor or undermine competitive bidding.

34. Bidders who commit these offenses may be suspended for one year on the first offense and two years on the second offense and be permanently barred for the third offense. Contracts won through corrupt practices may be terminated. Bidders are also made liable for any damages caused in the provision of their goods and services. During the contract implementation stage, companies may be suspended and blacklisted, subject to the suspension and blacklisting guidelines, for non-compliance with their contract, poor performance, unsatisfactory delivery of goods, or inferior quality of goods.

35. *Prohibition on Conflicts of Interest*. The GPRA requires all bidders to submit a sworn affidavit that they are not related by marriage or blood up to the third degree to the HOPE, any member of the BAC, the Technical Working Group (TWG), the BAC Secretariat, the head of the end-user unit, or the project consultants.

36. *Bid Protest Mechanisms*. The GPRA gives bidders the right to question BAC decisions by first filing a request for reconsideration. If this request is unsuccessful and the bidder is not satisfied with the response, then the bidder may submit to the HOPE a verified position paper with documentary evidence at any stage of the procurement process. The HOPE must respond to all protests within seven calendar days.

37. *Procurement Transparency Group*. The Procurement Transparency Group (PTG) was formed in 2007 to monitor compliance, deter anomalies in the awarding of contracts and prevent losses due to irregularities. Chaired by the GPPB, it is composed of 11 members, five of whom represent CSOs. In addition, the Presidential Anti-Graft Commission, the Department of Justice, and the Department of Interior and local governments participate, as well as other government departments. The PTG is charged with monitoring selected government procurements, based on the contract value, type of procurement, vulnerability and the importance of the project to national development goals. The Executive Order establishing the PTG also enhances transparency, requiring procurement entities to update their annual procurement plans on a quarterly basis and issue quarterly reports on the status of proposed procurements. Procuring entities must post the annual plans and monitoring

reports to the procuring entity's website and forward them to the PTG for posting on Phil-GEPS. However, a review of PTG's website reveals that the group has been inactive since 2009.[18]

38. *Anti-bribery laws.* The Civil Service Code and the Revised Penal Code prohibit public officials from receiving or demanding bribes. The Penal Code prohibits:

   ➢ Performing an act in connection with officials duties in consideration of any offer, promise, gift or present received by such officer, personally or through the mediation of another;

   ➢ Accepting any gifts offered to a public official by reason of that person's office;

   ➢ Refraining from arresting or prosecuting an offender in consideration of any offer, promise, gift or present.

39. Article 212 of the Revised Penal Code makes it a crime to offer or promise or give gifts or presents to the persons referred to above. The same penalties, other than those relating to disqualification or suspension from duty, apply to the person offering the bribe as to the public official.

40. *Plunder (Illicit Enrichment) Law*. Republic Act No. 7080 makes it a crime for any public officer who, by himself or in connivance with members of his family, relatives by affinity or consanguinity, business associates, subordinates or other persons, amasses, accumulates or acquires ill-gotten wealth through a combination or series of overt criminal acts in the aggregate amount or total value of at least Php 50,000,000 ($1.16 million). In addition, any person who participated with that public official in the commission of an offense contributing to the crime of plunder is also punishable. The Plunder Law also applies in cases of illicit enrichment in connection with PSP.

41. The GPRA establishes mechanisms to file protests and contest award decisions, and provides for criminal and administrative sanctions against procurement officials and bidders who violate the law.

42. In 2006, the Office of the Ombudsman issued Office Order No. 66, institutionalizing a clear mechanism for handling the feedback and procurement related complaints of procurement monitors. Under the guidelines, once a complaint is received the responsible Ombudsman officer informs the procurement monitor in writing of the action taken on its report.

43. It is important to mention, however, that in the Philippines there is a perception of weakness of the Ombudsman due to past poor leadership as well as past allegations of abuse of public power and protection of corrupt government officials. In 2011, a looming impeachment trial at the Senate level pushed the Ombudsman to resign due to evidence of

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[18] See, http://procurementtransparencygroup.wordpress.com/ .

the Ombudsman's low conviction rate and inaction regarding numerous big ticket corruption scams and scandals.[19] A new ombudsman was appointed in July, 2011.[20]

f. Civil Society Procurement Monitoring Experiences

44. Philippine CSOs are very active and have a track record of positively impacting the procurement process. In some instances, CSOs have partnered with a government agency and in other cases they have worked with the general public or with other organizations. Following are some noteworthy examples of civil society procurement monitoring experiences, some of which continue in effect today.

i. Check My School

"Check My School" is a project established in 2011 through a partnership between the Department of Education, a network of CSOs, web site developers and other advocates. The purpose of the project is to increase public participation in the education sector in order to improve accountability and transparency of public spending. The pilot phase of this project covered approximately one fifth of the 44,000 public schools in the Philippines.

The web site (www.checkmyschool.org) was created to allow students, teachers, and parents to easily access government-provided information on their local schools and on the education sector in general. The site includes a wealth of information on enrollment, teaching personnel, furniture and textbooks, among others. The site allows users to send feedback, comments, photos, videos, and additional information. The public and CSOs can use the site to monitor the resources that the government has made available to the schools and protest when a teacher does not report for work, textbooks are not delivered or there is concern regarding misuse of public funds.

The web site uses GPS, Google Maps and SMS text messaging technology and is updated in real-time by school volunteers. The feedback generated in checkmyschool.org "complements the field reports submitted to the Department of Education Central Office [...] and are helpful because they reflect the immediate, on-the-ground needs of community stakeholders"[21] and serve as a means to hold governments accountable and improve transparency.

This project is based on a Memorandum of Agreement between the Department of Education and the Affiliated Networks of Social Accountability in the East Asia Pacific, a regional network that builds multi-stakeholder partnerships aimed at increasing social

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[19] "House Impeaches Ombudsman Gutierrez", ABS-CBN News, March 22, 2011, available at http://www.abs-cbnnews.com/nation/03/21/11/house-impeaches-ombudsman-gutierrez.

[20] "Profile, Ombudsman Conchita Carpio Morales", ABS-CBN News, July 25, 2011, available at http://www.abs-cbnnews.com/-depth/07/25/11/profile-ombudsman-conchita-carpio-morales.

[21] www.checkmyschool.org

accountability. The Department of Education is committed to acting on verified issues and concerns reported through the web site by the public and citizen groups.

Checkmyschool.org is an example of a positive relationship between the government, private sector and civil society, and has helped improve transparency and social accountability in public education in the Philippines, empowering citizens to monitor public spending at the local level.

ii.   Road Watch

Road Watch or "Bantay Lansangan" was a 30-month project that began in 2007 with the purpose of monitoring and advocating reforms in the Philippine road sector. It encouraged government, private sector, citizen groups, CSOs and development partners "to act jointly and strategically" in monitoring the performance of the Department of Public Works and Highways in its function of providing quality road sector services to the public.[22]

The Road Watch membership includes representative organizations from road users, CSOs, media, road service providers, national road asset managers, government partners, regulators and enforcers, centers of expertise, and development partners.

The initiative began in response to questionably high bids submitted on a World Bank-funded roads improvement project. Investigations revealed that the suspicious bids were part of a major cartel involving local and international firms and took the form of a collusive scheme that established bid prices at artificially high levels.[23] Following that case, Road Watch was established as a watchdog group specifically focused on monitoring road construction projects and strengthening social accountability.

Prior to Road Watch, many citizen groups in the Philippines had served as observers in different infrastructure projects. For Instance, the Concerned Citizens of Abra for Good Government conducted monitoring of government projects in the Philippines for over 20 years. Its volunteers have consistently detected irregularities in infrastructure projects; the organization's "effectiveness as a citizen watchdog has been validated by the government and donor agencies alike."[24]

Bantay Lansangan designed a "Road Sector Status Report Card" that helped volunteers actively monitor road projects in the Philippines. Under the initiative, reports of problems

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[22] ANSA-EAP, "The Bantay Lansangan Experience: Improving the Philippine Road Sector through Vigilant Monitoring and Volunteerism", 2010, available at http://www.ansa-eap.net/resources/thematic/the-bl-experience and http://www.ansa-eap.net/assets/200/59-1-4_Bantay_Lansangan_Road_Watch_Experience.pdf

[23] World Bank Integrity Vice-Presidency (INT), "National Roads Improvement and Management Program, Redacted Report", available at http://siteresources.worldbank.org/INTDOII/Resources/INT_redactedreport_Philippines.pdf.

[24] ANSA-EAP, "The Bantay Lansangan Experience: Improving the Philippine Road Sector through Vigilant Monitoring and Volunteerism", 2010, p 6available at http://www.ansa-eap.net/assets/200/59-1-4_Bantay_Lansangan_Road_Watch_Experience.pdf.

were brought to the attention of the Department of Public Works and Highways and a coordinating committee investigated the problems brought up and registered complaints. Road Watch also generated participatory monitoring by educating local residents on projects in their communities to enable these stakeholders to be vigilant and engaged.

iii.   G-Watch: Textbook Count

Government Watch or G-Watch, an anti-corruption program of the Ateneo School of Government,[25] started with one basic idea: ordinary citizens can help prevent corruption in government. G-Watch was conceived in reaction to the multitude of reports on government corruption and inefficiency, but it was framed within the principle of **prevention** through the reform of systems and constructive participation of citizens.

After it was formed in 2000, G-Watch devised easy-to-use tools and tested them in the monitoring of procurement of textbooks, school buildings, medicines and public works, in cooperation with national government agencies. Later, G-Watch expanded its coverage to include monitoring the distribution of disaster relief goods and the inventory and auction of Customs-seized goods. The organization has uncovered missing books, unfinished school buildings, overpriced medicines, and delays in construction of roads and bridges, among others things.

G-Watch has also developed a solid partnership with the Department of Education, formulating a concrete program of participation, and a joint effort to better understand and improve each other's role in governance, and improve transparency for the good of citizens. G-Watch and the Department of Education entered into a Memorandum of Agreement, whereby G-Watch is allowed to monitor procurements in the sector, including the purchase of textbooks. Among other activities, G-Watch has started an innovative social accountability program, known as *Textbook Count*.

Textbook Count performs physical quantity and quality inspections of textbooks, uncovering defective materials/printing for suppliers to reprint. Also, *Textbook Count* follows the delivery schedule and ensures all stakeholders are aware of deadlines so that there is timely delivery. *Textbook Count* provides a means to hold contractors and government accountable and has resulted in less expensive purchase of textbooks and more timely delivery. In addition, the textbook program has mobilized local grassroots organizations, such as young Scouts, and has also involved a private soft drink company in the onward distribution of textbooks to remote schools. In the future, *Textbook Count* could expand its reach and make an impact upon education reform in the Philippines.[26]

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[25]Ateneo School of Government is an academic institution under the Ateneo de Manila University. http://www.asg.ateneo.edu/news2.php?newsid=123.
[26] Glenford Leonillo, "G-Watch Through the Years", Ateneo School of Government, February 2010, available at http://www.asg.ateneo.edu/news2.php?newsid=123.

V.   Phil-GEPS as a tool for Monitors

a. Strengths of Phil-GEPS

45. Under section 8 of the GPRA, Phil-GEPS was established as the central electronic procurement portal of the country, serving as the primary source of information on all government procurement. This is a very important feature of the law that promotes transparency and accountability in the conduct of public procurement. Under the GPRA, all procuring agencies are mandated to use Phil-GEPS for all procurement opportunities, bidding and processes, regardless of the type or size, including advertisement of Invitations to Bid, Request for Expression of Interest or Request for Proposals. In addition and for transparency purposes, procuring entities are required to post in Phil-GEPS all supplemental bid bulletins, results of the bidding processes and all other procurement related information.

46. The implementation of Phil-GEPS is a comprehensive and ambitious project that incorporates all the features of a full-fledged electronic system, including an electronic bulletin board; a registry of manufacturers, suppliers, distributors, contractors and consultants; an electronic catalogue and a virtual store; electronic bid submission and electronic payment. While the system is considered state-of-the-art, not all of its components are currently operative.

47. The supplier registry is an important feature, since potential bidders must register on Phil-GEPS and, once registered, are informed automatically of procurement opportunities relevant to their industry and business. This feature promotes efficiency and transparency. In addition, Phil-GEPS is also the portal where interested parties can download bidding documents. Bidding documents are normally made available for a fee, although civil society observers may obtain advance copies of the bidding documents from the procuring entity for free.

b. Weaknesses of Phil-GEPS

48. In accordance with the GPRA, all procuring entities must use Phil-GEPS for all procurement opportunities. During the inception mission to the Philippines, however, the project team was informed that not all agencies comply with this provision, with only approximately 50% of municipalities and 11% of barangays registered and connected to Phil-GEPS.[27] Moreover, only 17% of the bidding awards are posted on the procurement electronic site.[28]

49. This lack of compliance is in some cases understandable, since not all entities have the knowledge, capacity or connectivity to be able to utilize an electronic procurement system. Challenges include inadequate or little orientation and training of local government units

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[27]Personal Interview with stakeholders during the IM, Manila, March 2011.
[28]TI-USA "APEC Procurement Transparency Standards in the Philippines", 2011, p. 23, available at
http://www.transparency-usa.org/documents/PhilippinesAPECProcurementStandardsFinal.pdf

and local suppliers on the use of Phil-GEPS; heads of local offices are not fully aware of or familiar with the provisions of the GPRA or do not appreciate its benefits; lack of qualified or computer-literate personnel; local bidders not registered in Phil-GEPS; the small quantity and value of many procurement processes; the absence of an enforcement mechanism to comply with the law and the lack of computers and, more importantly, internet connections in many *barangays*.

50. For this reason, Phil-GEPS has recently launched training programs for all government procurement officers/employees and BAC members, Secretariat and TWG members of the national government agencies, Government Owned or Controlled Corporations, Government Financial Institutions, State Universities and Colleges and Local Government Units, as well as for all entities transacting business with government (manufacturers, suppliers, distributors, contractors, consultants).[29]

51. While Phil-GEPS is a rich repository of valuable information on procurement, the data is still very disaggregated and can be overwhelming for anyone wishing to conduct a systematic analysis. Information on the procurement of small *meriendas* (school lunches) is posted alongside information on procurement of bridges and highways. While there is a search engine, sorting out information and filtering it by agency, size, region, which is essential for any analytical review of the data, is rather cumbersome and not user-friendly. Furthermore, Phil-GEPS does not post information related to procurement plans, budget plans and execution, and rarely on procurement awards. Thus, analysing data, while not impossible, is not an easy task, particularly for CSOs that are not necessarily familiar with public procurement. In addition, access to Phil-GEPS is only available to registered individuals or organizations. Consequently, civil society monitors who would like to access procurement information on Phil-GEPS will not be able to do so unless registered. Registering in PHIL-GEPS is not difficult. However, there is no CSO-specific registration, which means that CSOs must register as vendors, suppliers or contractors, attend a one day orientation and pay a small fee.

c. Usefulness of Phil-GEPS

52. In spite of the weaknesses mentioned above, Phil-GEPS is an important information source and a useful tool for Monitors. Data analysis should become easier as the different phases and components of the Phil-GEPS system are implemented and finalized and connectivity in the country and familiarity with Phil-GEPS increases.

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[29] Phil-GEPS training portal Is available at http://philgepstraining.net/sites/index.php

VI. Red Flags Checklist

53. As noted in the introduction, the Procurement Monitoring Guide and the Monitoring Assistant are instruments that can help detect corruption in procurement in general. This Philippines Country Guide complements them by taking into account issues specific to the Philippines context and providing a country-specific checklist.

54. As noted above, under the Philippines procurement legislation, CSOs are invited to observe only some stages of the procurement process, thus creating a gap in the overall procurement observation and corruption prevention effort. The checklist provided below takes into consideration all the steps of the procurement process, from planning until the implementation phase. This can help CSOs in the Philippines observe procurement from the initial stages and in a more comprehensive and systematic way.

55. Considering that CSOs do not have the capacity or resources to monitor all procurements taking place in the country, the checklist below formulates some suggestions to select which projects or procurements to monitor and which sectors to focus on. The checklist below can also be used by CSOs as an additional tool to help train Monitors.

56. The checklist provided below follows each stage of the procurement process and is designed to help CSOs in the Philippines identify risks, obtain necessary information, narrow down priority areas and identify common corrupt practices. The checklist should be used in conjunction with the Procurement Monitoring Guide and Monitoring Assistant.

Phase 1: Planning (Pre-tendering)

Monitors should gather relevant information to identify which projects to monitor and to use as point of reference for later stages.

57. During this phase, Monitors should collect information needed to identify which projects are earmarked for procurement during the year; how much the government plans to allocate for these projects; and which projects and sectors it makes sense to monitor. In this phase Monitors should also determine if the competent government agencies are advertising bids for these projects adequately. This initial process is fundamental as civil society Monitors will use this information in the following stages of the procurement process in order to detect discrepancies and potential corrupt practices. Given that Monitors are not involved – and normally not invited – to observe these initial stages, information gathering and corruption detection at this early stage is of utmost importance.

i.   *Determine if proposed project supports the national development plan.*[30] At the initial stage when the government is determining public needs, it may consult stakeholders, hold community meetings and put together a development plan.   When project

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[30] Or of the regional, city, municipality or Barangay development plan as applicable.

proposals are made public, Monitors should review them in order to determine whether the projects lend themselves to corruption from the outset. Once the main aspects of a proposed project are known, civil society monitors can use the Red Flags questions found in the Monitoring Assistant or the Procurement Monitoring Guide to determine:

a. Whether civil society was given a meaningful opportunity to participate in the needs assessment phase. (Monitoring Assistant Phase 1: Q 1)[31]
b. Whether the proposed procurement is tailored to the interests of an individual, company or organization. (Monitoring Assistant Phase 1: Q 2)
c. Whether the proposed project is in line with the agency's mandate.
d. In infrastructure projects, whether repairs or updates could have been made instead of procuring new infrastructure. (Monitoring Assistant Phase 1: Q 3). To answer this question, Monitors can seek the assistance of qualified technical experts and professional associations in determining if new infrastructure is needed.
e. Whether the proposed project is unnecessary, excessive or extravagant in nature. (Monitoring Assistant Phase 1: Q 4)

ii. *Assess whether the Project or Procurement Plans are adequate.* Monitors should request a copy of the Procurement Plan for the project from the government agency. If they cannot obtain a copy of the Procurement Plan, Monitors should closely monitor the project and related procurement actions, since absence of openness could signal higher vulnerability to corruption. If the Procurement Plan is available, Monitors should use the Monitoring Assistant or Procurement Monitoring Guide to answer the following questions relating to the Procurement Plan for the project and determine if:

a. The procurement plan is publicized. (Monitoring Assistant Phase 1: Q 5).
b. The procurement plan clearly identifies the goods, works or services to be procured. (Monitoring Assistant Phase 1: Q 6)
c. The items to be procured are inconsistent with the needs originally identified in the budget. (Monitoring Assistant Phase 1: Q 7)
d. There is any evidence of abuse of sole sourcing or direct contracting (when competitive methods are required).   (Monitoring Assistant Phase 1: Q 8)
e. The procurement was unnecessarily split into multiple smaller procurements. (Monitoring Assistant Phase 1: Q 9)
f. The procurement method selected by the procuring agency complies with the GPRA and IRR (Monitoring Assistant Phase 1: Q10)
g. Bidder registration requirements are unnecessary or too stringent. (Monitoring Assistant Phase 1: Q 11)

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[31] As explained in §§ 11 and 12, the Red Flags checklist in this Country Guide is based on the one contained in both the Monitoring Assistant and Procurement Monitoring Guide, but it includes certain additional questions and suggestions based on the Philippines context. The numbers in parenthesis refer to the number the question has been assigned in the Monitoring Assistant. Questions without numbers are specific to this Country Guide.

iii. *Compare the Procurement Plan with the Budget for Discrepancies.* Monitors can request a copy of the budget or find budget related information through public records. Monitors can obtain important information relating to procurements by analyzing the budget. Monitors can use the questions in the Monitoring Assistant or Procurement Monitoring Guide to answer the questions relating to the budget and verify whether:

a. The budget for the procurement, if available, is consistent with the works, goods or services to be procured. (Monitoring Assistant Phase 1: Q 15f)

b. The items to be procured are consistent with the needs originally identified in the budget. (Monitoring Assistant Phase 1: Q 7)

iv. *Analyze the Budget to Select Procurements to Monitor.* By analyzing the budget, Monitors can determine which procurement processes to focus on. Items in the budget should be compared with the procurement plan for any discrepancies. The following analysis will help in making these determinations:

a. Are these major or minor expenditures?[32]
   - Major – concentrate efforts on major expenditures in sectors known to be vulnerable to corruption in the Philippines, such as infrastructure, customs, health and education.
   - Minor – look for groups of similar minor expenditures and monitor as a whole for potential corruption opportunities.

b. Which sectors are these expenditures planned in? CSOs in the Philippines are advised to pay particular attention to expenditures planned in sectors that are most vulnerable to corruption, such as infrastructure (public works/highways), customs, health and education.

v. *Determine if Bids are Advertised Adequately.* Although the law in the Philippines requires bids to be publicized, there are a few agencies that do not do so and others that do so inadequately. Government agencies may post vague requirements, provide incomplete information (sometimes with the intention to limit competition) or fail completely to publicize bids as required by the law. Monitors should search bid advertisements on Phil-GEPS and in the bid bulletin on the web site of the government agency concerned and analyze them in search of inaccurate or missing information. Monitors can also use the Monitoring Assistant or Procurement Monitoring Guide to determine if the procurement has been adequately advertised or there are any indicators of corruption, by verifying:

a. Whether the procuring agency guaranteed a reasonable timeframe between advertising and bid submission. (Monitoring Assistant Phase 1: Q12)

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[32] In the Philippines, "small value" procurement ranges anywhere from Php 5,000-Php50,000, up to Php100,000-Php500,000 depending on the income classification of the local government unit. For national government agencies, NGAs, GOCCS, GFIs and SUCs, the small value thresholds is set at Php100,000 (Annex H of the IRR). As for foreign assisted projects, the cost threshold for small value procurement is set at Php2.5million.

b. Whether essential information in the bid advertisement was omitted or incomplete. (Monitoring Assistant Phase 1: Q13)

c. Whether there was limited circulation of the bid advertisement. (Monitoring Assistant Phase 1: Q14)

vi. *Uncover Irregularities or Inadequacies in the Bidding Documents.* Failure to provide copies of the bidding documents to civil society Monitors, should be a red flag in itself and should encourage Monitors to keep the procurement under close scrutiny. If the size and scope of the project warrants it, Monitors can also consider purchasing[33] the bid documents, obtaining them through companies, industry associations or, if the project is IFI financed, through the relevant IFI. If Monitors do have access to the bidding documents, they can use the questions in the Monitoring Assistant or Procurement Monitoring Guide to determine if:

a. The bid documents are expensive or difficult to acquire. (Monitoring Assistant Phase 1: Q 15a)

b. The bid documents are unnecessarily complex (Monitoring Assistant Phase 1: Q 15b)[34]

c. The description of the goods, works or services to be procured is overly vague or narrow. (Monitoring Assistant Phase 1: Q 15c)

d. Any of the items included appear unnecessary or not required to carry out the work or complete the project. (Monitoring Assistant Phase 1: Q 15d)

e. Any of the key clauses in the bid documents are inconsistent with the Standard Bidding Documents. (Monitoring Assistant Phase 1: Q 15e)

f. There is any evidence of abuse of sole sourcing or direct contracting (when competitive methods are required). (Monitoring Assistant Phase 1: Q 8)

g. The Terms of Reference and/or Technical Specifications are unnecessarily complex, too vague, narrow or tailored to a specific bidder. (Monitoring Assistant Phase 1: Q 15g). Monitors can work with professional associations and technical experts to assess suitability of the Terms of Reference and Technical Specifications for the project.

h. The bid bond or security, if required, exceeds the limits set in the procurement law and regulations. (Monitoring Assistant Phase 1: Q 15h)

i. The evaluation criteria are missing, vague, unusual, unreasonable or biased. (Monitoring Assistant Phase 1: Q 15j)

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[33] In practice, bid documents are often given freely to civil society monitors, subject to a formal request to the procuring agency.
[34] In the Philippines bidding documents are standardized, and thus relatively easy to understand. However, unnecessary complexity may arise in the criteria and technical requirements imposed on the bidders.

Phase 2: Bidding (Tendering)

Monitors will collect key information about bidders and the bidding process in order to determine the level of transparency of the process and the potential for corruption during the implementation phase.

58. During this phase, Monitors should obtain access to as much information on bidders as possible and detect potential corrupt practices taking place during the bidding process.

   i. *If a list of prequalified and short-listed companies is published, assess their eligibility. Monitors can review the short-list of firms and perform basic background research aimed at verifying:*

      a. Whether the firm or individual is qualified and possesses the education, training and experience commensurate with the procurement at hand.
      b. Whether the company really exists, by performing a simple background check.
      c. Whether the firm's individuals, owners or representatives can be linked to the HOPE or any procurement officials.
      d. Other inconsistencies or misrepresentation that may be apparent.

   ii. Monitors can also use the Monitoring Assistant or Procurement Monitoring Guide to assess eligibility of short-listed firms and pay particular attention to the tips provided, by verifying:
      a. Whether any of the short-listed or pre-qualified firms appear unqualified. (Monitoring Assistant Phase 2: Q1)
      b. Whether any of the short-listed or pre-qualified firms appear to be fictitious or "shell" companies. (Monitoring Assistant Phase 2: Q 2). For instance, Monitors can check if the company has an actual place of business or review public registration records.[35]

   iii. *Determine if the Pre-Bid Conference and its Outcome are In Compliance with Regulations*. The GPPB mandates procuring agencies to hold Pre-bid conference, except under certain circumstances clearly listed in the law, such as procurement of small items, and requires the attendance of three observers. If invited to observe the pre-bid conference, Monitors should ensure attendance by technically qualified observers and evaluate the timing of the conference, the concerns that arise, the responses provided by the procuring agency, as well as any changes to the bid documents resulting from the conference. Monitors can use the questions in the Monitoring Assistant or Procurement Monitoring Guide to determine whether:

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[35] For instance through Google Earth or by using some of the online databases indicated in the relevant section of this guide or in the online Links Pages that form part of the Civil Society Procurement Monitoring Tool. .

a. The pre-bid conference is scheduled too close to the bid submission date. (Monitoring Assistant Phase 2: Q 3)
b. The Technical Specifications were changed after the pre-bid conference, without this resulting in an extension of the timeframe for the submission of bids. (Monitoring Assistant Phase 2: Q 4)
c. Any of the questions raised during the pre-bid conference are not addressed properly. (Monitoring Assistant Phase 2: Q 5)
d. The pre-bid conference resulted in changes to the Specs, without additional bidders being allowed to participate.
e. Those who bought bid documents are the only ones allowed to ask questions during the pre-bid conference.[36]

iv. *Determine if Bid Submission is Transparent.* Although Monitors do not have access to the bids which are submitted, they may be able to obtain information from bidders without interfering with the process. For example, Monitors can:

a. Watch for a high number of complaints from bidders as the process unfolds. (Monitoring Assistant Phase 2: Q6)
b. Watch for cases in which bidders drop out from the bidding process with only one left at the end. (Monitoring Assistant Phase 2: Q 7)
c. Perform background checks on bidders and look for family ties or links to procurement officials as previously mentioned and determine if:[37]
   - Bidders are attempting to unduly influence the bidding process (Monitoring Assistant Phase 2: Q8)[38]
   - There are substantial delays between the deadline for submission and the opening of bids (normally no more than a day or two) (Monitoring Assistant Phase 2: Q9)

d. Take note of any complaints from potential bidders that the procuring agency failed to address. (Monitoring Assistant Phase 2: Q 10)
e. Watch for complaints from potential bidders that they were not allowed to submit their bids (Monitoring Assistant Phase 2: Q11)
f. Watch for absence of qualified or well-known bidders. (Monitoring Assistant Phase 2: Q14)
g. Confirm through public records that bidding companies are real, own assets and are not "shell companies". (Monitoring Assistant Phase 2: Q2)

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[36] Under the Philippines procurement law, only those prospective bidders that purchased bid documents are to be entertained during the pre-bid conference. This is to avoid any "nuisance" bidder's that may attempt to disrupt or incite any interference during the pre-bid conference.
[37] Because of scarcity of resources some of these checks may be hard or impossible to perform for CSOs. However, under certain circumstances, even superficial due diligence on bidders may yield some useful information.
[38] This question may only be applicable in the best-case scenario of a glaring attempt to influence the procurement process. In practice, it should be noted that undue influence under Philippine law is quite difficult to detect and later prove in court, which could make it fall outside of monitor's capacity.

h. Check procuring agency records of to determine if bids were submitted on or before the deadline and at the designated venue.

v. *Collect Key Information during Bid Opening.* If invited to the Bid Opening, Monitors should attend the ceremony, take notes, observe vigilantly, and raise concerns to the BAC following appropriate procedures. Monitors should:

a. Make their presence known in order to encourage transparency.
b. Check lists of bid prices for irregularities.
c. Check lists of participants and other company data.
d. Keep information carefully filed as part of a database, as it can be compared with information in the following phases.
e. Compare bids with the announced budget for inconsistencies.

Civil society monitors can also use the Procurement Monitoring Guide or Monitoring Assistant to determine whether:

a. The bids were opened in public. (Monitoring Assistant Phase 2: Q 12)
b. There are complaints of missing bids or bids not brought to and opened during the opening ceremony. (Monitoring Assistant Phase 2: Q 13)
c. The procuring agency received substantially fewer bids than expected. (Monitoring Assistant Phase 2: Q 14)

Phase 3: Evaluation (Post-Tendering)

Although the evaluation phase is usually confidential, civil society procurement monitors in the Philippines can observe the Evaluation phase, as indicated in the GPRA, in order to prepare the Procurement Observation Report.

59. During this phase, Monitors will collect key information about the evaluation process such as the Abstract of Bids as Calculated and the Post-Qualification Report, thus forming an opinion as to the independence of the BAC members and the transparency of the contract award process, and submitting a report detailing its findings. CSOs should also consider turning in reports for projects they were invited to but could not monitor, to indicate that no civil society observation has taken place, and therefore the integrity of the process cannot be guaranteed. This would be helpful since, under the current law, the lack of a report validates a procurement process if observers were duly invited but could not attend.

i. *Determine if any Conflicts of Interest with BAC members exist.* Monitors can use the Procurement Monitoring Guide or Monitoring Assistant questions and tips to conduct basic background research on the BAC members to identify any conflicts of interest with the procurement at hand and get a sense of whether the BAC members have adequate

qualifications. Answer the relevant Monitoring Assistant or Procurement Monitoring Guide questions to determine whether:

a. Any member of the evaluation committee or any procurement officer has or appears to have a conflict of interest. (Monitoring Assistant Phase 3: Q 1)
b. Any member of the evaluation committee or any procurement officer lacks the technical skills necessary for the performance of his duties. (Monitoring Assistant Phase 3: Q 2)

Monitors should pay particular attention in cases the BAC selects non-competitive procurement methods, as this may signal an attempt to favour certain bidders and a conflict of interest. If required by the procurement at hand, Monitors should also assess whether BAC members created a TWG made up of technically qualified experts to assist in the procurement process.

ii. *Determine if the Evaluation process was handled according to the law.* Monitors should determine if the procurement process, including the evaluation phase, complied with the procurement law and other applicable rules and regulations. To do so, Monitors can request copies of the Bid Evaluation Report and answer the relevant questions in the Procurement Monitoring Guide or Monitoring Assistant to determine whether:
    a. The evaluation criteria used for the contract award differ from those in the bidding documents. (Monitoring Assistant Phase 3: Q 3)
    b. The bid evaluation report inadequately applies the evaluation criteria, or any bidder unduly influenced or attempted to influence the evaluation process. (Monitoring Assistant Phase 3: Q 4)
    c. Monitors can also request to be invited to any special BAC meetings, as outlined by the GPPB, and document the purpose, actions taken and results of these meetings and include these findings as part of their report.
    d. Observe how motions or requests for reconsiderations and concerns from bidders are handled by the BAC.

iii. *Assess whether contract award was handled in a transparent manner and whether the Lowest Calculated and Responsive Bid or Highest Rated and Responsive* Bid were chosen. Civil society Monitors can follow these steps:

    a. Check the timing of the contract award and watch for delays between opening of proposals, award announcement or contract signature.
    b. Check the selection criteria to be sure they are consistent with the procurement documents analyzed in earlier stages, including the TOR and Specs.
    c. Review the winning bid and assess whether it was, in fact, the Lowest Calculated and Responsive Bid or Highest Rated and Responsive Bid as outlined in the Bid documents and as required by the GPPB.
    d. Look for patterns of bidders repeatedly winning, losing or rotating in bid processes.

Monitors should also answer the relevant questions in the Procurement Monitoring Guide or Monitoring Assistant to verify whether:

e. There are unreasonable delays between opening of bids and award announcement or contract signature. (Monitoring Assistant Phase 3: Q 5)
f. The procuring agency failed to publicly announce the contract award. (Monitoring Assistant Phase 3: Q 6)
g. The evaluation criteria applied in the award decision differ from those contained in the Terms of Reference. (Monitoring Assistant Phase 3: Q 7)
h. The winning bid price is much higher than the cost estimates or industry averages for similar works, goods or services. (Monitoring Assistant Phase 3: Q 8)
i. The same bidders are repeatedly winning contracts in the same sector or region or with the same procuring agency. (Monitoring Assistant Phase 3: Q 9)[39]
j. There is a pattern of rotation of winning bidders. (Monitoring Assistant Phase 3: Q 10)
k. The procuring agency has awarded numerous contracts without a competitive process. (Monitoring Assistant Phase 3: Q 11)
l. The lowest bid was unfairly disqualified at contract award.[40] (Monitoring Assistant Phase 3: Q12)
m. The contract was signed without public notice or notification to losing bidders. (Monitoring Assistant Phase 3: Q 13)

Monitors can also determine if there are complaints from bidders regarding the award of the contract and if the evaluation committee response to those complaints is adequate by checking if:

a. Any bidder has protested the results of the procurement process. (Monitoring Assistant Phase 3: Q 14)
b. The procuring agency failed to adequately address protests against the award decision. (Monitoring Assistant Phase 3: Q 15)

Phase 4: Implementation

Although according to the GPPB the implementation phase is not open to civil society monitoring, civil society Monitors in the Philippines have traditionally adopted different strategies to stay engaged with this important part of the procurement process. Below are some suggestions aimed at increasing the effectiveness of monitoring in this phase.

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[39] Questions v, vi and vii cannot be answered with reference to a single contract but have to be put in perspective, possibly by analyzing multiple contracts awarded over a certain period of time by the same procuring agency or in the same region or sector.
[40] In some cases, the lowest bidder may be disqualified at contract award, if the bidder was found out to be ineligible and the factors that determined the ineligibility were verified and validated by the BAC and the TWG and reported in the post-qualification report.

60. During the implementation phase, Monitors can document end results and call attention to projects not satisfactorily completed. Especially in infrastructure projects, Monitors can document results and, in most instances, assess their quality. To better monitor projects during the implementation phase, Monitors can partner with government agencies (see the G-Watch and the Department of Education textbook count projects discussed above), or with other CSOs.

i. *Request Access to the Draft Contract, Compare the Specifications, Pricing and other Details with Bidding Documents and Identify Discrepancies. Monitors can use* the Procurement Monitoring Guide or Monitoring Assistant Red Flags questions to analyze the draft contract and verify whether:

   a. The quality, quantity or technical specifications of the goods or services in the contract deviate from the bidding documents. (Monitoring Assistant Phase 4: Q 1)
   b. Any key contract provisions differ from those contained in the bidding documents, without justification. (Monitoring Assistant Phase 4: Q 2)
   c. Price schedules in the contract are different from those in the winning bid. (Monitoring Assistant Phase 4: Q 3)

ii. *Document and Assess the Quality of Implementation of Projects/Procurement Processes.* Monitors can request access to implementation sites in case of infrastructure projects or during the delivery of goods/services procured. If granted access, Monitors can:

   a. Partner with government agencies to help them account for or document final results of infrastructure projects, or purchases of goods such as medicines, textbooks or school furniture.
   b. Count the number of goods or services being delivered and compare this with the original bid documents to see if any discrepancies exist.
   c. Work together with professional associations or technical experts to ascertain the quality of goods/services or infrastructure delivered.
   d. Assess the timing of delivery or implementation, paying particular attention to delays in delivery of goods or completion of or works.
   e. Assess whether the final product is operational, functional, responds to the technical specifications and is being used as originally designed.

   Monitors can also analyze project results and by using the Procurement Monitoring Guide or Monitoring Assistant questions to verify whether:

   a. There have been unreasonable delays in the start of works or delivery of the goods or services procured. (Monitoring Assistant Phase 4: Q 4)
   b. There are long delays in contract implementation. (Monitoring Assistant Phase 4: Q 5)

c. The contractor failed to deliver the quantities of goods or services specified in the contract. (Monitoring Assistant Phase 4: Q 6)

d. The contractor delivered goods, services or works that are substandard, of inferior quality or fail to meet the Technical Specifications. (Monitoring Assistant Phase 4: Q 7)

e. The goods or services procured are not being used or are being used for purposes inconsistent with the procurement plan. (Monitoring Assistant Phase 4: Q 8a)

f. Actual project completion is inconsistent with what is reported in the completion certificates. A supposedly operational project is not fully operational. (Monitoring Assistant Phase 4: Q 8b)

g. The contractor failed to fully deliver the agreed goods/services or to complete the contracted works. (Monitoring Assistant Phase 4: Q 9)

iii. *Take note of Changes or Renegotiations to the Contract, Changes in Pricing and Request Explanations.* Monitors can:

a. Request from the BAC an explanation for changes to the contract and document them.

b. Verify that approval of the contract changes and variation in orders are within the approved percentage (10%-20%) of the unperformed works

c. Use the relevant question (and tips) in the Procurement Monitoring Guide or Monitoring Assistant to detect changes. (Monitoring Assistant Phase 4: Q 10)

iv. *Generate a Summary of Findings*. Monitors can use the report-generation function in the Monitoring Assistant to put together a list of findings for the project as a whole and for future reference.

VII. Evaluating Red Flags[41]

61. While red flags are an effective anti-corruption tool, the presence of a red flag by itself does not necessarily indicate corruption. Some red flags may be triggered by factors that are not related to corruption, may have adequate justifications or may be due to mistakes made in good faith. This should not deter CSOs from carrying out procurement monitoring, but should encourage them to consider how to best evaluate red flags. Common methodologies to evaluate red flags include:

62. <u>Measuring the Level of Risk</u> - Different red flags indicate different levels of risk. For example, while there may be several valid reasons why a procurement process is delayed, the fact that all bids for a certain procurement process were sent from the same fax number indicates a strong risk of collusion, as there are not many possible explanations other than

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[41] An expanded version of this section, with examples and additional details on methodologies to assess red flags, is available in the Procurement Monitoring Guide.

an agreement among firms. The online Monitoring Assistant attempts to capture these nuances by marking some indicators as deserving special attention. CSOs are encouraged to consider designing their own systems to assess red flags, based on the Philippines' context.

63. Reference Values - Another way to evaluate red flags is to design benchmark values to assess the adequacy of different procurement parameters, such as the number of participants in a bidding process or the amount of a change order as a percentage of the original contract or the amount of the bid bond. CSOs can use these values to assess the gravity of a certain red flag. The degree of deviation from the benchmark value can provide a gradation of risk.

64. Starting with Complaints - CSOs can look at official or unofficial complaints, for instance from bidders or project beneficiaries, and cross-reference them with red flags, looking for patterns that would indicate corruption. This approach is commonly adopted by many investigators and procurement officials, and can also be used to select which procurement processes to monitor. Once one or more complaints have been received, the relevant procurement process is analyzed in detail, for instance by applying a list of red flags such as the one presented in this Country Guide.

65. Looking for Patterns - CSOs that do not have access to complaints from bidders or other stakeholders can assess the gravity of a red flag by looking for other red flags that indicate the same corruption scheme. Multiple red flags of the same scheme in one procurement process are a strong indicator that corruption may be occurring. The online Monitoring Assistant that complements this Guide was designed to facilitate this evaluation technique. Each red flag is linked to the scheme(s) most frequently associated with it and the tool also provides lists of all red flags associated with the each corruption scheme.

VIII.   Reporting Red Flags

66. Correctly reporting any red flags or other deviations from standard procurement practice is an essential part of procurement monitoring. Going through the appropriate reporting channels can help ensure that complaints are dealt with in a timely and effective way. Effective feedback reporting increases the credibility and corruption-deterrent effect of monitoring and can help government agencies improve the effectiveness of their procurement framework.

67. In the Philippines, given the special status assigned to observers in public procurement, feedback from civil society is particularly important.[42] The main channels for submitting monitoring reports or complaints are the GPPB, the HOPE, the Office of the Ombudsman, through its central office or through the Resident Ombudsmen assigned to each individual government agency, and the COA.

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[42] This section is based on concrete monitoring experience and input provided by PWI.

68. In 2006, the Office of the Ombudsman designated the Resident Ombudsmen assigned to each individual government agency to receive and handle reports of fraud or corruption related to procurement activities.[43] In 2005, PWI, in partnership with the Office of the Ombudsman, formulated the "Operational Guidelines for Complaints and Feedback Handling", which have later been incorporated in standard procedures by publication in the Official Gazette as Office of the Ombudsman Order No. 66.[44] Under the rule, Observers are required to prepare a Diagnostic Report (Report) for each procurement monitoring attended and submit copies of the Report to the GPPB, the Head of the Procuring Entity and either the Office of the Ombudsman or more frequently, the Resident Ombudsman assigned to the each government agency.

69. When observers detect deviations from standard procurement practice or indicators, they can simply describe the deviations detected in the Report and submit it, along with supporting documents, to the Resident Ombudsman for investigation. If the Resident Ombudsman finds that the report provides sufficient evidence, it can recommend that the observer file a sworn complaint with the Office of the Ombudsman against the HOPE or the BAC, using the report and supporting documentation as attachments to the complaint. The Office of the Ombudsman can then proceed with the proper evaluation of the report and determine whether to conduct further investigation, or proceed with administrative adjudication or closure and termination of the complaint.[45]

70. In cases in which observers find evidence of fraud or corruption they may file a complaint with the COA. COA's website features a Fraud Alert Form, which is accessible to anyone who wants to report allegations of fraud, waste, and abuse or mismanagement of public funds.[46] Complainants need to fill out the template provided and give detailed information regarding the complaint and its nature. Reference numbers are assigned to every complaint received by COA and responses are posted on the Fraud Alert Feedback stating the name of the government department being reported, project name and a summary of action taken by COA.

71. As a good practice, before filing a report with the Office of the Ombudsman or COA, Monitors should, to the extent possible, gather documentation or evidence supporting the

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[43] Roline Gines-Jabalde, "Current Status of Public Procurement in the Philippines", paper published in "Corruption Control in Public Procurement", UNAFEI, December 2008, p.100. Available at http://www.unafei.or.jp/english/pdf/2nd_Regional_Seminar.pdf

[44] Ibid.

[45] In 2009, the Office of the Ombudsman received 12,736 complaints which also includes 3,700 criminal and 3,500 administrative cases and completed 2,000 fact-finding investigations. At least 80 government officials and employees were placed under preventive suspension, including for procurement-related scams. "Gaining Ground: The 2009 Annual Report of the Office of the Ombudsman." Office of the Ombudsman, 2010. Available at http://www.ombudsman.gov.ph/docs/statistics/ANNUAL%20REPORT%202009.pdf

[46] Available at http://www.coa.gov.ph/Fraud.htm

complaint. The Monitoring Assistant provides a simple, user-friendly module that was designed to make reporting of monitoring findings easier.

IX.   Country specific recommendations

72. The Philippines has a rich history of very active civil society participation in government activities and public procurement, as well as some excellent examples of the role of civil society oversight in increasing government accountability. However, the initiatives and activities described in this Guide have not always achieved the desired impact in terms of reducing corruption in public procurement. This is due, among other things, to the complexity of procurement monitoring, the enormous amount of procurement processes, the highly decentralized nature of procurement in the country, the lack of adequate legal protection for CSOs when corruption is found and the lack of funding for procurement monitoring activities.

73. Below are some suggestions for measures that, if implemented, could increase the effectiveness of civil society procurement monitoring in the Philippines. CSOs should:
    a. Better coordinate their efforts, selecting areas in which to work in order to avoid duplication of efforts;
    b. Share information through a common database on procurement monitoring activities;
    c. Develop a CSO-administered multi-stakeholder trust fund to ensure appropriate funding for a sustained monitoring programs;
    d. Organize training programs for procurement monitors utilizing jointly developed methodologies as well as the Procurement Monitoring Guide, Monitoring Assistant and this Country Guide;
    e. Promote the creation of a whistleblower protection system under the Office of the Ombudsman;
    f. Promote the approval of the necessary amendments to the GPRA to ensure that CSOs can monitor and have full access to all phases of the procurement processes.

Below are some additional measures that can be undertaken to implement the recommendations:

a. Data collection

74. CSOs working on procurement monitoring can facilitate their respective tasks by establishing databases that collect and store data on procurement monitoring in an organized and systematic manner. These databases could be fairly simple and collect only information that is relevant and essential for procurement monitoring, such as budgets, participants, contract awardees, prices paid for the items being procured, dates, information on complaints and formal protests, and other relevant data. As the databases get populated, a clearer picture of the procurement process will eventually appear, with

reference prices on commodities, services, construction, and all aspects of public procurement.

75. This information would, in turn, allow Monitors to compare a) proposed budgets with historical data on the items being procured, thus determining if budgets appear inflated or excessive; b) proposed or actual lists of participants (or shortlisted firms when there is prequalification) with historical information on participants or patterns of participation by firms to determine potential bid rigging and/or collusion among firms; and c) reference prices of works, goods and/or services with actual prices paid in the past for similar items or services, thus determining potential overpricing or corruption and other relevant factors.

76. In addition to the above, a CSO procurement monitoring database could allow CSOs to establish a list of private sector companies that normally respond to bid invitations, requests for proposals and other procurement actions, win contracts and are effective, efficient and transparent in their work. By populating the database with information on positive (and negative) evaluations and success stories, CSOs can establish a list of private sector companies that could be open to signing integrity pacts and generally work with Monitors in making sure the procurement process is efficient and transparent. These CSOs/Private sector alliances could be very effective as a corruption deterrent.

b. Coordination of efforts

77. Considering the high volume of processes and high number of entities carrying out procurement in the Philippines, CSOs cannot monitor all procurement processes nation and sector-wide (there are only 14 organizations listed on the GPPB website as observers nationwide). A civil society database on procurement monitoring would permit CSOs to coordinate effectively, share information and select the procurement processes that warrant monitoring as a first priority. As noted above, this could be done by establishing one common, online database that would connect available Monitors with procurement processes that, because of risk factors or value, would make sense to monitor.

c. On-line tools

78. CSOs involved in procurement monitoring can also access information on procurement processes, prices and developments through numerous online websites and tools that would allow them to better monitor procurement. By using such databases, Monitors can, for example, conduct basic due diligence on bidders and obtain firsthand information on prices worldwide, in order to compare them with local prices, particularly for commodities such as medicines, educational materials, and other off-the-shelve item.

79. In addition to local websites and online tools well known to Philippines CSOs, such as the Perang Bayan (government bribe reporting website), the Makati Business Club website or the Philippine Institute of Civil Engineers, some examples of these types of on-line tools include:

Panjiva (www.panjiva.com).
Panjiva is an online database of suppliers that can be used to conduct basic due diligence on bidders. It contains detailed information on 1.5 million companies that do business internationally. Monitors can use Panjiva to conduct basic background checks on bidders, for example to identify the sector in which a certain company works.

Alibaba (www.alibaba.com).
Alibaba.com is an e-commerce website aimed particularly at small businesses. Monitors can use this website as a reference for global market prices of common items.

Tradingphilippines.com (www.tradingphilippines.com)
This directory of suppliers, manufacturers, business service providers, exporters, importers, distributors, wholesalers, dealers and sourcing agents can be used by civil society monitors to search information and conduct basic background checks on companies in the Philippines and internationally.

World Health Organization (WHO) Medicine Pricing Information
(http://www.who.int/medicines/areas/access/ecofin/en/).
This website provides international price information services on raw materials for pharmaceuticals, updated monthly. Subscribers from least developed countries receive copies free-of-charge. This online resource is useful for CSOs monitoring the health sector, particularly procurement of medicines.

World Health Organization (WHO) International Drug Price Indicator Guide
(http://www.who.int/medicines/areas/access/ecofin/en/).
WHO's International Drug Price Indicator Guide includes important pricing data on finished products of essential medicines. It lists indicative prices of mainly generic products on the international market and tender prices obtained from nine national procurement agencies. This tool could be very useful in monitoring procurement in the health sector, especially given that pricing of medicines can be highly technical.

WHO African Regional Office (AFRO) Essential Medicines Price indicator
(http://apps.who.int/medicinedocs/en/d/Js5421e/).
The third edition of the Essential Medicines Price Indicator, published by WHO/AFRO in 2007, contains price information for nearly 300 essential medicines and dosage forms. Price information was provided by 18 countries and 4 international low-cost essential drugs suppliers.

Health Action International (http://www.haiweb.org/MedPriceDatabase/).
This is a database of medicine prices, availability, affordability and price components. Price data for individual medicines is presented in a number ways, including median unit prices in local currencies, median unit prices in U.S. dollars and a ratio to an international reference

price, known as "Median Price Ratio". This data can be useful to Monitors analysing procurement of medicines and drugs.

WHO Country Surveys (http://www.haiweb.org/medicineprices/surveys.php).
The WHO produces a country survey of medicine prices for most countries in the world. The last survey for The Philippines was published in August of 2008 and is available at the link above.

Learning Resources International (http://www.learningresources.com).
Learning Resources is a manufacturer of educational materials for schools worldwide and its website provides ample information on available educational materials in bulk and their costs. This website can be used as a reference for Monitors engaged in monitoring procurement in the education sector.

Global Construction Cost and Reference Yearbook
(www.blissbooks.co.uk/documents/198058.pdf).
The "Global Construction Cost and Reference Yearbook", is a practical pricing reference book for construction professionals, used for forecasting, estimating and controlling costs of international construction projects. It provides data on 81 countries and it provides important data that Monitors can use as a reference when evaluating procurement of infrastructure projects. The last edition was published in 2008.

d. Funding for Procurement Monitors

80. As noted, the civil society observer status mandated in the GPRA is an unfunded mandate. Philippines CSOs often depend on volunteers to carry out procurement monitoring. Understandably, some CSOs hesitate to accept funding from the government or the private sector for procurement monitoring for fear of losing their independence or create a (perceived) conflict of interest. In view of this, many of the CSOs carrying out procurement monitoring depend on the assistance of and grants from the donor community in order to maintain a small core of procurement observers, or depend on the volunteers to pay for their own transportation and other costs to attend the BAC meetings and do other monitoring work.

81. A proposed solution could be the establishment of a multi-stakeholder trust fund. Such a fund could receive voluntary contributions from international and national donors and Philippines CSOs, with the core funding coming from the main stakeholders in the procurement process, namely the Philippines government and the Philippines private sector. All funds received would be comingled so that funding could not be identified with a particular project or procurement process, and the trust fund itself could be administered by a CSO selected by other CSOs. Initiatives to set up such a trust fund have been proposed but have so far failed to move forward.

82. By implementing such a trust fund, procurement monitoring funding would be available on a sustainable basis, resources could be allocated to training, and in general the monitoring function could be better administered and coordinated. A small CSO committee could determine what projects or procurement processes to monitor and encourage different CSOs to specialize on a particular sector. The selection process on what and at what stage to monitor could be based on the information available in the civil society database, thus making civil society monitoring a more coordinated, lean and efficient effort.

Annex A - Availability of Procurement Documentation

The checklist that follows provides details on what procurement information is available for review by CSOs, and where it can be found.

DOCUMENTATION	AVAILABLE FOR REVIEW		WHERE CAN THE DOCUMENTATION BE FOUND?	COMMENTS
	YES	NO		
Laws, guidelines, procedures, rules, regulations and other legal/administrative instruments that regulate procurement of goods, works, and services.	✓		The Government Procurement Reform Act (GPRA) RA 9184 and its Implementing Rules and Regulations (IRR) can be found on the GPPB website, www.gppb.gov.ph, or can be bought at the DBM-Procurement Service. The official websites of the various national government agencies should have Department Memoranda and Orders on additional guidelines and procedures. For the contract implementation stage.	
Other legal texts that may contain prescribed activities, behaviors or omissions, including but not limited to criminal codes, anti-corruption laws,	✓		Go to the office of the Ombudsman website, www.ombudsman.gov.ph then go to the "issuances" tab where a compendium of codes and laws pertaining to civil servants is available	

and laws pertaining to civil servants .			for download.	
Standard Bidding Documents / Forms.	✓		Standard bidding documents and forms (the Philippine Bidding Documents - PBDs) can be found on the GPPB website www.gppb.gov.ph, as well as on the website of the procuring entity concerned.	
Bidding documents, Requests for Proposals, Requests for Quotations, and other specific invitations .	✓		These documents can be requested from the BAC Secretariat of each procuring entity. Standard pro-forma forms can also be downloaded from GPPB website. www.gppb.gov.ph.	Requests to the BAC Secretariat should be presented in formal, written letters.
Procurement Notices	✓		Procurement notices or advertisements can be viewed through the PhilGEPS website, (www.philgeps.net), the website of the procuring entity, in conspicuous places in the facilities of the procuring entity, and in newspapers of general nationwide circulation.	NGOs may also request to be sent letters/invitations to procurement stages.
Procurement Plans /Budgets	✓		This can be requested from the procuring entity or the Department of Budget and Management (DBM). GPPB and the Office of the Ombudsman should also have copies of the Annual Procurement Plans (APP) of the agencies that submitted to them.	Procurement plans and budgets may not be readily available. CSOs may need an endorsement from the higher management of DBM or procuring agency to authorize the release of such documents.
Contract Award Notices	✓		This should be posted on the PhilGEPS website	

			(www.philgeps.net), as well as conspicuous places of the procuring entities. For Foreign Assisted projects, the contract award notices could also be found on the website of the financing institution. Observers may also request a copy of the contract award from the BAC Secretariat.	
Contract Values	✓		Contract values should also be disclosed in the main body of the contract or purchase order. This could be found in both the Legal, and Accounting Offices of the procuring entity. Likewise, the BAC secretariat and the COA Office should also maintain a copy of these documents.	For infrastructure projects, a contractor can only participate in a bidding based on its Allowable Range of Contract Cost (ARCC), as per its license category. This information is available at Construction Industry Authority of the Philippines (CIAP), affiliated with the Department of trade and Industry.
Diagnostic Reports from NGOs that are currently doing Procurement Monitoring (if available)	✓		CSOs should have on file the Diagnostic Reports they submit. These are also sent and filed with the Office of the Ombudsman (OMB) and GPPB. The copy of the procurement (diagnostic) report is also provided to the Head of the Procuring Entity (HOPE) and the BAC Chairman of the respective agencies monitored.	Few CSOs regularly submit and file procurement monitoring reports to the agency concerned, OMB, and GPPB.
Rosters of Vendors	✓		They can be viewed on the PhilGEPS website (www.philgeps.net). However, this list only	Procuring entities that opt to have their own registry

			consists of those vendors, suppliers, contractors, and consultants that have registered with the PhilGEPS. Each procuring entity would also have a database of their suppliers. However, not all procuring entities diligently create and update their databases.	would still have to require their suppliers/contractors to register with the PhilGEPS. No contract award may be made to a supplier/contractor that is not registered with the PhilGEPS.
Notices of Administrative or Civil Court Filings related to bid protest or breach of contract	✓		Copies of the transcript can be found in the courts that have jurisdiction over the case filed. The BAC Secretariat should also maintain a copy of all communication to and from the bidders including formal responses of the BAC and/or the HOPE.	Section 58 of the GPRA mandates that the protest be resolved first at the procuring entity with finality before it can be elevated to the regular courts.
Documentation generated by Monitors after interviewing losing bidders, conducting site visits, and attending public event	✓		The data gathered by respective Civil Society Procurement Monitor can be found at their respective offices where reports are generated and stored.	The revised implementing rules and regulations of the law require Monitors to sign a confidentiality agreement which holds the Monitors.