



Compliance and Challenges in the Government Procurement Process

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Aries H. Sobremisana

Education Program Supervisor in Math, DepEd-Bacolod, Philippines
<https://orcid.org/0000-0003-4188-3500>

Gregorio C. Moyani Jr.

Chief, School Governance and Operation Division, DepEd-Bacolod
<https://orcid.org/0009-0004-8823-5783>

Abstract:

Despite the existence of the government procurement laws and orders on the proper implementation of government procurement process is still the big challenge among government officials to implement and follow the RA 9184. This study was conducted to investigate on the compliance and challenges of the three groups of respondents in the implementation of government procurement process in the Division of Bacolod City in terms of pre procurement, procurement proper and post procurement stages. This study sought to determine the extent of compliance and degree of challenges in the implementation of government procurement process as assessed by the school heads, property custodians, and bids and awards committee members of twenty-two public secondary schools in the Division of Bacolod City in each stages and according to selected variables, to determine the significance of the difference in each stage according to selected variables and the significance of the relationship among the stages of the government procurement process. The results of the study showed that the extent of compliance of the respondents is high extent, while the degree of challenges encountered by the respondents in implementing the government procurement process is very high extent. There is no significant difference between the stages of government procurement process according to selected variables and there is significant difference as assessed by the respondents according to selected variables. Results of this study calls for the property custodians and bids and awards committee to have enhancement program with regard to the implementation of the government procurement process.

Keywords: Compliance, challenges, government, pre-procurement, procurement proper, post procurement.

Introduction:

Nature of the Problem

The acquisition of materials, services, and equipment of right qualities, in the right quantities, at the right prices, at the right time and on continuing basis has long occupied the attention of many managers in both public and private sectors. Today, the emphasis is on the total management process in the context of organizational goals and management of supply. The Philippine government is very serious when it comes to procurement process. Lawmakers promulgated and passed a law concerning the proper procurement procedure, a Republic Act 9184 on 2002, to be followed by all government agencies and government owned and controlled corporations. On July 10, 2003, the former Philippine President Gloria Macapagal Arroyo, signed the Republic Act 9184 known as Government Reform Procurement Act of 2002, to give due attention to the unique problems of procurement by public agencies such as national government, provincial government, city and municipal government, public school system, public hospitals, state colleges and universities and various government agencies. Lawmakers promulgated and passed a law concerning the proper procurement procedure to be followed by all government agencies and government owned and controlled corporations.

As a former school head of a public secondary school, it is very important to follow the process of government procurement system, to show transparency in all procurement transactions of the government. In this activity, the government authorities will prove that the national fund will not go to the pocket of some corrupt politicians and employees of the government. This will encourage interested parties to join the government transactions and attain fair competition among possible bidders/suppliers.

The study of government procurement process in twenty-two secondary schools in the Division of Bacolod City gave the researcher motivation since the researcher is formerly connected in the procurement office of one of the prestigious private institutions. He wants to know what the difference of the procurement process between the government and the private institutions is as well as the competence, compliance and the challenges of the people involved in procurement process in both government and private sectors. He is also eager to know whether the public secondary schools religiously follow the government procurement law since he was a former secondary school head in public high school in Bacolod City.

Current State of Knowledge



Procurement process begins when the user department identifies the need and forwards a purchase requisition to procurement department for items to be purchased. However, there must be a procurement plan in place to provide procedural guidelines and ensure strict adherence to the procurement budget. The user plays a key role in the procurement process starting from initiation of the need to purchase, preparation of specifications, involvement in opening of quotations, evaluation of bids, inspection and acceptance of the goods, works or services (PPDA, 2015). The effectiveness of the procurement process heavily depends on active participation and coordination between the user and procurement department (Gatobu, F. H., 2020).

According to Kang, K., & Miller, R. A. (2021) government procurement contracts rarely have many bids, often only one. Motivated by the institutional features of federal procurement, this article develops a principal-agent model where a buyer seeks sellers at a cost and negotiates contract terms with them. The model is identified and estimated with data on IT and telecommunications contracts. We find the benefits of drawing additional sellers are significantly reduced because the procurement agency can extract informational rents from sellers. Another factor explaining the small number of bids is that sellers are relatively homogeneous, conditional on observed project attributes. Administrative hurdles and corruption appear to play very limited roles.

Flammer, C. (2018) stated in his article that despite the economic importance of this market, we know surprisingly little about firm-level strategies to obtain government procurement contracts. In fact, I was not able to find any articles within the management literature that theoretically or empirically explores the question of whether and how companies can improve their competitiveness in the market for government contracts. Yet, the market for government procurement contracts is fundamentally different from the B2C and B2B context in several dimensions. In particular, the purchasing decision of the government differs from the one of end consumers and businesses. Specifically, the process of awarding procurement contracts starts when an agency of the federal government identifies a need for the purchase of a good or service and posts a solicitation on the Federal Business Opportunities website. Public procurement projects include a broad range of projects such as the building of airports, schools, stadiums, and tunnels, the construction of military equipment, as well as investments in medical and technical innovations.

The government requires its suppliers to have certain internal information processes to reduce uncertainty about their ability to fulfill their commitments. I argue that these requirements improve suppliers' internal information, which leads to better external reporting. Using a dataset of U.S. government contracts, I find a positive relation between government contract awards and firms' external reporting quality. Consistent with procurement-related requirements driving this relation, I find that firms improve their external reporting when they begin contracting with the government, and that the magnitude of the improvement varies predictably with contract characteristics imposing greater requirements on contractors' internal information processes (Samuels, D., 2020).

Theoretical Underpinnings

This study is anchored on the systems theory of Ludwig Von Bertalanffy in 1940's. It is a modeling device that accommodates the interrelationship and overlap between separate disciplines. This theory is trans-disciplinary study of the abstract organization of phenomena, independent of their substance, type, or spatial or temporal scale of existence. It investigates both the principles common to all complex entities, and the models which can be used to describe them. This particular organization determines a system, which is independent of the concrete substance of the elements. Thus, the same concepts and principles of organization underlie the different disciplines, providing a basis for their unification. Systems concepts include system-environment boundary, input, output, process, state, hierarchy, goal-directedness, and information.

Furthermore, this study is anchored on this theory since it assessed the compliance and challenges of the school heads, property custodians, and BAC members on implementation of government procurement process. Since this study is procedural in nature in conducting procurement of using government money, the respondents were assessed in the aspect of their compliance, and their challenges encountered in implementing the RA 9184. This will measure the intent of the said groups of respondents their willingness towards the guidelines and procedures stipulated in this law.

The implementation of government procurement process was assessed by school heads, property custodians, and BAC members of the public secondary school in the Division of Bacolod City. It is measured in a continuum ranging from "very high level"/extent/degree at the highest point to "very low at the lowest point, with varying degrees in between. Since there are three groups of respondents, significant differences and significant relationship between their assessments when compared by groups were also computed.

Objectives

This study aims to determine the compliance, and challenges in the government procurement process in the Division of Bacolod City. More specifically, it sought answers to the following questions: 1) the extent of compliance in the government procurement process as assessed by the school heads, property custodians, and bids and



awards committee according to the pre-procurement, procurement proper and post- procurement; 2) the degree of challenges in the government procurement process as assessed by the school heads, property custodians, and bids and awards committee according to aforementioned stages; and 3) the significant relationship between the extent of compliance and degree of challenges in the government procurement process as assessed by the respondents.

Methodology

This section describes the research design, the locale of the study, respondents, the research instrument's validity and reliability the instrument, data gathering procedure and data analysis, and the statistical tools used.

Research Design

This research study used the descriptive research method. Descriptive design is appropriate for studies that aim to discover what prevails in the present conditions or relationships, held opinions and beliefs, processes and effects, and developing trends. A scientific method is a design that entails watching and documenting a subject's behavior without exerting any influence over it (Bueno, 2016).

To effectively portray or account for the qualities of a particular person, descriptive research involves accurately and methodically describing the facts and features of a specified population or area of interest (Siedlecki, 2020). This method is the most appropriate because the study involved determining the level of readiness and level of difficulty of the students on outward-bound courses in China during the school year 2022-2023.

Study Respondents

The study respondents were the 22 school heads, 22 property custodians and 66 bids and awards committee with a total of 110 respondents. Since the number of respondents is not large, the researcher decided to take all the 110 as respondents of the study.

Instruments

This study used a self-made questionnaire to gather all the data which was guided by the Republic Act 9184 or Government Procurement Act. The questionnaire was in 2 parts: Part 1 contains queries on respondents' profiles while Part 2 is the questionnaire proper, which consists of the 5 items in each stages in the extent of compliance and the degree of challenges according to stages of pre-procurement, procurement proper and post-procurement with the following measures of 5 as always, 4 as often, 3 as sometimes, 2 as seldom and 1 as almost never.

Procedure

Data Collection

After the research instrument was found valid and reliable, the researcher secures an approval from schools' division superintendent and scheduled the administration of the questionnaire on a schedule mutually convenient for the respondents and the researcher. The researcher personally administered the questionnaires to the target respondents. An orientation was done to present the objectives of the study and how to answer the survey questionnaire. After answering the survey, the data are gathered, tallied and tabulated using the appropriate statistical tools. The raw data were transformed into numerical code guided by a coding manual. This allowed computer processing, statistical derivations, and tabular presentation. The Statistical Package for Social Sciences (SPSS) was used in the computer processing of the encoded data with the help of the by the statistician assigned to solve the problem with answers and come up with a valid conclusion

Data Analysis and Statistical Treatment

Objective No. 1 used the descriptive-analytical scheme and mean to determine the extent of compliance in the government procurement process as assessed by the school heads, property custodians, and bids and awards committee according to the pre-procurement, procurement proper and post- procurement.

Objective No. 2 used the descriptive-analytical scheme and mean to determine the degree of challenges in the government procurement process as assessed by the school heads, property custodians, and bids and awards committee according to aforementioned stages.

Objective No.3 used the relational analytical scheme and Pearson r to determine the significant relationship between the extent of compliance and degree of challenges in the government procurement process as assessed by the respondents.

Ethical Consideration



This study adheres to the standard ethical considerations or principles that guide researchers and human subjects, especially regarding research participants' rights, enhance research validity, and maintain the integrity of the study. All respondents provided informed consent, and their privacy will be respected during the study. Every respondent was free to leave the study at any moment without penalty. The respondents were informed of the study's risks and advantages and reduced any possible harm. The data collected was used only for this study and will be kept secure and confidential.

Results and Discussion

This section presents, analyzes, and interprets the data that were gathered consistent with its predetermined objectives.

Table 1
Extent of Compliance in the Government Procurement Process as Assessed by School Heads, Property Custodians, and Bids and Awards Committee in terms of Pre-procurement

Items	SH	PC	BAC	Mean	Interpretation
1. The school management/bids and awards committee announce the date and place of actual bidding.	4.27	3.90	4.10	4.09	High Extent
2. The school management/bids and awards committee implement the equal access of information to all bidders/suppliers.	4.35	4.10	4.30	4.25	Very High Extent
3. The school management/bids and awards committee conduct pre procurement conference.	4.26	4.09	4.01	4.12	High Extent
4. The school management/bids and awards committee advertise the content of invitation to bid of general circulation or in GEPS website.	4.30	3.98	4.26	4.18	High Extent
5. The management/bids school and awards committee require the bidders of the content and invitation.	4.39	4.26	4.10	4.25	Very High Extent
Over all Mean	4.31	4.07	4.15	4.18	High Extent

Table 1 shows the results on the extent of compliance of the respondents in the government procurement process in terms of pre procurement, Item No. 2 which is on "the school management/bids and awards committee implements the equal access of information to all bidders and Item No. 5, "the school management/bids and awards committee requires the bidders of the content and invitation", both got the highest score of 4.25, interpreted as "very high extent".

It implies that the school management/bids and awards committee of the school implement religiously the regulations that all bidders must have equal opportunities and fare competition to access all information regarding bidding process and requires all bidders/suppliers the content of invitation before the conduct of the procurement proper. The lowest score obtained in Item No. 1, "the school management/bids and awards committee announce the date and place of actual bidding with a mean score of 4.09, interpreted as "high extent". In this case, the school needs to focus on this area although it is high extent but sometimes the school forget to implement this area. It is very important that the school must announce the date and place of actual bidding. The overall mean in these items got a score of 4.18 and interpreted as "high extent", means that the school management/bids and awards committee must improve the conduct of pre-procurement activity of the school. The results of the assessment of the respondents, school heads got the highest score of 4.31 compared to other group of respondents which means that school heads are more serious in complying the process in the pre- procurement stage.

Table 2
Extent of Compliance in the Government Procurement Process as Assessed by School Heads, Property Custodians, and Bids and Awards Committee in terms of Procurement Proper

Items	SH	PC	BAC	Mean	Interpretation
1. The school management/bids and awards committee open the bidding publicly.	4.35	4.28	4.10	4.21	Very High Extent
2. The school management/bids and awards committee send notice of awards to the winning bidder/supplier.	4.25	4.12	3.87	4.08	High Extent



3. The school management/bids and awards committee check the financial components of the bids.	4.13	4.09	3.96	4.06	High Extent
4. The school management/bids and awards committee strictly implement the criteria in the evaluation of bidding documents	4.30	4.22	4.20	4.24	Very High Extent
5. The school management/bids and awards committee rank the qualified bidders/suppliers from highest bid to lowest bid.	4.35	4.28	3.97	4.20	High Extent
Over all Mean	4.28	4.20	4.02	4.16	High Extent

In the extent of compliance of the respondents in government procurement process in terms of procurement proper, the highest score of 4.24, interpreted as "very high extent" is obtained in Item No. 4, "the school management/bids and awards committee strictly implement the criteria in the evaluation of bidding documents". This means that the school management/bids and awards committee see to it that the criteria are strictly observed in the bidding proper to avoid problems with the non-winning bidders/suppliers. The lowest score obtained Item No. 2, "the school management/bids and awards committee send notice of wards to the winning bidder/supplier with a score of 4.08, interpreted as "high extent" which means that sometimes the school failed to do this item and the school management make sure that this item must be followed. The overall mean of this items got a score of 4.16 and interpreted as "high extent" which means the school management bid and awards committee must focus and improve the process in this area. In the results of assessment of the respondents, school heads got the highest score of 4.28 compared to property custodians and bids and awards committee, which mean that school heads are more serious in the compliance of proper procurement stage.

Table 3
Extent of Compliance in the Government Procurement Process as Assessed by School Heads, Property Custodians, and Bids and Awards Committee in terms of Post Procurement

Items	SH	PC	BAC	Mean	Interpretation
1. The school management/bids and awards committee issues notice of awards to the winning bidder/supplier.	4.15	4.02	4.10	4.09	High Extent
2. The school management/bids and awards committee sign the contract with the winning bidder/supplier 10 days after the issuance of notice of award.	4.16	4.05	4.12	4.11	High Extent
3. The school management/bids and awards committee issues notice to proceed not later than 7 days from the date of the approval of contract.	4.16	4.11	4.15	4.14	High Extent
4. The school management/bids and awards committee see to it that the winning bidder shall guarantee the faithful performance and compliance of his obligation.	4.42	4.11	4.28	4.27	Very High Extent
5. The school management/bids and awards committee declare the bid security forfeited after the failure to post the performance security.	4.10	4.00	4.08	4.06	High Extent
Over all Mean	4.20	4.06	4.15	4.13	High Extent

In the area of extent of compliance of the respondents in the post procurement stage, the highest score obtain is 4.27 and interpreted as "very high extent" in Item No. 4, "the school management /bids and awards committee sees to it that the winning bidder shall guarantee the faithful performance and compliance of his obligation" which means that the procuring entity make sure that the winning bidder/supplier must do their obligation as to the content on the items needed by the procuring entity. In the Item No. 5, "the school management/bids and awards committee declare the bid security forfeited after the failure to post the performance security obtain the lowest score of 4.06 and interpreted as "high extent". This means that the school may be not too serious in conducting this item in post procurement. The overall mean obtained in this item is 4.13, interpreted as "high extent" which means that the school management/bids and awards committee must improve the implementation of post procurement stage. In the assessment of the respondents, the highest score of 4.20 obtained by the school heads. It implies that the school heads are more serious in the compliance of post procurement stage.



Table 4
Degree of Challenges in the Government Procurement Process as Assessed by School Heads, Property Custodians, and Bids and Awards Committee in terms of Pre-procurement

Items	SH	PC	BAC	Mean	Interpretation
1. The school management in preparing the school Annual Procurement Plan.	4.68	4.70	4.51	4.63	Very High Degree
2. The school management prepares the items to be purchased reflected in school Annual Procurement Plan.	4.80	4.60	4.55	4.65	Very High Degree
3. The school management/Bids and awards committee checks the supporting documents of bidding requirements submitted by the bidders/suppliers.	4.63	4.59	4.25	4.49	Very High Degree
4. The school management/bids and awards committee conduct the procurement conference.	4.40	4.31	4.04	4.25	Very High Degree
5. The school management/bids and awards committee announce and advertises the content of invitation to bid.	4.26	4.19	4.12	4.19	High Degree
Over all Mean	4.55	4.48	4.29	4.44	Very High Degree

In the degree of challenges of the respondents in the government procurement process in terms of pre-procurement, the highest score of 4.65 and interpreted as "very high degree" obtained in Item No. 2, "the school prepares the items to be purchased reflected in school annual procurement plan". This means that the school has a lot of challenges of what items need to be prioritized and must be included in the annual procurement plan. The lowest score of 4.19 obtained is in Item No. 5, interpreted as high degree, "the school management/bids and awards committee announce and advertises the content of invitation to bid" which means that the school has a problem in conducting advertisement and send invitation to bid to possible bidders/suppliers. The result of the assessment shows that school heads got the highest score of 4.55, which means that schools heads encountered a lot of challenges in the pre-procurement stage. It implies that the school heads must be careful in the implementation of the procurement process to avoid future problems.

Table 5
Degree of Challenges in the Government Procurement Process as Assessed by School Heads, Property Custodians, and Bids and Awards Committee in terms of Procurement Proper

Items	SH	PC	BAC	Mean	Interpretation
1. The school management/bids and awards committee determine the eligible bidders/suppliers.	4.39	4.32	4.25	4.32	Very High Degree
2. The school management/bids and awards committee implement deadline of submission of bid proposal.	4.29	4.26	4.08	4.21	Very High Degree
3. The school management/bids and awards committee open the bidding publicly.	4.15	4.10	3.93	4.06	High Degree
4. The school management/bids and awards committee check the bid documents based on passed/failed criteria.	4.12	4.15	4.00	4.09	High Degree
5. The school management/bids and awards committee send the notice of awards to the winning bidders/suppliers.	4.19	4.09	3.96	4.08	High Degree
Over all Mean	4.23	4.18	4.04	4.15	High Degree

In the degree of challenges of the respondents in term of procurement proper, the highest score obtained is 4.32, interpreted as "very high degree" in Item No. 1, "the school management/bids and awards committee determine the eligible bidders/suppliers which means that the school has a problem in determining the eligible bidders/suppliers". One of the possible reasons is that there are bidders/supplies influence are the decision of the procuring entity. The lowest score of 4.06 and interpreted as high degree is obtained in Item No. 3, "the school management/bids and awards committee check the bid documents based on passed/failed criteria" which means that the school management/bids and awards committee had a problems in checking the documents of the



bidders/suppliers whether it is passed or failed. The overall mean of this item is 4.15, interpreted as high degree which means that the school management/bids and awards committee needs to give attention on this area. In the results of the assessment, the school heads had more challenges in the implementation of proper procurement stage compared with other groups of respondents. It implies that the school heads, particularly the head of the procuring entity to it that the procurement process is followed correctly.

Table 6
Degree of Challenges in the Government Procurement Process as Assessed by School Heads, Property Custodians, and Bids and Awards Committee in terms of Post Procurement

Items	SH	PC	BAC	Mean	Interpretation
1. The school management/bids and awards committee conduct post qualification activities.	4.01	3.90	3.76	3.89	High Degree
2. The school management/bids and awards committee declare post disqualification if the winning bidder/supplier failed to submit any requirements or condition.	3.98	3.93	3.64	3.85	High Degree
3. The school management/bids and awards committee conduct the re bid in case of bidding failure.	3.96	3.81	3.91	3.90	High Degree
4. The school management/bids and awards committee declare the winning bidder/supplier	4.00	3.89	3.96	3.95	High Degree
5. The school management/bids and awards committee issues of contract to the winning bidder/supplier	4.12	3.96	3.86	3.98	High Degree
Over all Mean	4.01	4.92	3.87	3.91	High Degree

In the degree of challenges of the respondents in the conduct of government procurement process in the stage of post procurement, all items are interpreted as "high degree" but the highest score obtained in Item No. 5, "the school management/bids and awards committee issues of contract to winning bidders with the score of 3.98. This means that the degree of challenges encountered by the school management/bids and awards committee is not too much but still they have challenges because the score is interpreted as "high degree" only. Issuance of contract must be checked, and they must see to it that it is awarded to the correct winning bidders/suppliers. The lowest score obtained is in Item No. 2 with a score of 3.85, "the school management/bids and awards committee declare post disqualification if the winning bidder/supplier failed to submit any requirements or conditions". This means that the procuring entity have a challenge in requiring the bidders/suppliers in submitting requirements or conditions during the post procurement process. The results of the assessment of the three groups of respondents show that property custodians got the highest scores of 4.92, which means that they have more challenges encountered compared with school heads and bids and awards committee in the post procurement stage. It implies that the school heads must be careful and should strictly follow the procedure on the procurement process stipulated in the RA9184.

Table 7
Relationship Between the Extent of Compliance and Degree of Challenges in Government Procurement Process

Variables	R	p-value	Sig Level	Interpretation
Compliance	0.785	0.000	0.05	Significant
Challenges				

In this aspect, the Table No. 44 data presented if there is a significant relationship in the extent of compliance and degree of challenges in the government procurement process as assessed by the three groups of respondents. Based on the computation, the r value is 0.785 and p value is 0.000 at significant level of 0.05 and interpreted as "significant". Therefore, there is a significant relationship between the extent of compliance and degree of challenges in the government procurement process. It implies that there is a relation between the compliance and challenges in the government procurement process.

Conclusions:

The findings showed that the school heads are religiously complied the process of procurement, and they had encountered a lot of challenges in the implementation of the government procurement process compared with the



other groups of respondents. It is concluded that property custodians and bids and award committee need to enhance their knowledge in the government procurement process. Results also showed that the extent of compliance and degree of challenges are significant. Therefore, it is concluded that the compliance and challenges of the respondents in the implementation of government procurement process complement each other. Results of this study calls for the school heads, property custodians and bids and awards committee to have an enhancement program with regard to the implementation of the government procurement process, make supplemental policies and conduct some interventions to and formulate viable roadmap to provide a clear guide to improve performance of the property custodians and bids and awards committee members in the implementation of government procurement process.

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