

Open Contracting in PHILIPPINES

At a glance

Open contracting can transform public procurement through better data, analysis and engagement with businesses and civil society. It involves (1) disclosure of open data and documents about the planning, procurement, and management of public contracts; and (2) engagement with civic and business users of information, leading to improved accountability and redress by government agencies or contractors through acting on the feedback received.



COUNTRY FACTS

Uses e-procurement system	YES
Implements Open Contracting Data Standard	NO
Active open contracting infomediaries	NO



COUNTRY HIGHLIGHTS

Discloses almost 50% of data recommended by the OCDS

Many CSOs use contracting data to monitor procurement for medicines, schools, and roads

One of the first countries to endorse the International Open Data Charter



OPEN CONTRACTING OPPORTUNITIES IN PHILIPPINES

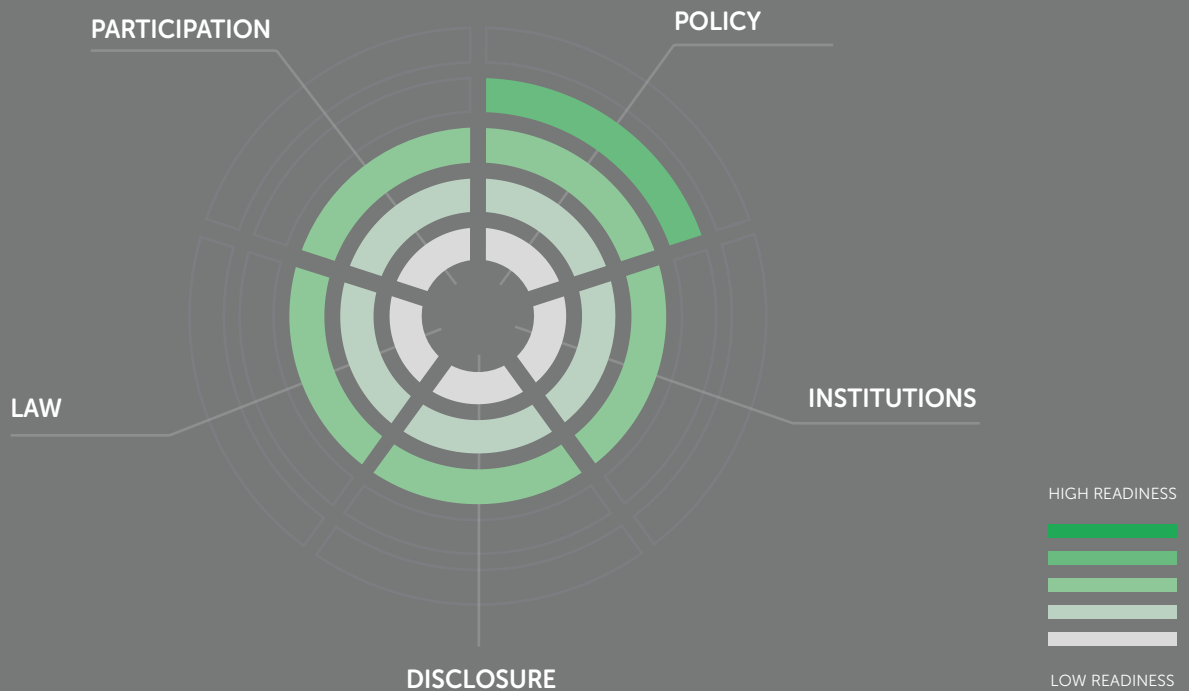
As a member of the Open Government Partnership (OGP), it is important for the new Philippines administration to continue to work towards meeting its OGP commitments, which include open contracting. Local CSOs can continue to monitor global commitments mentioned in the country's OGP action plan.

The government can build on efforts to publish timely and useful contracting data, that began under the procurement modernization plan. Top priorities include disclosing data on the contract and implementation stages of procurement, while continuing to improve the quality of data that are already publicly available.

The capacity of CSOs working on procurement can be strengthened to help them use data in meaningful ways, engage in contracting matters, and become better advocates for open contracting. The implementation of better contracting standards must be accompanied by capacity building activities for civil society.

Strengthening collaboration among transparency advocates can create a wider network to campaign for open contracting. Common goals and interests of a broad range of actors can be explored, including private sector networks (business clubs, chambers of commerce, etc.), CSOs, and national/international transparency initiatives.

The government can consider enacting a single piece of legislation to thoroughly regulate the country's entire FOI system.



EVALUATION OF OPEN CONTRACTING READINESS IN PHILIPPINES

LAW:

A number of laws, policies and institutions support open contracting reforms in the Philippines. The most important law is the Government Procurement Reform Act of 2003 (RA 9184), which serves as the defining legal basis for all public contracting activities in the country. It obliges all procuring entities to publish procurement plans, notices, awards information including reasons for decisions, and some other related data. All laws can be accessed at the official gazette at <http://www.gov.ph/>.

POLICY:

Former President Benigno Aquino III, who stepped down in June 2016, was one of the staunchest advocates of open data and open government in the country. Aquino ran on a progressive anti-corruption platform and was the driving force behind most open data and open contracting initiatives. He appointed several individuals to public office who have led the country's open data movement. The terms of some of these appointees also ended in June. Aquino's successor, President Rodrigo Duterte, has vowed to eradicate corruption and signed an Executive Order on the Freedom of Information in 2016. He has not made any explicit statements about open data or open contracting.

INSTITUTIONS:

The Government Procurement Policy Board (GPPB) is the main oversight and controlling agency of the national procurement system and is composed of eight national government agencies and one private-sector representative. The Open Data Task Force (ODTF) is responsible for maintaining publicly available open contracting data through the Philippines Government Open Data Portal (<http://data.gov.ph>). Under the current administration, the Presidential Communications Operations Office created an FOI website (<http://foi.gov.ph>) to process requests for information on government transactions and operations.

DISCLOSURE:

The Philippines Government Electronic Procurement System (PhilGEPS) is the main repository and provider of e-procurement solutions for the government. Managed by the GPPB, the system discloses a relatively high amount of data in line with the OCDS, but it only publishes contracting information from the tender to award stages. This prevents users from being able to monitor contractor performance since they cannot view data on some key aspects of the full contracting process. The PhilGEPS is not an open system (users need to register to gain login access), although the GPPB does make contracting data available to the ODTF, who publishes it on the national data portal.

PARTICIPATION:

Several civil society organizations have used contracting data to monitor procurement related to medicines, schools, and roads, with a demonstrated impact. The Philippines government has also engaged with non-state actors to find practical and innovative uses for contracting data; for example, by organizing hackathons and creating tools to help monitor public procurement. Detailed case studies of CSO and fiscal monitoring in the Philippines have been conducted by the Global Initiative for Fiscal Transparency and the Partnership for Transparency Fund.