

The Procurement of Government Goods and Services using the Fast Tender Method

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ABSTRACT

This study aims to illustrate how the implementation of Government Goods and Services Procurement through The Fast Tender Method based on Government Regulation No. 16 of 2018 on Procurement of Goods/Services in The Bina Marga Public Works Office of Malang Regency, as well as what factors affect its implementation. This study approach uses descriptive qualitative methods and obtained the result that the procurement of goods through The Fast Tender method that has been implemented by The Bina Marga Public Works Office of Malang Regency used for goods with specificity, and it does not available on the market, such as Heavy Equipment Procurement, with The Fast Tender method of the procurement process of goods carried out in a short time, from the announcement of the auction to the publication of the Order Letter takes only seven days. So, it can conclude that procurement of goods /services using The Fast Tender Method can fulfill the principle of procurement of government goods and services that are efficient, effective, transparent, open, fair, and accountable

Keywords: Government Regulation No. 16 of 2018; Procurement of goods/services; The Fast Tender Method

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1. INTRODUCTION

The Procurement of Government Goods and Services is an activity that cannot separate from the administration. For all forms of spending on goods and services carried out by the state-funded government, the procurement process must follow the mechanism stipulated by the government. Given the importance of procurement of goods and services for national development and the country's economy, in the implementation of it is necessary a standard and legally binding legislation, so that all procurement activities involving state money are regulated mechanisms in the regulation on the procurement of government goods and services.

Furthermore, to minimize misappropriation and irregularities that occur in the procurement of goods and services, the government continuously evaluates and changes to correct the shortcomings of the previous legislation on the implementation of procurement of government goods and services. The rule change as an improvement on the new shortcomings known after implementation, as well as an adaptation to the development of the situation. With the advancement of information technology, the order also uses information technology in the process of implementing procurement of goods and services, the purpose is certainly to facilitate the service process, especially to minimize the opportunity of irregularities. The use of information technology in the implementation of procurement of goods and services is regulated in Presidential Regulation No. 54 of 2010 and its changes on the Procurement of Government Goods/Services and refined through Presidential Regulation No. 16/2018 on Procurement of Government Goods/Services. The use of information technology in the procurement of government goods and services here known as e-procurement is the government's effort in improving the procurement mechanism of goods and services, by using web-based applications it is expected that the procurement of goods and services can be implemented in accordance with the principles of procurement of government goods and services namely transparent, efficient, effective, accountable, open, competitive and fair. E-procurement is also expected to support the audit and monitoring process in terms of data availability, and be able to provide information on the implementation of procurement of goods and services accurately and in real-time.

Some of the points that improved in Government Regulation No. 16 of 2018 include the nominal limit of direct procurement for consulting services, on self-management, the perpetrators of procurement of goods and services, and the addition of methods of procurement of goods and services Tender Cepat. Besides, in Government Regulation No. 16 of 2018 on Procurement of Government Goods/Services, there is sedation of the following stages and procurement process matriculation of changes in the procurement rules of goods and services based on Presidential Regulation No. 16 of 2018.

Table 1. Matriculation of Changes in Procurement Rules of Procurement of Goods and Services Presidential Regulation No. 16 of 2018 on Procurement of Government Goods/Services

Issues	Presidential Regulation No. 16 of 2018
Definition of Procurement of Government Goods and Services	More specific restrictions on the procurement of goods and services
The Implementors of Government Procurement of Goods and Services	There are an additional four implementing actors procuring goods and services with a more specific division of the authority
The <i>Swakelola</i> type	There is an addition of The <i>Swakelola</i> type
Procurement of Consultancy Services	There is a nominal-change in the restrictions on the procurement of consultancy services to the direct procurement method.
Guaranteed Offer	Guarantee offer is required again but only for procurement with a budget above ten billion rupiah
The Contract Dispute	Here are changes to the authority that handling contract disputes issues.
Contract Type	There is a simplification of the type of contract that is a very significant change.
Procurement Method	There is a simplification of the type of procurement method of goods and services and the mechanism of implementation and, there is the addition of procurement methods with a simple process, which is the Fast Tender method.

In the procurement of goods and services carried out by using the Fast Tender Method the time required from the tender airing until the agreement of the Order Letter is a maximum of only ten calendar days, while going through the tender the required time can reach forty-five calendar days. This is an interesting phenomenon to study more in considering that the procurement of goods and services worth billions is carried out by tender method that takes a long time. In the Fast Tender Method, the evaluation and verification of providers has been done systemically by the applications in the Electronic Procurement System, this systemic verification of provider data makes the Fast Tender method very efficient and effective. The trimming of processing time certainly has an impact on the cost efficiency and effectiveness of utilization of goods resulting from the procurement of goods and services.

The Fast Tender Method contained in Government Regulation No. 16 of 2018 has been used by the Bina Marga Public Works Office of Malang Regency since 2019 example Crane Procurement, and Heavy Equipment Procurement, and in 2020 Procurement of Freight Transport Vehicles are also carried out by Fast Tender method. In the implementation of the time needed for the process of procurement of the goods referred to from the start of the auction announcement until being the average Order Letter is only carried out in seven days only.

The Bina Marga Public Works Office of Malang Regency is obliged to provide road infrastructure in good condition. Performance targets listed in the Strategic Plan of the Malang Regency Government year 2016-2021. It has expected that by the end of the 2021 year, there will be a good condition road infrastructure amounting to 69.10% of the 1,668,762 Km length of K1 District Road and District City Road, which is the responsibility of the Malang Regency Government. The Length of the road that is the responsibility of the Malang Regency Government as stipulated in the Decree of the Regent of Malang Number 180/146/KEP/421.013/2009 year 2009 on the Status of District Roads (K1) and District City Roads in Malang Regency.

Based on the background description above, the issues of Research are how to implement the policy of Implementing The Procurement of Government Goods and Services through Fast Tender based on Government Regulation No. 16/2018 on Procurement of Government Goods/Services at Bina Marga Public Works Office Malang Regency and What factors influences the Implementation of Government Goods and Services Procurement policy through Fast Tender based on Government Regulation No. 16/2018 on Procurement of Government Goods/Services in Public Works Office of Bina Marga Malang Regency.

The Purpose of Research ar to know, describe, and analyze the implementation of government procurement policy through Quick Tender based on Government Regulation No. 16/2018 on Procurement of Government Goods/Services in Public Works Office of Bina Marga Malang Regency

2. METHODS

This study approach uses descriptive qualitative methods, which is the approach used in this research to study and reveal the research problem in-depth, detail, and accurately. "Qualitative research is descriptive research and tends to use analysis with an inductive approach. In qualitative research, researchers have the freedom to determine the steps in the research process (not tied to the original plan)" (Jamaludin, 2015). The study about procurement of goods and services through The Fast Tender based on Government Regulation No. 16 of 2018 on Procurement of Goods/Services, conducted with a descriptive qualitative approach departing from the phenomenon of procurement of goods and services through The Fast Tender method.

The study seeks to illustrate and analyze the mechanism of the procurement of goods and services, the implementers who involved, availability of fund, and what the factor that influence the implementation of procurement of goods and services through Fast tender method. The required data collected through interviews, observations, and documentation, to describe the procurement of goods and services, the problem, inhibiting factors, and supporting aspects.

The location of the research in The Bina Marga Public Works Office of Malang Regency, so that the informants of this research are the actors of procurement of goods/services at The Bina Marga Public Works Office of Malang Regency who responsible for the selection of providers using a fast tender method.

Data analysis techniques are a way to process rough data into data that can be understood by the reader. In a descriptive qualitative approach, the data analysis techniques used aim to simplify the data obtained through interviews, observations, and literature, which are then processed into easy-to-read and understand information. The stages of data analysis techniques using theory as formulated by Miles, Hubberman, and Saldana (2014) are as follows Data Reduction, Data Presentation, Conclusion, and Verification. Data reduction is a way of analyzing data by selecting the data of the research results into simple data, classifying the data according to its type, processing the rough data obtained in the field into understandable and verifiable data. Data Presentation is a stage of data analysis by displaying data as information to gets conclusions. Usually, the data presented in the form of a narrative accompanied by a matrix, graph, or table. Data is not present in numbers but with words or phrases. Researchers present thematic data according to the codification that had done. Data presentation aims to make data reduction results are more systemic and easy to analyze. The final stage is the withdrawal of conclusions and verification of data. At this stage, researchers should look for evidence as support for truth Researchers should be able to sort the original data of the results of the study with the data of the researchers' thinking as well as the data obtained during the research in the field. Researchers should be open to suggestions and feedback.

Data validity test in qualitative approach to ensure the correctness of data obtained by researchers. Based on the theory presented by Sugiono (2012), the researchers will test the validity of the data by testing Internal Validity, External Validity, Reliability, and Objectivity.

3. RESULTS AND DISCUSSION

The Bina Marga Public Works Office Malang Regency as a research site is an office in the Malang Regency Government which carrying out part of the sixth mission, which is "Increasing the availability of road infrastructure..." To implement the development policy that has been established by the Malang Regency Government, The Bina Marga Public Works Office Malang Regency followed up by setting eight infrastructure development policy priorities as follows: (1) Prioritize rehabilitation/maintenance of roads and bridges as a step to maintain road support capacity; (2) Quick handling of damaged roads and bridges (*salob*); (3) Increase the capacity of district roads and bridges in anticipation of traffic growth; (4) Acceleration of access road development supporting tourism areas; (5) Acceleration of the construction of fin roads and access roads to Jalan Lintas Selatan (JLS) East Java; (6) Harmonize the integrated road network system with district spatial policy and improve its integration with other infrastructure network

systems; (7) Foster professionalism and independence of institutions and apparatus resources in the field of road maintenance through technical guidance and training activities; (8) Encouraging the active participation of the community and private sector in the maintenance and provision of road infrastructure.

The duties, functions, and organizational structure of the Bina Marga Public Office of Malang Regency, are stipulated in The Malang Regent Regulation Number 60 of 2016 about the duties, functions, and organizational structure of the Bina Marga Public Office of Malang Regency. The state civil apparatus that supports the implementation of the duties and functions of the Public Works Office of Bina Marga Malang regency amounts to 440 people, consisting of civil servants and non-permanent employees.

The mechanism of procurement of goods/services through a fast tender method with examples of procurement of crane vehicles at the Bina Marga Public Works Office of Malang Regency as follows: (1) Identification of goods needs, The Fasilitas Jalan Division required additional crane vehicles for roadside tree tidying activities; (2) The Commitment Making Officer prepares procurement planning, develops a term of references, compiles the required crane vehicle specifications, and sets his own estimated price; (3) The Budget User of The Bina Marga Public Works Office of Malang Regency determine and announce the general procurement plan through the application of the general procurement plan information system in the portal electronic procurement service of the Malang Regency Government; (4) For the budget of over two hundred million rupiahs, the process of selecting providers carried out by the Procurement Agency is within the organizational structure of the Procurement Department of Goods/Services Secretariat of Malang Regency, so the budget users lettered to the Procurement Department of Goods/Services Secretariat of Malang Regency to be able to process the procurement of crane vehicles. (5) The Procurement Department of Goods/Services Secretariat of Malang Regency will establish a Working Group; called procurement agent, in charge of processing the selection of crane vehicle procurement providers. (6) Furthermore, a meeting held between the procurement agent and the commitment making officer, with the agenda of submission by the commitment making officer on the estimated owner price, specifications of goods, procurement methods used, schedule of implementation, selection process period, working deadline, maintenance period or warranty guarantee, the draft contract and other matters if necessary; (7) The procurement agent announces the auction by a Fast Tender Method with the schedule as agreed between the procurement agent and the commitment making officer; (8) Within seven days as scheduled, the provider with the lowest bidder has been selected; (9) The Commitment Making Officer appoints and determines the provider that wins the election; (10) The Commitment Making Officer issues the order letter as the basis for the provider to carry out the work, to the provider is given three months to complete the contract by the provisions in the order letter; (11) Within the specified time in the order letter, the provider delivers the ordered goods; (12) The Commitment Making Officer and Technical Team conduct conformity checks of goods with Order Letter; (13) If the Goods are suitable for the order, continued with the signatories of the goods handover event; (14) The provider submits a payment application when the payment complete, the procurement of the crane vehicles finishes.

The implementers of procurement of goods/services through a fast tender method with examples of procurement of crane vehicles at the Bina Marga Public Works Office of Malang Regency are The Budget User of the Bina Marga Public Works Office of Malang Regency, The Commitment Making Officer of The Fasilitas Jalan Division, The procurement Agency, The Providers of Goods/Services, The Checker Committee of Working Result. The following is an explanation of the authority of each perpetrator to procure goods/services in the procurement of crane vehicles carried out by the Public Works Office of Bina Marga Malang Regency.

The budget user of the Bina Marga Public Works Office of Malang Regency, with the authority as follows: (1) Determine the procurement actors at the Public Works Office of Bina Marga by issuing a Decree on The Commitment Making Officer, a Decree on Financial Management and Technical Implementation Officer activities, a Decree on the Procurement Officer, a Decree on the Officer / Committee for The Examination of Work Results, and other decisions related to the procurement of goods and services; (2) Verify the identification of goods and services needs; (3) Establish and Announce the General Procurement Plan through the application of The General Procurement Plan Information System on the LPSE portal; (4) Carry out the consolidation of the implementation of the procurement of goods/services with the Procurement Department of Goods/Services Secretariat of Malang Regency related to the selection of providers processed through the Procurement Agent in the form of formal correspondence and face-to-face meeting; (5) Agree to the term of references set by the Commitment Making Officer; (6) Approve the work agreement made by the Commitment Making Officer with the Provider, in the form of a Letter of Order; (7) Signing a Payment Order.

The Commitment Making Officer of The Fasilitas Jalan Division, with the authority as follows: (1) Together with the Fasilitas Jalan Division to identify the needs of goods/services; (2) Report to the budget

user the list of results of identification of goods/services needs; (3) Set the owner's estimated price and term of reference; (4) Set the specifications of goods, in this case, crane specifications needed for tree trimming and repair of the public street lighting network; (5) Set the draft contract; (6) Communicate and coordinate with the Procurement Agency; (7) Together with the procurement agency to prepare a schedule for the selection of providers of goods and services; (8) Monitoring the provider selection process by the Procurement Agency; (9) Signing the Winner Designation Letter, The Letter of Order, The Letter of The Handover of Goods; (10) Inspecting the goods/services from the provider of goods/services.

Procurement Agency, known as the Procurement Activities Unit of Goods/Services, called UKPBJ, with the following authority: (1) Together with the Commitment Making Officer to draw up an auction schedule and discuss the points required for the provider of goods/services; (2) Create a work package that will be an auction through the Electronic Goods/Services Procurement Service portal, called LPSE Malang Regency; (3) Announce a Fast Tender through the LPSE portal of Malang Regency; (4) Evaluating the Offers; (5) Select a provider that meets the terms and conditions; (6) Convey to the Commitment Making Officer that the selection of the provider completed.

The provider of goods/services is a business institution that provides goods/services based on employment contracts. In the Procurement of crane vehicles employment contract called the order letter, the articles contain the terms and conditions as a document of the work contract. The crane procurement provider is selected based on the specifications of the goods as determined by the Commitment Making Officer, meets all the terms and conditions announced at the Fast Tender announcement, and provides the lowest bid price.

In the process of submitting payments submitted by the goods/services provider, The Checker Committee of Working Result is obliged to examine all disbursement administration documents such as bank reference, goods handover document, tax documents, the photograph documentation, and others. After all the disbursement submission documents are declared complete and correct, The Checker Committee of Working Result provides recommendations to the Commitment Making Officer to be able to make payments to the provider. The Commitment Making Officer asks for the budget user to issue a payment letter to the provider. Then, disbursement to the provider will be processing by The Office of Financial and Asset of Malang Regency.

The procurement activities of goods and services at the Public Works Office of Bina Marga Malang Regency, funded through: General Allocation Fund (DAU), Regional Native Income (PAD), Provincial Assistance (BK-Prov), Special Allocation Fund (DAK), Tobacco Excise Revenue Share Fund (DHCHCT), Regional Incentive Fund (DID), and Regional Road Grant Program (PHJD).

Crane Vehicle Procurement is carried out by financing through the General Allocation Fund, with a budget value IDR. 1,200,000,000.00 (one billion and two hundred million rupiahs), the type of financing is Capital Expenditure.

The factors that influence the successful implementation of procurement policy of goods and services using a Fast Tender method at the Bina Marga Public Works Office of Malang Regency, in the analysis using Edward III Theory are Bureaucratic Structure, Resources, Communication and Disposition of Implementing Attitudes.

The regulation of the procurement of government goods/services stipulates that the procurement of goods/services with a budget above IDR 200.000.000 is carried out by the procurement agency. In Malang Regency Government, the procurement agency is Service Goods Procurement Activity Unit (UKPBJ). The existence of UKPBJ as a work unit that carries out the selection of goods/services providers regulated in the Bupati Regulation No. 11 of 2019 concerning amendments to the Malang regent regulation number 53 of 2016 about position, organizational structure, duties, and functions, and the operational procedures of the regional secretariat. The selection of Crane Vehicle Procurement providers using the Fast Tender Method so that it involves external parties, namely the Procurement Agent called the Procurement Activities Unit of Goods and Services (UKPBJ). This Procurement Agent is in the organizational structure of the Procurement Department of Goods/Services Secretariat of Malang Regency. The involvement of external parties in the selection process of providers is one of the government's efforts to prevent abuse of authority by budget authorities. The availability of the bureaucratic structure of procurement of goods/services is an important supporting factor for the successful implementation of the procurement of government goods/services in the Malang Regency.

Resources are the main factors in the implementation of procurement of goods/services, both human resources as executors of procurement, as well as resources in the form of funding. In the Procurement Department of Goods / Services Secretariat of Malang Regency, implementing the procurement of goods/services are mostly certified Civil Servants Procurement of Goods / Services from other agencies that get additional duties as members of the Electoral Working Group in the Procurement Activities Unit of Goods / Services (UKPBJ). In the Public Works Office of Bina Marga Malang Regency, the implementing resources for procurement of goods/services are adequate. While other resources in the form of funding,

there are available of budget to support the implementation of procurement of goods/services at the Bina Marga Public Works Office of Malang Regency.

The selection of providers of procurement of goods/services using the Fast Tender Method involves external parties, namely the Procurement Department of Goods / Services Secretariat of Malang Regency, so communication becomes the key to the successful implementation of the procurement of goods/services. From the results of the research, there was good communication between the Public Works Office of Bina Marga Malang Regency and the Procurement of Goods//Services in the Malang Regency Secretariat both at the leadership level and at the executive level. In Crane Vehicle Procurement, The Public Works Office of Bina Marga is in charge of the budget, so that it must actively coordinate with all external parties, through formal communication in the form of correspondence and meetings, as well as semi-formal communication by telephone.

During the research, researchers found that the perpetrators of procurement of goods/services in the Bina Marga Public Works Office of Malang Regency and the Procurement Department of Goods / Services Secretariat of Malang Regency have a high initiative and commitment to the successful implementation of the procurement of goods and services. The support and concern from the Bina Marga Public Works Office of Malang Regency towards the selection of goods/services procurement providers carried out by the Procurement Department of Goods/Services of the Malang Regency Secretariat is one of the reasons for the success of the procurement of goods/services to be very high.

4. CONCLUSION

The results of research on Procurement of Government Goods and Services Using Fast Tender Method, at the Bina Marga Public Works Office of Malang Regency, with the following conclusions. Procurement of goods carried out by the Fast Tender Method suitable for procurement of goods not available in the e-catalog. In the procurement of goods carried out by The Fast Tender Method, the Commitment Making Officer must make detailed, detailed, and accurate specifications of goods. Selection of providers using the Fast Tender Method, implemented for the procurement of goods only. Selection of construction service providers which is the dominant work in the Bina Marga Public Works Office of Malang Regency, the method of selecting permanent providers using the Tender Method which takes much longer to choose the providers. The selection of construction service providers by The Tender Method is a form of prudence from the Budget User of the Bina Marga Public Works Office of Malang Regency, considering that construction services work has a high dynamic in the field. The actors of the procurement of goods/services both internally from the Bina Marga Public Works Office of Malang Regency and the Procurement Activities Unit of Malang Regency have good communication and coordination. Several active civil servants in the Bina Marga Public Works Office of Malang Regency gets additional duties as members of procurement agents in the Procurement Activities Unit of Malang Regency. Procurement Activities Unit of Goods / Services Malang Regency is still very short of the number of civil servants certified procurement of government goods/services as expert's actor's procurement of goods/services government. The Bina Marga Public Works Office of Malang Regency has several civil servants certified in the Procurement of Government Goods / Services as experts, but because the civil servants have a linear civil engineering education background with the duties and functions of the Bina Marga Public Works Office of Malang Regency, so it is not appropriate if mutated to the Procurement Activities Unit / Services Malang Regency. The selection of goods/services procurement providers at the Bina Marga Public Works Office of Malang Regency has been running very well due to the high synergy between the executors of the procurement of goods/services at the Bina Marga Public Works Office of Malang Regency and the Procurement Activities Unit of Malang Regency.

Malang Regency Government needs to immediately recruit civil servants to meet the needs of employees in the Procurement of Goods / Services Section of the Malang Regency Secretariat. It is necessary to implement technical guidance on procurement of government goods/services more often to be able to pass the percentage of civil servants in the test Certificate of Procurement of Government Goods / Services, higher. For regeneration, the Department of Public Works of Bina Marga needs to increase the number of certified Civil Servants in the procurement of government goods/services

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