

## Pengadaan Barang dan Jasa

Kebijakan Perseroan dalam menerapkan Pengadaan Barang dan Jasa tertuang dalam Keputusan Direksi No. 143/KPTS/2014 tanggal 25 Agustus 2014 tentang Pedoman Pelaksanaan Pengadaan Barang/Jasa di Lingkungan PT Jasa Marga (Persero) Tbk. dan perubahannya yaitu Keputusan Direksi No. 180/KPTS/2016 tanggal 8 November 2016 dan Keputusan Direksi No. 210/KPTS/2016 tanggal 16 Desember 2016. Sebagai revisi dari peraturan sebelumnya yaitu Keputusan Direksi No. 15/KPTS/2009 dan turunannya, kebijakan ini mengatur pengguna barang dan jasa, pengelola pengadaan barang dan jasa, pengelola kontrak pengadaan barang dan jasa, pengelola penyedia barang dan jasa, pengelola material, tim pengadaan, dan pejabat berwenang serta penyedia barang dan jasa sesuai dengan tugas, fungsi, hak dan kewajiban serta peran para pihak dalam proses pengadaan barang dan jasa.

Perubahan kebijakan ini dibuat dengan pertimbangan bahwa seiring dengan berjalannya proses pelaksanaan terhadap pedoman dimaksud dan berdasarkan hasil evaluasi dan masukan pihak-pihak terkait, terutama terhadap hal-hal yang belum diatur dalam pedoman dimaksud, sehingga Perseroan perlu melakukan penyempurnaan terhadap peraturan mengenai Pedoman Pelaksanaan Pengadaan Barang/Jasa di Lingkungan Perseroan.

Kebijakan ini memuat ketentuan-ketentuan yang mengatur dasar penunjukan langsung oleh Perseroan kepada Anak Perusahaan serta batas wewenang pemberian persetujuan izin prinsip, di antaranya kepada *General Manager* Cabang untuk pengadaan jasa pemborongan sampai dengan nilai Rp75 miliar, dan pengadaan barang/jasa dengan cara Pemilihan Langsung dengan nilai di atas Rp100 juta sampai dengan Rp700 juta.

Selain itu juga diatur pengadaan barang/jasa untuk pekerjaan-pekerjaan tertentu dapat dilakukan secara swakelola, yaitu yang direncanakan, dikerjakan dan diawasi sendiri oleh Pengguna Barang/Jasa sebagai pejabat berwenang dalam proses persiapan dan pelaksanaan pengadaan barang/jasa, sesuai dengan syarat dan kriteria yang telah ditetapkan.

## Procurement of Goods and Services

The Company's regulation in implementing Procurement of Goods and Services is included in the Decision of the Directors No. 143/KPTS/2014 dated August 25, 2014, on Implementation Guidance on Procurement of Goods/Services in the Environment of PT Jasa Marga (Persero) Tbk. and its changes namely the Decision of the Directors No. 180/KPTS/2016 dated November 08, 2016, and Decision of the Directors No. 210/KPTS/2016 dated December 16, 2016. As a revision of the previous regulation, namely Decision of the Directors No. 15/KPTS/2009 and its derivatives, this regulation regulates the goods and services users, goods and services procurement manager, goods and services procurement contract manager, goods and services supplier manager, material manager, procurement team, and authorized officials as well as goods and services supplier conforming to their tasks, functions, rights and obligations and their roles in the process of goods and services procurement.

This policy change is made in consideration that in line with the implementation process of the guidelines and based on the evaluation result and the input of the related parties, especially on matters not yet regulated in the guideline, the Company needs to make improvements to the regulation concerning the Implementation Guidance on Procurement of Goods/Services in the Company's Environment.

This Policy contains provisions governing the basis of direct appointment by the Company to the Subsidiary as well as the limits of authority for approval of principal licenses, among others to the General Manager of Branch for procurement of service amounting to Rp75 billion, and procurement of goods/services by Direct Selection with a value above Rp100 million to Rp700 million.

It is also regulated that the procurement of goods/ services for certain works can be carried out by way of self-managed, that is to be planned, worked and supervised by the Users of the Goods/Services as authorized officers in the process of preparing and implementing the procurement of goods/ services in accordance with the established terms and criteria.

Keputusan Direksi ini diharapkan dapat digunakan sebagai acuan dalam berbagai kegiatan Pengadaan Barang/Jasa di Kantor Pusat maupun di Kantor Cabang demi mewujudkan pengadaan barang/jasa yang efisien, efektif, kompetitif, transparan adil dan wajar serta akuntabel.

Tujuan Pengadaan Barang dan Jasa adalah untuk memperoleh barang dan jasa yang diperlukan Perseroan dengan mempertimbangkan kualitas dan *delivery time* dari sumber yang tepat dengan total biaya terendah dan dilakukan melalui strategi, perencanaan, proses dan pengendalian pengadaan yang efektif dan efisien serta sesuai dengan prosedur yang berlaku.

Untuk mencapai sasaran utama Pengelolaan Rantai Pasokan yaitu menjamin terlaksananya kegiatan usaha serta penciptaan nilai tambah (*value creation*) dan peningkatan daya saing Perseroan, Perseroan mempunyai kebijakan manajemen sebagai berikut:

- a. Pengelolaan Pengadaan Barang dan Jasa.
- b. Pengelolaan Kontrak Pengadaan Barang dan Jasa.
- c. Pengelolaan Penyedia Barang dan Jasa.

Kebijakan pengadaan barang dan jasa di Perseroan mengacu pada Peraturan Menteri Badan Usaha Milik Negara No. PER-05/MBU/2008 tentang Pedoman Umum Pelaksanaan Pengadaan Barang dan Jasa Badan Usaha Milik Negara dan perubahannya No. PER-15/MBU/2012 yang mengatur mengenai pengadaan barang dan jasa yang dilakukan dengan menggunakan dana selain dana dari APBN/APBD.

### Etika Perseroan Dalam Penyediaan Barang dan Jasa

Perseroan melaksanakan pengadaan barang dan jasa berdasarkan prinsip-prinsip kompetitif, transparan, adil, wajar dan akuntabel. Perilaku etis yang diharapkan dalam berhubungan dengan penyedia barang dan jasa antara lain:

1. Penentuan penyedia barang dan jasa harus didasarkan pada mutu produk, layanan purna jual, garansi, prestasi dan rekam jejak dengan mengutamakan kepentingan Perseroan.
2. Menghormati hak dan kewajiban sesuai dengan perjanjian perikatan dan ketentuan perundang-undangan.
3. Menjalin komunikasi yang terbuka selama proses pelaksanaan pengadaan hingga terpenuhinya hak dan kewajiban para pihak.
4. Melakukan evaluasi atas penyedia barang dan jasa serta memberikan tindakan tegas kepada penyedia barang dan jasa yang berperilaku tidak etis.

This Decision of the Directors is expected to be used as a reference in various activities of Procurement of Goods/ Services at the Head Office and at the Branch Offices in order to realize efficient, effective, competitive, transparent, fair, reasonable and accountable procurement of goods/ services.

The purpose of the Procurement of Goods and Services is to obtain the goods and services required by the Company by considering the quality and delivery time from the proper source with the lowest total cost and carried out through effective and efficient strategy, planning, procurement and control processes and in accordance with applicable procedures.

To achieve the main objective of Supply Chain Management, namely to ensure the implementation of business activities as well as the value creation and enhance the competitiveness of the Company, the Company has the following management policies:

- a. Management of Goods and Services Procurement.
- b. Management of Goods and Services Procurement Contract.
- c. Management of Goods and Services Suppliers.

The goods and services procurement policy refers to the Minister of State-Owned Enterprises Regulation No. PER-05/MBU/2008 on General Implementation Guide of Procurement of Goods and Services of State-Owned Enterprises and its changes No. PER-15/MBU/2012 which regulates about goods and services procurement done using funds other than the state budget or local government budget (APBN/APBD).

### Company Ethics in Procurement of Goods and Services

The procurement of goods and services is done by the company based on the principles of competitive, transparent, fair, proper and accountable. The expected ethical behaviors in interacting with the goods and services supplier are as follows:

1. Determination of the provider of goods and services should be based on product quality, after-sales service, warranty, achievement and track record with priority to the interests of the Company.
2. Respect rights and obligations in accordance with the engagement agreements and the provisions of the legislation.
3. Establish open communication during the process of implementing the plan until the rights and obligations of the parties are met.
4. Evaluate providers of goods and services and provide firm action to providers of goods and services that behave unethically.



### Penerapan E-Procurement

Untuk mencegah timbulnya praktik KKN, selain perlu perbaikan sistem dan prosedur pengadaan barang dan jasa agar lebih transparan dan akuntabel, perlu pula dicari alternatif lain yang memenuhi prinsip-prinsip Tata Kelola Perusahaan, terutama prinsip keterbukaan (*transparency*) serta prinsip keadilan (*fairness*).

Di dalam lingkungan Badan Usaha Milik Negara (BUMN), Kementerian Negara BUMN telah merilis Peraturan Menteri Negara BUMN No. PER-01/MBU/2011 tentang Penerapan Tata Kelola Perusahaan yang Baik (*Good Corporate Governance*) pada Badan Usaha Milik Negara, dengan perubahan terakhirnya yaitu Peraturan Menteri Negara Badan Usaha Milik Negara No. PER-09/MBU/2012 tentang Perubahan atas Peraturan Menteri Negara Badan Usaha Milik Negara No. PER-01/MBU/2011 tentang Penerapan Tata Kelola Perusahaan yang Baik (*Good Corporate Governance*) pada Badan Usaha Milik Negara. Peraturan tersebut secara eksplisit menjelaskan Tata Kelola Teknologi Informasi. Dengan adanya peraturan tersebut, BUMN diwajibkan untuk menerapkan prinsip Tata Kelola Perusahaan yang Baik dalam aspek bisnis dan pengelolaan Perseroan pada semua jajaran Perseroan dengan dukungan TI.

Sebagai wujud komitmen penerapan GCG dan Pakta Integritas, Jasa Marga terus konsisten hingga saat ini untuk mengelola proses pengadaan dan kemitraan dengan menggunakan sistem *e-Tendering* melalui aplikasi Sistem Pengadaan Secara Elektronik (SPSE)/*e-Procurement* yang meminimalkan kontak fisik antara pemasok/mitra dengan panitia karena keseluruhan proses tender dan negosiasi telah berbasis komputer sehingga berlangsung adil dan transparan.

### Implementation of E-Procurement

To prevent the emergence of KKN (Corruption, Collusion, and Nepotism) practices, in addition to improving systems and procedures for procurement of goods and services to be more transparent and accountable, it is necessary to find other alternatives that meet the principles of Good Corporate Governance, especially the principles of transparency and fairness.

In the environment of State-Owned Enterprises, the Ministry of State-Owned Enterprises issued the Minister of State-Owned Enterprises Regulation No. PER-01/MBU/2011 on Implementation of Good Corporate Governance (GCG) in State-Owned Enterprises, with the latest change which is Minister of State-Owned Enterprises Regulation No. PER-09/MBU/2012 on Changes in Minister of State-Owned Enterprises Regulation No. PER-01/MBU/2011 on Implementation of Good Corporate Governance (GCG) in State-Owned Enterprises. The regulation explicitly elaborate on Information Technology Governance. Pursuant to the regulation, State-Owned Enterprises are required to implement Good Corporate Governance in business and Corporate governance aspects in all array of Corporates with IT support.

As a commitment to the implementation of GCG and Integrity Pact, Jasa Marga keeps its consistency until present day in managing procurement and partnership processes using the *e-Tendering* system through the Electronic Procurement System (SPSE)/*e-Procurement* application. This method minimizes physical contact between suppliers/partners and the committee due to the computerized processes of tender and negotiation so that it goes in fair and transparent manner.

*e-Procurement* adalah proses pengadaan barang/jasa yang pelaksanaannya dilakukan secara elektronik yang berbasis web/internet dengan memanfaatkan fasilitas teknologi komunikasi dan informasi yang meliputi pelelangan umum secara elektronik yang diselenggarakan oleh Layanan Pengadaan Secara Elektronik (LPSE).

Sesuai dengan keputusan Direksi No. 143/KPTS/DIR/2013 tanggal 25 Agustus 2014 yang telah diperbaharui dengan keputusan Direksi No. 160/KPTS/2014 tanggal 24 September 2014 tentang Layanan Pengadaan Barang/Jasa Secara Elektronik di Lingkungan PT Jasa Marga (Persero) Tbk., melalui Divisi *General Affairs* dibuat LPSE dengan bantuan Lembaga Kebijakan Pengadaan Barang/Jasa Pemerintah (LKPP). Pengadaan secara elektronik (*e-Procurement*) bagi Perseroan tidak hanya meningkatkan transparansi, tetapi juga meningkatkan efisiensi dengan harga dan biaya transaksi lebih murah, dan siklus pengadaan yang lebih pendek. Dengan demikian menghindari proses korupsi, serta meningkatkan produktivitas kerja.

Beberapa manfaat yang telah diperoleh antara lain kecepatan proses tender, penetapan calon peserta tender secara elektronik sesuai persyaratan yang ditentukan, pemilihan pemenang secara elektronik dan manfaat lainnya terkait dengan kualitas proses yang semakin baik, kewajaran harga, keadilan, transparansi dan mencegah terjadinya intervensi.

#### **Pakta Integritas Mitra Kerja**

Sebagai bentuk komitmen penerapan GCG dalam pengadaan barang dan jasa, Perseroan mewajibkan *vendor* dan mitra kerja untuk menandatangani Pakta Integritas dalam kaitannya dengan pengadaan barang dan jasa.

#### **Pakta Integritas Insan Jasa Marga**

Dalam setiap proses pengadaan barang dan jasa, Perseroan juga mewajibkan Insan Jasa Marga untuk menandatangani Pakta Integritas sebagai bentuk tidak adanya benturan kepentingan dan sebagai wujud transparansi dalam proses pengadaan barang dan jasa.

*e-Procurement* is a process of procurement of goods/services which execution is done electronically based on web/Internet by utilizing communication technology and information facilities that include general electronic bidding organized by Electronic Procurement Service (LPSE).

In accordance with the Decision of the Directors No. 143/KPTS/DIR/2013 dated August 25, 2014, that was renewed through the Decision of the Directors No. 160/KPTS/2014 dated September 24 2014, on Goods and Services Electronic Procurement Service in PT Jasa Marga (Persero) Tbk. Environment, LPSE is established through the General Affairs Division with the assistance from the Institution of Goods and Services Procurement Policy (LKPP). Electronic procurement (*e-Procurement*) for a Company improved not only the transparency, but also the efficiency with lower price and transaction cost, as well as shorter procurement cycle. Therefore, it prevents corruption and improves work productivity.

Some of the benefits gained include the speed of the tender process, the determination of electronic bidders in accordance with the requirements, electronic election of the winner and other benefits related to improved process quality, fairness of prices, justice, transparency and prevention of intervention.

#### **Partners Integrity Pact**

As a commitment to the implementation of GCG in the procurement of goods and services, the Company requires vendors and partners to sign an Integrity Pact in relation to the procurement of goods and services.

#### **Jasa Marga Personnels Integrity Pact**

In every process of procurement of goods and services, the Company also requires Jasa Marga Personnels to sign the Integrity Pact as a form of non-conflict of interest and as a form of transparency in the procurement process of goods and services.