Price Negotiation of E-Purchasing Catalog In Government Procurement of Goods/Services

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ABSTRACT
The role of the purchasing manager (purchase manager/commitment manager) in price negotiations is very important because the price of the items listed in the catalog is the price set by the catalog supplier. The government details and strictly regulates electronic shopping lists in price negotiations. However, in practice, this is difficult to apply because information about the strategy and ethics of purchasing managers of goods/services in price negotiations is limited, so that the procedures for implementing strategies and ethics in price negotiations for online shopping must be developed. This study is intended as a practical academic approach for procurement organizers to negotiate the price of an electronic purchase list, starting from procurement preparation and implementation of an electronic purchase list in the LKPP online purchase list application. This study uses a qualitative descriptive method by looking at various government regulations regarding the procurement of goods/services and other supporting literature. The result of this study is PP/PPK in negotiating prices for e-Purchasing Catalogs has been given technical guidance by LKPP through Decree of the Head of LKPP Number 122 of 2022 concerning Procedures for Organizing Electronic Catalogs.

Keywords : Procurement of goods/services, e-purchasing, e-catalog, LKPP

PENDAHULUAN
At this time, goods and services are obtained through an electronic procurement process. Electronic procurement is the procurement of goods/services carried out using information technology and electronic transactions in accordance with statutory provisions. Procurement of goods/services electronically is carried out by means of tenders and electronic purchases. As one of the methods of procuring goods and services electronically, e-purchasing is a step forward in Indonesia. Advances in information and communication technology have made the process of procuring goods and services inseparable from technology. E-purchasing is a procedure for purchasing goods/services through an electronic catalog system.

Electronic catalog is an electronic information system that contains lists, types, technical specifications and prices of certain goods from various government goods/services providers. For this purpose, personnel assigned to carry out the procurement of goods and services were appointed. Personnel directly involved in procuring goods and services through electronic catalogs are

Procurement Officers and Commitment Making Officers (PPK). Procurement Officer is an administrative official/functional official/personnel in charge of carrying out direct procurement, direct appointment, and/or e-purchasing. Meanwhile PPK is an official who is authorized by PA/KPA to make decisions and/or take actions that may result in the expenditure of the state budget/region budget.

Changes in the practice of including goods/services in the electronic list after the enactment of Presidential Regulation Number 12 of 2021 which regulates changes to Presidential Regulation Number 16 of 2018 related to Procurement of Public Goods/Services, namely regulations for selecting products registered by ministries/agencies/cities or LKPP for management list. If this causes the listed product selection method to be removed through negotiation or bidding, use the verification method carried out by the inspection team. The team only checks the conformity and completeness of the documents/offers, as well as the qualification requirements of the traders and the technical requirements of the goods/services compared to the requirements for entering the goods/services in the electronic catalog.

As a continuation of the above, Article 18 of LKPP Decree No. 9 concerning Online Stores and Electronic Catalogs in State Procurement of Goods/Services and Decree of the Director of LKPP No. 122 of 2022 stipulates the procedure for organizing an electronic catalog of claims. Application of electronic shopping lists can be carried out using the method of price negotiations, mini-competitions and competition inventories. These methods are selected based on the criteria or conditions of the goods/services as follows: (a) Price negotiations with the product unit price, taking into account the number of products purchased, shipping costs, installation costs or product availability. (b) Mini competition against 2 (two) or more service providers with the same product or products with similar specifications required by PPK/PP to achieve the best price.

Therefore, the price negotiation methodology is a critical point in the implementation of electronic shopping lists to achieve the objective of offering to purchase the right goods/services based on sourcing principles and ethics (quality, quantity, time, place, source and price). Price negotiations expect added value according to technical specifications (quality, quantity and location) but at the same time. So PP/PPK must have a strategy in negotiating prices, not just getting the lowest price. Like chess, to be a winner in chess, we need not only to understand how to play chess, but also the strategy. Likewise PP/PPK obtain technical instructions for price negotiations in Regulation of the Director of LKPP Number 122 of 2022 concerning Procedures for Maintaining Electronic Registers.

Price negotiations for the List of Government Procurement of Goods/Services (PP)/Promise Making Officials (PPK) detailing: (a) Provisions for Registration of Online Stores; (b) create an electronic shopping list using the price negotiation method; (c) application of electronic shopping lists using the price negotiation method; (d) Steps for an electronic shopping list using the price negotiation method. However, it is not enough just to understand the negotiation instructions. We must also understand the strategy for implementing price negotiations, which of course must be in line with the negotiations, procurement principles and ethics. Therefore, expertise in price negotiation is required. Competence is the work ability of each individual which includes knowledge, skills and work attitudes that are in accordance with the expected standards.

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The technical competencies that PP/PPK must have at the time of negotiations (Dictionary of Technical Competency for Procurement of Public Goods/Services, 2019) are as follows: (1) Competency in compiling electronic purchase list price negotiations is a level 2 competency in purchasing planning, namely the ability to make price estimates based on market prices, price standards and appropriate work package prices; (2) E-commerce catalog price negotiation competence is a Level 2 vendor selection competence, namely the ability to select goods/services vendors to carry out a simple goods/services procurement process. This simplicity is evident from the short process, the number of variables evaluated to determine the service provider, and the large number of traders employed.

Purchasing goods/services simply includes: (a) direct acquisitions; (b) express offer; (c) electronic purchases; and (d) purchases through online stores. Behavioral indicators for price negotiation are the ability to purchase goods/services through online stores and shop at online stores, and bargaining work in public procurement of goods/services related to self-assessment prices (HPS) and price/cost standards. This study analyzes and examines how PP/PPK should negotiate electronic purchasing lists. Starting from the preliminary stage, negotiations are carried out and ended by PP/PPK. It is hoped that the results of the PP/PPK study will become a reference in conducting the negotiation process.

RESEARCH METHOD

This study uses qualitative research on regulations related to the procurement of goods/services which are normatively based on literature data. For example, by using presidential decrees, institutional orders and institutional leadership decisions as primary data and books, journals, research reports and scientific articles as secondary data. Regulatory materials obtained were classified and then analyzed using qualitative descriptive analysis. Where the research results are presented as explanatory descriptions in the form of words that answer research questions. Qualitative research is defined as a form of research that provides descriptive information about spoken and written words and observable behavior of the people being studied.

RESULT AND DISCUSSION

Procurement of goods and services in Indonesia is growing rapidly. By obtaining special rules for the procurement of goods and services, the procurement of goods and services will become more responsible and credible. In the past, there were no specific rules for the procurement of goods and services in Indonesia, because the related rules were added to the rules for implementing the state budget. Decree of the President of the Republic of Indonesia No. 18 of 2000 concerning Guidelines for the Implementation of Goods/Services Procurement by Government Agencies is a milestone in the world of goods and services procurement in Indonesia. Regulations regarding PBJ were then stipulated by Presidential Decree Number 80 of 2003 concerning Guidelines for Implementation of Public Procurement of Goods/Services. Presidential Decree 80 of 2003 was later replaced by Presidential Decree No. 54 of 2010 concerning the Procurement of General Goods/Services and their amendments, where the most important changes are Presidential Decree 70 of 2012 and Presidential Decree No. 4 of 2015, namely the Fourth Amendment to Presidential Regulation Number 54 of 2010 concerning Procurement of Public Services. Currently, Presidential Decree 54/2010 has been declared null and void by Presidential Decree 16 of 2018.

Based on Presidential Decree No. 16 of 2018, the procurement of public goods/services is the procurement of goods/services carried out by regional ministries/agencies/agencies. APBN/APBD, the process of which starts from a needs assessment to the submission of work. Procurement of goods/services begins with identification of needs, the point of which is general purchasing planning. This activity begins with determining what goods/services the unit of labor needs to pay for the cost of acquiring those goods/services. Procurement ends when the goods/services are procured, i.e. when the goods/services are delivered or the work is ready for use.


9 Lestyowati, “Analisis Permasalahan E-Purchasing Dalam Pengadaan Barang Dan Jasa Satuan Kerja (STUDI KASUS SATKER KEMENTERIAN KEUANGAN).”
According to the Big Indonesian Dictionary, negotiation can be interpreted as a negotiation process to reach a mutual agreement between one party (group or organization) and another party (group or organization), where disputes are resolved peacefully through negotiations between the disputing parties. Negotiations between the parties to reach an agreement regarding the quantity, price, quality or terms according to the negotiations. According to Jackman and Kristanto (2022), negotiation is a process that occurs between two or more parties who initially have different thoughts until they finally reach an agreement.¹⁰

Negotiation is also defined as a transaction in which both parties have rights over the outcome. Therefore, consent of both parties is required for a give-and-take process to reach a peace agreement. According to Oliver in Kristanto (2022), negotiation is an interactive process carried out to reach an agreement.¹¹ This process involves two or more people who have different views but want to find a solution together. Based on the above understanding, it can be interpreted that online store price negotiation is a process in which the goods/services listed in the electronic catalog are negotiated between PP/PPK with catalog suppliers and other related parties (if necessary). This process involves two or more people who have different views but want to find a solution together. Based on the above understanding, it can be interpreted that online store price negotiations are a process in which the goods/services listed in the electronic catalog are negotiated between PP/PPK with catalog suppliers and other related parties (if necessary). This process involves two or more people who have different views but want to find a solution together. Based on the above understanding, it can be interpreted that online store price negotiation is a process in which the goods/services listed in the electronic catalog are negotiated between PP/PPK with catalog suppliers and other related parties (if necessary).

When the PP/PPK captures the electronic list of the negotiation processes that have been completed through the application negotiation function and listed in the warrant. In addition to Price Negotiations, PP/PPK can also negotiate Supporting Technical Services, namely: (a) Training on the Use of Goods (if not included in the price of goods/services); (b) Installation (if not included in the price of goods/services); (c) Warranty/After Sales Service; and/or (d) Add bundling with other products as long as they are compatible and support the function and performance of goods/services. If PPK/PP requires Supporting Technical Services other than those referred to above, then PP/PPK before conducting negotiations first consults with the Electronic Catalog Manager.

If there is no Price Negotiation and Supporting Technical Services agreement between the PPK/PP and the Catalog Provider, the PP/PPK can cancel the package. To avoid this, each party, especially PP/PPK as the initiator in conducting negotiations, must pay attention to the objectives of the negotiations, namely: (a) Reaching a mutual agreement; (b) Reducing differences in portions and conflicts on each side; (c) Bringing together all opinions so that it can benefit both parties or more in negotiations (reaching a win-win solution); (d) Overcoming or adjusting differences to obtain something from other parties without being forced PP/PPK also needs to pay attention to the needs/desires of the Catalog Provider in carrying out trade transactions.

Meanwhile, there are 6 (six) basic factors which are the main issues in the process of negotiating and establishing trade contracts, including: (a) Quality conditions or product quality standards; (b) Terms of payment; (c) Terms of delivery of goods; (d) Terms of insurance; (e) Claim issues; (f) Document completeness issues. These things are the provisions that will be stated in the order letter. In contrast to the tender/direct appointment/selection/direct procurement process, where Business Actors obtain the above information in the Special Terms of Contract (SKKK)/General Provisions which are part of the Procurement Documents.

In preparation for negotiations, there must be an object to be discussed, namely the goods/services needed in the procurement of government goods/services. The goods/services in the next stage are used as controlled objects in the contract and are expected to cause problems if they do not meet the expectations of service users. So there needs to be preparation and discussion so that these problems do not arise in the future. According to John Mattock (1998: 70) says: thorough planning provides more benefits than just appearances at the table, 70% chance of success depends on good preparedness, if you are afraid of making mistakes then success will also be delayed.

¹⁰ Kristianto, “Negosiasi Harga E-Purchasing Katalog Dalam Pengadaan Barang/Jasa Pemerintah.”
¹¹ Kristianto.
Furthermore, it is said that planning means finding something, then deciding what is desired by designing a strategy. So this is where the PP/PPK is needed to act as a negotiator who will discuss the issue so that it is in accordance with the procurement plan while aiming to minimize errors, so that the Catalog Provider involved in the negotiation process and executing the contract feels that no one is being harmed (a win-win solution) is achieved. PP/PPK needs to make preparations to obtain goods/services efficiently and effectively provided by Catalog Providers. One of them is preparing a Price Reference which serves as a reference for conducting Price Negotiations.

There are several things that need to be considered. First, price references are compiled using data sources, namely searching for products with the best prices listed in the Electronic Catalog in accordance with the technical specifications required by taking into account the provisions regarding Priority for Domestic Product Use and Priority for Product Use from Providers with Small Business Qualifications and Cooperatives, looking for comparative prices. similar products outside the Electronic Catalog application (if any), information on costs/unit prices officially published by K/L/PD (if any) and other documents that can be accounted for (if any).

Second, in addition to price references, if necessary, PPK can also prepare needs related to supporting technical services for goods/services to be used as a reference in negotiating with providers. Support technical services are services that can be provided by the Provider to support the use of the goods/services to be purchased. Negotiation of supporting technical services is not used to negotiate technical goods such as changing/adding to specifications of goods/services that have been displayed in the Electronic Catalog.12

Apart from the price references prepared by the PPK, if necessary the PP also makes preparations for negotiating prices by collecting and analyzing the following data: (a) evidence of the last transaction for the products listed in the Electronic Catalog; (b) the forming structure of the prices listed in the Electronic Catalog; (c) the history of the Provider's transaction prices as available in the best price feature on the Electronic Catalog application (if available); and/or (d) the need for supporting technical services. Negotiation is a process of mutual bargaining between PP/PPK and Catalog Providers influenced by various things such as the authority of the parties in the negotiation, the availability of goods/services and the level of needs of each party.

In order for the price negotiation process to run efficiently and effectively, what is the bargaining position of PP/PPK and Catalog Providers? Who is the party that can make decisions and other factors that influence the decision. In addition, PP/PPK must know the strengths and weaknesses of the institution regarding the goods/services required from the Catalog Provider. One simple way is to use a SWOT analysis, which is a strategic planning technique that is useful for evaluating the strengths and weaknesses, opportunities and threats in a project. This technique was devised by Albert Humphrey, who led a research project at Stanford University in the 1960s and 1970s using data from Fortune 500 companies.

Strengths and weaknesses that come from internal institutions, both things that can be controlled and can change. An example from a strength standpoint is the large value of procurement spending but the weakness is that it is difficult or often late in the payment process. While opportunities and threats are external things that affect the availability of product supplies or things that happen outside your institution in the larger market. We can take advantage of opportunities and protect against threats, but we cannot change them. Examples include product availability, rupiah exchange rates, and public/private spending trends. In addition to the technical matters above, what is also important and must be considered by PP/PPK when conducting negotiation practices is ethics.

Meanwhile, the basic ethics of procurement means the norms/rules that are the principal/main/key/elementary guidelines that must/must have in carrying out procurement. Therefore it is a must for procurement actors to apply procurement ethics in negotiating prices. In negotiating prices, the parties have different goals, PP/PPK wants certain quality goods/services at the lowest possible price. On the other hand, Catalog Providers want the highest profit with the smallest sacrifice.

However, in general, procurement actors tend not to feel “owned” like spending with their own money. Based on agency theory, the owners of resources (money) in government agencies are the people.  

Meanwhile PP/PPK is the purchasing/procurement department which often has a different purpose from the owner. Without procurement ethics, there is a tendency to satisfy PP/PPK’s personal desires. Therefore, PP/PPK and Catalog Providers must carry out the negotiation process in accordance with the procurement ethics contained in Article 7 of Presidential Decree Number 16 of 2018 and the following changes: (a) Order and responsibility. In carrying out negotiations, all parties carry out their duties in an orderly manner, accompanied by a sense of responsibility for achieving the goals, smoothness and accuracy of the objectives of the procurement of goods/services. Negotiation preparation and implementation documents are prepared in an orderly and neat manner and the results of the negotiations can be accounted for if something happens (examined/audited, prosecuted, blamed, sued, and so on); (b) Professional, independent and confidential. Carry out the negotiation process in a professional manner based on the procedures/procedures for conducting negotiations and preparing it independently, including preparing the things to be negotiated. As well as maintaining information/secrets conveyed by business actors related to their business information; (c) Not influencing each other. PP/PPK and Catalog Providers in conducting negotiations do not influence each other either directly or indirectly resulting in unfair business competition; (d) Accept and responsibility. The results of the negotiations as decisions that are jointly determined in the e-Purchasing application and set forth in the Order Letter must be received and carried out with full responsibility by the PP/PPK and Catalog Providers who have been determined, must be submitted; (e) Avoiding surrounding conflicts. All parties involved in PBJP must avoid and prevent conflicts of interest of related parties, either directly or indirectly, which result in unfair business competition in the procurement of goods/services; (f) Prevent waste. PPK in determining the brand/technical specification of goods/services needed in the Electronic Catalog based on needs not on the basis of desires by preparing technical justifications; (g) Avoiding abuse of authority. PP/PPK and Catalog Providers in conducting negotiations must avoid and prevent abuse of authority and/or collusion; (h) Not accepting, offering/promising. PP/PPK and Catalog Providers do not accept, do not offer, or do not promise to give or receive gifts, rewards, commissions, rebates.

In addition to procurement ethics, PP/PPK and Catalog Providers must also pay attention to ethics and social norms in conducting the negotiation process as follows: (a) PP/PPK provides a representative place and time in negotiating with Catalog Providers. Negotiations can be carried out face-to-face or online; face-to-face negotiations are carried out at the official office/secretariat of the PP/PPK. Avoid negotiating in public places/facilities or in restaurants/cafes or other places. Online negotiations can be carried out by first considering the internet network connection and the execution time during working hours and days; (b) PP/PPK representing the Service User conveys the intent and purpose of the negotiation in polite, clear and detailed sentences; (c) In the case of the Catalog Provider refusing the request from the PP/PPK politely and still respecting the intent of the PP/PPK; d. The PP/PPK representing the Service User presents arguments in polite sentences and convinces the Catalog Provider accompanied by logical reasons.  

CONCLUSION

PP/PPK in negotiating prices for e-Purchasing Catalogs has been given technical guidance by LKPP through Decree of the Head of LKPP Number 122 of 2022 concerning Procedures for Organizing Electronic Catalogs. PP/PPK are required to have competence in negotiating prices, not only understanding the technical provisions. But also have the skills and work attitude needed to negotiate. One of them is a simple SWOT analysis to prepare a strategy for carrying out negotiations. The work attitude displayed by PP/PPK must also reflect the ethics of procuring goods/services, ethics and social norms in carrying out negotiations.

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14 Lestyowati, “Analisis Permasalahan E-Purchasing Dalam Pengadaan Barang Dan Jasa Satuan Kerja (STUDI KASUS SATKER KEMENTERIAN KEUANGAN).”
DAFTAR PUSTAKA


