

## The Role of the Work Unit for Procurement of Goods and Services (UKPBJ) in Accelerating Development and Community Services

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**Abstract.** *UKPBJ Pekalongan City as a center of excellence in the procurement process. The regulations for the procurement of goods and services have undergone several changes to the presidential regulation and of course this is a challenge for the managers of the procurement of goods and services to be able to understand the implementation of the presidential regulation, and finally in this implementation several obstacles were encountered which must be overcome as soon as possible so as not to disrupt the acceleration of development and society services. Procurement of government goods and services has been regulated through Presidential Regulation Number 16 of 2018 concerning Government Procurement of Goods and Services as last amended in Presidential Regulation Number 12 of 2021 concerning Amendments to Presidential Regulation Number 16 of 2018 concerning Procurement of Goods and Services, in substance it regulates Procurement of goods and services that applies procurement principles, namely effective, efficient, open, competitive, transparent, fair/non-discriminatory and accountable. By applying the principles of procurement, the role of the Goods and Services Procurement Work Unit (UKPBJ) in Pekalongan City is expected to be more optimal and able to realize accelerated development so that it can provide excellent community services. UKPBJ Pekalongan City as a center of excellence in the procurement process.*

**Keywords:** *Goods; Procurement; Services.*

### 1. Introduction

In meeting the increasingly complex needs of society, development is necessary, both facilities and infrastructure. This facility must be fulfilled by the government

to assist community activities so that all community needs can be met. This is certainly very influential to improve the quality of human resources in a country. Because by increasing the quality of a country's human resources, the country can be said to be successful. To fulfill the facilities and infrastructure, the government organizes the procurement of goods/services. This is in addition to meeting the needs of the community as well as carrying out the mandate of Presidential Regulation Number 16 of 2018 concerning Government Procurement of Goods/Services. The process of procuring goods/services also has an impact on the rotation of the economy in a country. In the process, the procurement of goods and services involves several related parties so that there is a need for ethics, norms and principles for the procurement of goods and services to be able to regulate or serve as the basis for determining policies for the procurement of goods and services. The procurement of goods and services is essentially an effort by the government to obtain or realize the goods/services it wants by using certain methods and processes in order to reach an agreement on price, time and other agreements.

To make this happen, the parties, in this case between the provider and the government, must follow the rules and regulations that apply. This is of course very important considering that the budget used comes from the State Revenue and Expenditure Budget (APBN) and the Regional Revenue and Expenditure Budget (APBD).

In the ongoing process of implementing goods/services procurement, the central government certainly cannot carry out all development as a whole. Since the decentralization system was implemented, regional governments have been given the authority to run their government processes independently, including the implementation of procurement of goods/services. This is because local governments are considered to have more understanding of the needs of their regions so that they can immediately plan development with the aim of providing services to the community.

To facilitate the implementation of the procurement of goods/services, the government promulgated Presidential Regulation (Perpres) Number 70 of 2012 concerning the Second Amendment to Presidential Regulation Number 54 of 2010 concerning Procurement of Goods/Services for the Government domiciled to change the implementation of Presidential Regulation (Perpres) Number 54 of 2010 and in Articles 14 and 130 paragraph (1) states that the Regional Government is required to establish a Procurement Service Unit (ULP) no later than the 2014 Fiscal Year.

With the enactment of this Presidential Regulation, each Ministry/Institution/Regional Government is required to have a Procurement

Service Unit (ULP) which functions to carry out the process of organizing the procurement of goods/services. The formation of this ULP is urgent because it is a mandate from the Presidential Decree, this is also because the procurement of goods/services is an important indicator of the implementation of good governance and an indicator of the quality of public service performance.

Presidential Regulation Number 16 of 2018, has changed the nomenclature of the ULP to the Work Unit for the Procurement of Goods and Services, this of course has changed all the functions and duties of the institution. With these changes, several problems will be faced, starting from the duties and position of the organization, the role in accelerating development and community services as well as the obstacles and obstacles that will be faced in carrying out the functions, duties and authorities in accelerating development and community services.

This research aims to This research aims to, know and analyze the position of the Goods/Services Procurement Work Unit (UKPBJ) in Pekalongan City according to Presidential Regulation Number 16 of 2018 concerning Government Procurement of Goods/Services, to know and analyze the role of the Goods/Services Procurement Work Unit (UKPBJ) Pekalongan City in accelerating development and public services through the procurement of government goods/services, knowing and analyzing the obstacles or obstacles encountered in implementing Presidential Regulation Number 16 of 2018 concerning Procurement of Government Goods/Services at UKPBJ Pekalongan City and what the solution is.

## **2. Research Methods**

The approach method used in this research is the sociological juridical approach, which is a research approach that studies the influence of society on law, the extent to which the symptoms that exist in society can influence law and vice versa and departs from the paradigm of empirical science<sup>1</sup>.With this approach, the author will using secondary data as initial data, which is then followed by primary data or field data.

## **3. Result and Discussion**

### **3.1 Position of the Goods/Services Procurement Work Unit (Ukpbj) in Pekalongan City According to Presidential Regulation Number 16 of 2018**

LKPP or Goods/Services Procurement Policy Institute is a government agency tasked with developing and formulating government goods/services procurement policies. In Article 3 paragraph (1) LKPP Regulation Number 14 of 2018 states that the Goods/Services Procurement Work Unit (UKPBJ) was formed to provide

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<sup>1</sup>Johnny Ibrahim, Normative Law Research Theory & Methodology, Malang: Bayumedia Publishing, 2013, page 40.

support for the procurement of goods/services at Ministries/Institutions/Regional Governments. Article 2 states: "Ministers/heads of institutions/heads of regions form UKPBJ in a structural form with nomenclature based on needs and in accordance with statutory provisions".

This article certainly emphasizes that UKPBJ must be formed immediately with the aim that the implementation of government procurement of goods/services can run well and in accordance with applicable laws and regulations. Procurement of government goods and services is a very important activity in realizing development. Viewed from various perspectives, Indonesia's progress cannot be separated from these activities.

In the economic sector, the development of facilities and infrastructure to support economic growth is realized through the government's procurement of goods and services, including the provision of roads, bridges, telecommunications infrastructure, and others. In addition, the amount of funds provided by the government in the procurement of goods and services is not small<sup>2</sup>.

According to Article 3 of Presidential Regulation Number 16 of 2018, the procurement of goods/and services includes:

1) Goods

Goods are any object, both tangible and intangible, movable or immovable, which can be traded, used, used or exploited by the user of the goods.

2) Construction work

Construction work is the whole or part of an activity that includes the construction, operation, maintenance, demolition and rebuilding of a building.

3) Consulting services

Consulting services are professional services that require certain expertise in various scientific fields that prioritize thinking.

4) other services

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<sup>2</sup>Ashari Abd. et al, Juridical Analysis of Government Goods/Services Procurement Procedures and Legal Protection of Procurement of Goods/Services Actors, Yustisiabel Journal Vol. 3 No. 2. 2019. Pg. 192.

Other services are non-consulting services or services that require equipment, special methodologies, and/or skills in a governance system that are widely known in the business world to complete a job.

In the process, one of the obstacles faced by several parties in the establishment of the Goods/Services Procurement Work Unit (UKPBJ) is regarding the institutional form of this work unit. In Article 2 paragraph (2) Presidential Regulation Number 16 of 2018 states that the Goods/Services Procurement Work Unit is a structural work unit. Article 2 paragraph (2) states: "UKPBJ is in a structural form with a nomenclature based on needs and in accordance with the provisions of laws and regulations." By stating that the Goods/Services Procurement Work Unit (UKPBJ) is a structural work unit, this means that the Goods/Services Procurement Work Unit (UKPBJ) is one unit and cannot be separated from the Ministry/Institution/Regional Government.

In Article 2 paragraph (2) as cited above, the nomenclature of UKPBJ may vary according to needs and in accordance with applicable laws and regulations. This means that leaders from ministries/agencies/local governments are authorized to apply the Goods/Services Procurement Work Unit (UKPBJ) as needed while still referring to statutory regulations. For example, within the scope of local government, the formation of a Goods/Services Procurement Work Unit (UKPBJ) is regulated in the Regulation of the Minister of Home Affairs of the Republic of Indonesia Number 112 of 2018 concerning the Establishment of a Goods/Services Procurement Work Unit within the Provincial and Regency/City Regional Governments. After that,

The Goods/Services Procurement Work Unit (UKPBJ) within the Provincial and Regency/City Regional Governments has a classification. This is stated in the Regulation of the Minister of Home Affairs Number 112 of 2018 Articles 5 and 6. Article 5 states:

- (1) The Provincial UKPBJ classification consists of: a. Class A; and b. Class B
- (2) Class A Provincial UKPBJ as referred to in paragraph (1) letter a, is accommodated in the form of a Bureau.
- (3) Class A Province Regional UKPBJ Nomenclature as referred to in paragraph (2) namely the Bureau of Procurement of Goods/Services.
- (4) Class B Province Regional UKPBJ as referred to in paragraph (1) letter b, is accommodated in the form of Parts.

(5) Class B Province Regional UKPBJ Nomenclature as referred to in paragraph (4) namely the Goods/Services Procurement Section.

(6) Based on considerations of the efficiency of the resources they have, the Provincial Government can reduce the organization units of Class A Provincial UKPBJ organizations to Class B.

Article 6 states:

(1) Regency/City UKPBJ classification consists of: a. Class A; and b. Class B

(2) UKPBJ Regency/City Class A area as referred to in paragraph (1) letter a is accommodated in the form of Parts.

(3) Class A Regency/City Regional UKPBJ Nomenclature as referred to in paragraph (2) namely the Goods/Services Procurement Section.

(4) Class B District/City Regional UKPBJ as referred to in paragraph (1) letter b is accommodated in the form of Sub-Sections.

(5) District/City Class B UKPBJ Nomenclature as referred to in paragraph (4) namely Sub-Section of Goods/Services Procurement.

(6) Based on considerations of the efficiency of the resources they have, the Regency/City Regional Government can reduce the organization units of Class A District/City UKPBJ Organizational Units to Class B.

### **3.2 The Role of the Goods/Services Procurement Work Unit (UKPBJ) of Pekalongan City in Accelerating Development and Community Services Through Government Procurement of Goods/Services**

The process of accelerating development has of course started since the enactment of the General Budget Policy - Determination of Temporary Budget Priorities (KUA - PPAS) which later became the basis for discussing the Draft APBD between the Mayor and the Regional People's Representative Council (DPRD). In this discussion process UKPBJ Pekalongan City was present and had a strategic role, of course as one of the members of the Regional Government Budget Team (TAPD). After the APBD has been approved and ratified by the Pekalongan City DPRD, UKPBJ coordinates with all budget users (PA) or budget user authorities (KPA), to develop a plan framework General Procurement ( RUP ) which is in the application of the electronic procurement system ( SPSE ) through the Information System for General Procurement Plans ( SIRUP ).

The role of UKPBJ Pekalongan City in this case is of course very strategic in determining and supporting the process of procuring goods and services in accordance with their duties and functions as stipulated by Decree of the Mayor of Pekalongan Number 050/0001 of 2022, which includes; Goods and Services Procurement Management Services and Electronic Goods and Services Procurement Services.

Judging from the level of need for the people of Pekalongan City, which is quite high for education, health, social and other public infrastructure services. Acceleration of development in order to fulfill basic service needs include:

- a. Education Sector, rehabilitation and addition of school building classrooms, improvement of educational aids and other educational infrastructure;
- b. Health Sector, rehabilitation or repair as well as additional space or health service buildings such as adding inpatient rooms, general health poly rooms, fulfillment of drug supplies, health service vehicles and purchase of medical devices with Indonesian national standard (SNI) both at the puskesmas, regional health laboratory and regional general hospital;
- c. The field of public works, this field is a strategic field and is much needed by the general public, especially considering the condition of Pekalongan City which is a service city, industrial city and trade city and coupled with unfavorable natural conditions (robs and floods). So that it needs roads, sidewalks, drainage, bridges, canals, clean water networks, embankments retaining river and sea water and the construction of flood control pump houses. In this field, it is the center of attention and a benchmark for the success or failure of UKPBJ in carrying out the process of procuring goods and services as a whole.
- d. In the social sector, as a result of the impact of industrialization and urbanization, Pekalongan City is one of the areas most affected by social problems such as poverty, poor sanitation, unemployment and the emergence of socially vulnerable marginalized communities. So that assistance is needed from the City Government of Pekalongan by providing life insurance assistance, especially in fulfilling adequate food and nutrition needs.

### **3.3 Barriers Or Constraints Faced In Implementation Presidential Regulation Number 16 of 2018 Concerning Procurement of Government Goods/Services in Ukpbj Pekalongan City and the Solution**

- a. Become a Palugada Provider

Providers with this type of business model are very popular with goods/services pawnshop managers, whose main line of business is in accordance with the goods or services to be procured, not providers who say they are ready to provide whatever is needed. Do you want me to exist or what is better known as the Palugada company? Because if you use a Palugada entrepreneur, then they only act as intermediaries who will increase costs in the procurement of government goods/services.

The selection of goods/services providers is directed at obtaining suppliers directly from supply sources while still taking into account the rules of the game for selection, policies and principles of goods/services procurement. So that the manager of goods/services procurement, especially the Working Group and Procurement Officials in the qualification document will certainly include the qualification requirements that can be evaluated in the procurement process of the Palugada provider.

Providers of this type have weaknesses in fulfilling their qualification requirements because they do not focus on just one particular field/sub-sector of goods/services. For this reason, it is better for providers to focus on the fields and sub-sectors which are the company's core business so that they can compete optimally, both in terms of qualifications, technical offers, and prices submitted. The chance to win in the procurement of goods/services, especially through tenders, will be greater if the provider participates in a tender in the category of goods/services that he has expertise in.

#### b. Selling Packages

Selling packages in this case, is not just giving minor sub-contract work or giving part of the contents of the contract to other parties, but actually giving all packages that are done according to the contents of the contract to other parties or business actors whose names are not listed in the goods procurement contract. /service. This is done by agreement (or without agreement) at a notary with the term power of attorney or other terms and even worse without being known in writing by the PA/KPA or PPK. Especially in the construction service procurement package, where this violates the provisions in Attachment I to LKPP Regulation Number 12 of 2021, namely:

2.3.2.7 Subcontracting Requirements for subcontracted construction work must pay attention to:

a. In the event that the budget ceiling value is above Rp. 25,000,000,000.00 (twenty five billion rupiah), the type of work that must be subcontracted is stated



in the selection document based on the PPK determination in the procurement preparation document;

If there is a problem with the work during the implementation of the contract, what the PPK or inspector will pursue is the provider whose name is listed in the contents of the contract or agreement letter, not the provider who bought or worked on the work package. Jobs that are sold are likely to have problems because there is a new layer of costs that cuts the initial contract costs, so that the work will not be done optimally. Models like this are usually done with the term "borrowing" the company's flag.

c. Not Following and Mastering the Dynamics of Laws and Regulations concerning the Procurement of Goods/Services

The implementation of government procurement of goods/services has now been regulated by Presidential Regulation Number 16 of 2018 concerning Government Procurement of Goods and Services and has been amended most recently through Presidential Regulation Number 12 of 2021 concerning Amendments to Presidential Regulation Number 16 of 2018 concerning Government Procurement of Goods and Services replaces Presidential Regulation Number 54 of 2010 concerning Government Procurement of Goods/Services which has undergone several amendments, the last being through Presidential Regulation Number 4 of 2015 concerning the Fourth Amendment to Presidential Regulation Number 54 of 2010 concerning Government Procurement of Goods/Services. In order to win the tender, the provider should understand the procurement regulations that are still in effect at the time the tender to be participated in has been announced. Starting from the procedures for the selection process,

There are still a small number of providers who really know or even master the government procurement of goods/services regulations. It is often found that there are no administrative staff from providers who understand and understand Presidential Regulation Number 16 of 2018, so the contents of the bidder's documents just follow custom or just follow document formats from other providers or copy paste from old documents which may not actually be appropriate again with the regulations in force.

The solution used is to send staff in charge of the tender section as well as bids submitted through SPSE to take part in technical guidance on government procurement of goods/services, both those organized by LKPP and by other education and training organizers that have received accreditation from LKPP. By knowing the rules of government procurement of goods/services, providers will have more control over how to make good and correct bids, so that there will be no more fundamental qualification, administrative or technical errors.

d. Gaptek (stuttering technology)

Currently the provider selection process is carried out through SPSE, the use of e-procurement is now a necessity. LKPP develops SPSE which usually has an address in the format <https://lpse.namaklpd.go.id>. Goods/service providers must have expertise in using applications that have been officially released by LKPP. Providers who are clueless, of course, will naturally be eliminated

e. One LPSE Operator for Several Companies

Even though procurement of tenders or the process of selecting goods/services providers electronically is now a necessity, there are still many providers who are not ready to keep up with developments. This is related to the human resources of many companies that are not prepared to keep up with current developments. As a solution, government goods/services providers coordinate the problem of inputting electronic bidding documents through associations or even several associations join forces to form a forum to coordinate their members, one operator is appointed to carry out tasks related to electronic procurement for several companies, starting from registration, procurement documents, upload bidding documents,

For the registration process, downloading or uploading documents, and explanations maybe this is not a problem handled by one person to take part in several packages. Problems will arise when the bidding document upload process must be carried out at the same time for several packages and for several companies participating in the procurement selection process. In the limited time, in the last seconds of submission of bidding documents, many files must be uploaded.

The risk that will occur is that not all files are uploaded perfectly and even files are not uploaded at all because they are running out of time. Another risk is uploading the wrong file to another package which will result in being aborted in the process of selecting goods/services providers both by the Selection Working Group and Procurement Officials.

The solution to overcome this is to prepare company management to be able to participate in the electronic procurement selection process starting from competent human resources and other facilities to access LPSE.

f. Rebuttal Letter

Several things need to be considered in making objections so that they are accepted or get good attention from the Selection Working Group:

1. The objection letter is accompanied by strong basis and evidence, include the rules governing it, if there is an attachment, immediately attach evidence that supports the objection.
2. Making a rebuttal letter that is not emotional, the Selection Working Group will be more appreciated and happy if a more humane approach is taken, don't directly accuse corruption, collusion and nepotism or accuse those that undermine authority and tend to lead to defamation and so on.
3. Focus on the offer itself, whether it is correct or not, whether it is correct The Selection Working Group has made a decision in evaluating the bid document. There are still many who question why the lowest price offer is not declared the winner.
4. Pay attention to the administration of the objection letter such as the destination address. The objection letter is addressed to the Selection Working Group and can be submitted online via SPSE.

g. Technical Offering Consulting Services

The consultant's technical offer is assessed from several elements, namely understanding and response to the Terms of Reference (TOR), technical or methodological offers and new innovations or ideas. will be held. So that the TOR prepared by PPK is likely to still have many shortcomings. For this reason, if there are technical deficiencies in the TOR, the consultant should provide a response according to expertise. Often the TOR responses only contain "clear enough" and "sufficiently adequate" notes. There are very few consultants who provide innovation or new ideas for the implementation methods in the KAK, even though the points of evaluation can add value to the whole.

As for the methodology, errors are often found resulting from copy paste. This is due to the type of consulting services that the consultant or his expert staff participated in, but different areas or different volumes, so copy paste was used in compiling the methodology. As a result, due to lack of control and time constraints, a method was found that was correct, but the work was for a different area. If an incident like this has been found, a "TKO" verdict is certain in the technical bid.

#### **4. Conclusion**

The position of UKPBJ as stipulated in Presidential Regulation Number 16 of 2018 concerning Government Procurement of Goods and Services, is something that is

very much needed in the process of procuring goods and services from the planning, implementation and up to the handover process. UKPBJ Pekalongan City as a center of excellence in the process of procuring goods and services in the Pekalongan City Government as stipulated in Presidential Regulation Number 16 of 2018, is expected to be the spearhead in implementing procurement principles. So that UKPBJ Pekalongan City can be a tool for PA/KPA, PPK, Selection Working Group and Procurement Officials in carrying out the goods/services procurement process in accordance with the principles of government procurement of goods and services, Service Oriented, Accountable, Competent, Harmonious, Loyal, Adaptive and Collaborative (ACTUALLY). There are obstacles faced by UKPBJ Pekalongan City both internally within UKPBJ Pekalongan City and externally which are always there from the provider itself starting from the process of selecting the procurement of goods and services as well as in implementing the goods/services procurement contract. Of course this has been realized and known by UKPBJ Pekalongan City so that it continues to improve existing deficiencies, both through internal strengthening by utilizing existing human resources and always coordinating with the managers of procurement of goods and services in the Pekalongan City Government in accordance with Peraturan President Number 16 of 2018 concerning Procurement of Government Goods and Services.

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