

Republic of the Philippines
Department of National Defense
OFFICE OF CIVIL DEFENSE
Camp General Emilio Aguinaldo, Quezon City



**Administrative and Financial Management Service
Procurement Management Division**

PROCUREMENT WORK INSTRUCTIONS MANUAL

January 2020



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ABBREVIATIONS

ABC	Approved Budget for the Contract
AOB	Abstract of Bids
AOQ	Abstract of Quotations
APP	Annual Procurement Plan
BAC	Bids and Awards Committee
BAC-SEC	Bids and Awards Committee Secretariat
BAC-TWG	Bids and Awards Committee Technical Working Group
COA	Commission on Audit
GAA	General Appropriations Act
GPPB	Government Procurement Policy Board
HoPE	Head of the Procuring Entity
HRB	Highest Rated Bidder
HRRB	Highest Rated and Responsive Bidder
ITB	Invitation to Bid
LCB	Lowest Calculated Bidder
LCRB	Lowest Calculated and Responsive Bidder
MOA	Memorandum of Agreement
NOA	Notice of Award
NTP	Notice to Proceed
OCD	Office of Civil Defense
PCAB	Philippine Contractors Accreditation Board
PhilGEPS	Government Electronic Procurement System
PMD	Procurement Management Division
PMU	Procurement Management Unit (Regional Offices)
PO	Purchase Order
POE	Program of Expenditures
POW	Program of Works
PPMP	Procurement Project Management Plan
PR	Purchase Request
RA 9184	Republic Act 9184: Government Procurement Reform Act
R-IRR	Revised Implementing Rules and Regulations
RFEI	Request for Expression of Interest
RFP	Request for Proposal
RFQ	Request for Quotation
SCB	Single Calculated Bidder
SCRB	Single Calculated and Responsive Bidder
SRB	Single Rated Bidder
SRRB	Single Rated and Responsive Bidder
TOR	Terms of Reference
WO	Work Order



Section I. INTRODUCTION

The Office of Civil Defense **Procurement Work Instructions Manual** is developed pursuant to Republic Act 9184, otherwise known as the Government Procurement Reform Act, and its 2016 Revised Implementing Rules and Regulations (2016 R-IRR), and the Philippine National Standard on Quality Management.

This Manual aims to standardize the procurement processes, in order to prevent misunderstanding, ensure transparency, and enable key personnel and units involved in procurement, to conform to the general principles covering all government procurement activities.

This Manual translates the 2016 R-IRR of RA 9184 into Work Instructions format of the Philippine National Standard, pursuant to OCD Quality System Procedures.

The Central Office and Regional Procurement Officers were gathered to review the procedures, relate their procurement experiences and incorporate it into this Manual.

The OCD Bids and Awards Committee, through its BAC Technical Working Group and the Procurement Management Division, also integrated into this Manual, the various updates based on procurement issuances from the Government Procurement Policy Board (GPPB), after the approval the 2016 R-IRR until December 2019.

In cases where there is inconsistency between this Manual and the RA 9184 and its 2016 R-IRR, the latter shall govern.

This Manual and the provisions herein shall take effect upon the approval of the Civil Defense Administrator.

This Manual and the provisions herein may be revised for necessary corrections and updates, subject to the approval of the Civil Defense Administrator.

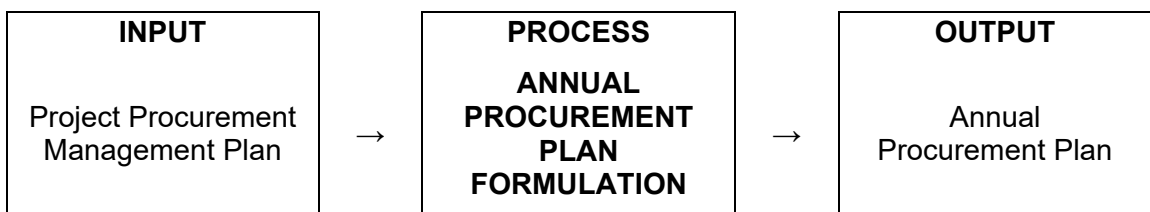
APPROVED:

UNDERSECRETARY RICARDO B JALAD
Administrator



Section II. PROCUREMENT PLANNING

- 1. Purpose:** To formulate the OCD’s Annual Procurement Plan (APP) to serve as basis in the conduct of procurement activities in accordance with RA 9184 and its 2019 R-IRR, which provides that “No Annual Procurement Plan, No Procurement”.
- 2. Scope:** This procedure covers the whole APP formulation process, from the preparation of the Project Procurement Management Plans (PPMP) up to the approval of the APP and validation whether an approved PR is included thereto prior procurement.
- 3. Process Description:**



4. Process Flow and Work Instructions

1	Preparation of Project Procurement Management Plans (PPMP’s)	End User
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The End Users shall formulate their respective PPMP’s for their different programs, activities, and projects. A market research may be conducted to ensure availability of supplier and for the determination of the ABC.

2	Evaluation of the PPMP’s Consistency with the Budget	Budget Section
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The PPMP’s shall be submitted to the Budget Office for evaluation in order to ensure consistency with the Procuring Entity’s budget proposal and compliance with existing budget rules.

3	Consolidation of PPMP’s into an Indicative APP	PMD
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The PPMP’s included in the budget proposal shall be forwarded to the Procurement Management Division for consolidation into an indicative APP. As soon as the GAA is approved, the indicative APP shall then be adjusted and will become the Procuring Entity’s APP.

4	Recommendation for the Final Procurement Modality	BAC
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The consolidated Indicative APP shall be forwarded to the BAC for recommendation of the final procurement modalities.

5	Recommendation of the BAC for the Approval of the Indicative APP	BAC
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The consolidated Indicative APP with the final procurement modalities shall be recommended for approval by the BAC to the HoPE through a BAC Resolution.

6	Approval of the Indicative APP	HoPE
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The Indicative APP must be consistent to the National Expenditure Program (NEP), shall be approved by the HoPE, and become the basis in the conduct of Early Procurement Activities (EPA).

7	Adjustment of the Indicative APP to be consistent with the approved GAA	BAC, BAC-SEC
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The Indicative APP will be adjusted to the GAA once the latter is approved. The HoPE shall approve the Final APP prior to submission to the Government Procurement Policy Board.

8	Validation of approved PR if included in the approved APP	PMD
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The PMD shall, for any procurement activity, validate if the approved PR is included in the approved APP.

9	Submission of Supplemental PPMP's and Supplemental APP if not in the APP	End User
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The End User shall submit Supplemental PPMP to PMD who shall prepare the Supplemental APP for approval if the PR is not in the approved APP.



Section III. COMPETITIVE BIDDING

- 1. Purpose:** This is to define the procurement process for Competitive Bidding in compliance to RA 9184 and its 2016 R-IRR.
- 2. Scope:** This process starts from the receipt of duly approved procurement documents (PR, POW or TOR), up to the posting of the NOA, PO/WO/Contract and NTP.
- 3. Process Description:**



4. Process Flow and Work Instructions:

1	Submission of Approved Procurement Activity	End User
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The End User forwards to the PMD/PMU the duly signed and approved PR, POW or TOR. These documents shall be supported by Proof of Funding Source.

2	Verification of the Procurement Activity	PMD/PMU
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The PMD/PMU staff verifies whether the items indicated in the procurement documents are included in the approved APP for the year.

If Yes, proceed with the procurement process.

If No, the PMD shall require a duly approved PPMP from the End User.

3	Determination of Mode of Procurement	BAC, BAC-TWG, BAC-SEC
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The method of procurement to be used shall be as indicated in the approved APP.

If the original mode of procurement recommended in the APP is Public/Competitive Bidding but cannot be ultimately pursued or if the appropriate mode of procurement is different from that indicated in the APP, the BAC, through a resolution, shall justify and recommend the change in the mode of procurement to be approved by the HoPE.

4	Preparation of the Bidding Documents	BAC, BAC-TWG BAC-SEC, End User
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The BAC, through the BAC-TWG, the BAC-SEC and the End User, prepares the bidding documents, including the ITB and the technical specifications, in accordance with the procedures laid down in the R-IRR, and the Philippine Bidding Documents (PBDs).

5	Conduct of Pre-Procurement Conference	BAC, BAC-TWG BAC-SEC, End User
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Prior to the advertisement or the issuance of the ITB/RFEI for each procurement undertaken through a competitive bidding, the BAC, through its BAC-SEC, shall call for a pre-procurement conference.

The pre-procurement conference shall be attended by the BAC, the BAC-TWG, the BAC-SEC, the End User officials, including consultants hired by the Procuring Entity, who prepared the Bidding Documents and the draft ITB/RFEI for each procurement. During this conference, the participants, led by the BAC, shall:

- a. Confirm the description and scope of the contract, the ABC, and contract duration;
- b. Ensure that the procurement is in accordance with the PPMP and APP;
- c. Determine the readiness of the procurement at hand, including, among other aspects, the following:
 - i. availability of appropriations and programmed budget for contract. For the purpose of pre-procurement conference, pending the approval or enactment of the GAA, as the case may be, the certification of availability of funds refers to the amount in the indicative APP consistent with the NEP, or MYOA or its equivalent document, in accordance with Section 7.6 of the 2016 R-IRR on procurement activities short of award;
 - ii. completeness of the Bidding Documents and their adherence to relevant general procurement guidelines;
 - iii. completion of the detailed engineering according to the prescribed standards in the case of Infrastructure Projects; and
 - iv. confirmation of the availability of right-of-way site or location, and the possession of affected properties, subject to Section 17.6 of the 2016 R-IRR.
- d. Review, modify and agree on the criteria for eligibility screening, evaluation, and post-qualification;
- e. Review and adopt the procurement schedule, including deadlines and timeframes, for the different activities; and
- f. Reiterate and emphasize the importance of confidentiality, in accordance with Section 19 of the 2016 R-IRR, and the applicable sanctions and penalties, as well as agree on measures to ensure compliance with the foregoing.



6	Advertising/Posting of the ITB/RFEI	BAC-SEC
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The ITB/RFEI shall provide prospective bidders the following information, among others:

- a. For the procurement of:
 - i. Goods, the name of the contract to be bid and a brief description of the goods to be procured;
 - ii. Infrastructure Projects, the name and location of the contract to be bid, the project background and other relevant information regarding the proposed contract works, including a brief description of the type, size, major items, and other important or relevant features of the works; and
 - iii. Consulting services, the name of the contract to be bid, a general description of the project and other important or relevant information;
- b. The name of the project, identification and number of lots or items specific to the bidding, as well as the basis of evaluation of the project, lots, or items, where applicable;
- c. A general statement on the criteria to be used by the Procuring Entity for the eligibility check, the short listing of prospective bidders, in the case of the procurement of Consulting Services, the examination and evaluation of bids, post-qualification, and award;
- d. The date, time and place of the deadline for the submission and receipt of the eligibility requirements, the pre-bid conference if any, the submission and receipt of bids, and the opening of bids;
- e. ABC for the project, lot, or item to be bid;
- f. The source of funding;
- g. The place, time and website where the Bidding Documents may be secured or downloaded, and, where required, the price of the Bidding Documents, in accordance with Section 17.4 of the 2016 R-IRR;
- h. The contract duration or delivery schedule;
- i. The name, address, telephone number, facsimile number, e-mail and website addresses of the concerned Procuring Entity, as well as its designated contact person; and
- j. Such other necessary information deemed relevant by the Procuring Entity

The BAC, through the BAC-SEC, shall post the ITB/RFEI in PhilGEPS, OCD Website and designated place in OCD's premises, continuously for at least seven (7) days.



7	Conduct of Pre-Bid Conference	BAC, BAC-TWG BAC-SEC, End User, Observers, Suppliers
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The pre-bid conference shall be held at least twelve (12) calendar days before the deadline for the submission and receipt of bids, but not earlier than seven (7) calendar days from the PhilGEPS posting of the ITB or Bidding Documents and in the case of Consulting Services, from the determination of the shortlisted consultants.

The pre-bid conference shall discuss, clarify and explain, among other things, the eligibility requirements and the technical and financial components of the contract to be bid including questions and clarifications raised by the prospective bidders before and during the Pre-Bid Conference.

Pre-bid conference may be conducted in person or face-to-face through videoconferencing, webcasting, or similar technology, or a combination thereof. Procuring Entities with videoconferencing capabilities that have manufacturers, suppliers, distributors, contractors and/or consultants that also have videoconferencing capabilities may conduct their pre-bidding conferences electronically. The Pre-Bid Conference is open to prospective bidders, and in case of procurement of consulting services, the shortlisted bidder, but attendance shall not be mandatory.

The minutes of the pre-bid conference shall be recorded and prepared not later than five (5) calendar days after the pre-bid conference, and shall be made available to prospective bidders not later than five (5) days upon written request. The minutes of the pre-bid conference shall likewise be posted in the website of procuring entities.

Decisions of the BAC amending any provision of the Bidding Documents shall be issued in writing through a Supplemental/Bid Bulletin at least seven (7) calendar days before the deadline for the submission and receipt of bids.

8	Submission and Receipt of Bids	BAC-SEC
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To provide prospective bidders ample time to examine the Bidding Documents and to prepare their respective bids, the concerned BAC shall make the Bidding Documents available from the time the ITB/RFEI is first advertised/posted until the deadline for the submission and receipt of bids.

Bidders may be asked to pay a fee to recover the cost for the preparation and development of the Bidding Documents pursuant to the Guidelines on the Sale of Bidding Documents.

Bidding Documents Fee may be refunded in accordance with the aforementioned Guidelines based on the grounds provided for under Section 41 of the 2016 R-IRR.

Bidders shall submit their bids through their duly authorized representative using the forms specified in the Bidding Documents, before the deadline as stated in the bidding document.



Any bid submitted after the deadline for submission and receipt of bids prescribed by the Procuring Entity, pursuant to the bidding document, shall be declared "Late" and shall not be accepted by the Procuring Entity. The BAC shall record in the minutes of bid submission and opening, the Bidder's name, its representative and the time the late bid was submitted.

9	Bid Opening	BAC, BAC-TWG BAC-SEC, End User, Observers, Suppliers
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The BAC shall open the bids immediately after the deadline for the submission and receipt of bids. The time, date, and place of the opening of bids shall be specified in the Bidding Documents.

In case the bids cannot be opened as scheduled due to justifiable reasons, the BAC shall take custody of the bids submitted and reschedule the opening of bids on the next working day or at the soonest possible time through the issuance of a Notice of Postponement to be posted in the PhilGEPS website and the website of the Procuring Entity concerned.

The bidders or their duly authorized representatives may attend the opening of bids. The BAC shall ensure the integrity, security, and confidentiality of all submitted bids. The abstract of bids as read and the minutes of the bid opening shall be made available to the public upon written request and payment of a specified fee to recover cost of materials.

10	Bid Evaluation	BAC, BAC-TWG BAC-SEC, End User, Observers
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Preliminary Examination of Bids

1. The BAC shall open the first bid envelopes in public to determine each bidder's compliance with the documents required to be submitted for eligibility and for the technical requirements, as prescribed in the 2016 R-IRR. For this purpose, the BAC shall check the submitted documents of each bidder against a checklist of required documents to ascertain if they are all present, using a non-discretionary "pass/fail" criterion, as stated in the Instructions to Bidders. If a bidder submits the required document, it shall be rated "passed" for that particular requirement. In this regard, bids that fail to include any requirement or are incomplete or patently insufficient shall be considered as "failed." Otherwise, the BAC shall rate the said first bid envelope as "passed."
2. Immediately after determining compliance with the requirements in the first envelope, the BAC shall forthwith open the second bid envelope of each remaining eligible bidder whose first bid envelope was rated "passed." The second envelope of each complying bidder shall be opened within the same day, except as provided under Section 33 of the 2016 R-IRR.

In case any of the requirements in the second envelope of a particular bid is missing, incomplete or patently insufficient, and/or if the submitted total bid price exceeds the ABC, the BAC shall rate the bid concerned as "failed." Only bids that are determined to contain all the bid requirements



for both components shall be rated “passed” and shall immediately be considered for evaluation and comparison.

3. For the procurement of Goods where, due to the nature of the requirements of the project, the required technical specifications/requirements of the contract cannot be precisely defined in advance of bidding, or where the problem of technically unequal bids is likely to occur, a two (2)-stage bidding procedure may be employed. In these cases, the Procuring Entity concerned shall prepare the Bidding Documents, including the technical specification in the form of performance criteria only. Under this procedure, prospective bidders shall be requested at the first stage to submit their respective eligibility requirements if needed, and initial technical proposals only (no price tenders). The concerned BAC shall then evaluate the technical merits of the proposals received from eligible bidders vis-à-vis the required performance standards. A meeting/discussion shall then be held by the BAC with those eligible bidders whose technical tenders meet the minimum required standards stipulated in the Bidding Documents for purposes of drawing up the final revised technical specifications/requirements of the contract. Once the final revised technical specifications are completed and duly approved by the concerned BAC, copies of the same shall be issued to all the bidders identified in the first stage who shall then be required to submit their revised technical tenders, including their price proposals in two (2) separate sealed envelopes in accordance with this IRR, at a specified deadline, after which time no more bids shall be received. The concerned BAC shall then proceed in accordance with the procedure prescribed in the 2016 R-IRR.
4. For the procurement of Consulting Services, the detailed implementation of the procedure is specified in the section Bid Evaluation of Short Listed Bidders for Consulting Services.

Ceiling for Bid Prices

1. The ABC shall be the upper limit or ceiling for acceptable bid prices. If a bid price, as evaluated and calculated in accordance with the 2016 R-IRR, is higher than the ABC, the bidder submitting the same shall be automatically disqualified. There shall be no lower limit or floor on the amount of the award.
2. For Foreign-funded Procurement, the ABC shall be applied as the ceiling: Provided, That the following conditions are met:
 - a. Bidding Documents are obtainable free of charge on a freely accessible website. If payment of Bidding Documents is required by the Procuring Entity, payment could be made upon the submission of bids.
 - b. The Procuring Entity has procedures in place to ensure that the ABC is based on recent estimates made by the engineer or the responsible unit of the Procuring Entity and that the estimates are based on adequate detailed engineering (in the case of Infrastructure Projects) and reflect the quality, supervision and risk and inflationary factors, as



well as prevailing market prices, associated with the types of Goods or Infrastructure Projects to be procured.

- c. The Procuring Entity has trained cost estimators on estimating prices and analyzing bid variances. In the case of Infrastructure Projects, the Procuring Entity must also have trained quantity surveyors.
- d. The Procuring Entity has established a system to monitor and report bid prices relative to ABC and engineer's/Procuring Entity's estimate.
- e. The Procuring Entity has established a monitoring and evaluation system for contract implementation to provide a feedback on actual total costs of Goods and Infrastructure Projects.

However, the GoP and the foreign government/foreign or international financing institution may agree to waive the foregoing conditions

Bid Evaluation for the Procurement of Goods and Infrastructure Projects

1. Members of the BAC, its staff and personnel, BAC-SEC and BAC-TWG, as well as Observers, are prohibited from making or accepting any communication with any bidder regarding the evaluation of their bids until the issuance of the NOA. However, the BAC, through its BAC-SEC, may ask in writing the bidder for a clarification of its bid. All responses to requests for clarification shall be in writing.
2. For the procurement of Goods and Infrastructure Projects, the BAC shall evaluate the financial component of the bids to determine the Lowest Calculated Bid using the following steps:
 - 2.1 The BAC shall immediately conduct a detailed evaluation of all bids using non-discretionary criteria in considering the following:
 - a. Completeness of the bid. Unless the Instructions to Bidders specifically allow partial bids, bids not addressing or providing all of the required items in the Bidding Documents including, where applicable, bill of quantities, shall be considered non-responsive and, thus, automatically disqualified. In this regard, where a required item is provided, but no price is indicated, the same shall be considered as non-responsive, but specifying a zero (0) or a dash (-) for the said item would mean that it is being offered for free to the Government, except those required by law or regulations to be provided for; and
 - b. Arithmetical corrections. Consider computational errors and omissions to enable proper comparison of all eligible bids. It may also consider bid modifications if expressly allowed in the Bidding Documents. Any adjustment shall be calculated in monetary terms to determine the calculated prices
 - 2.2 The BAC shall evaluate all bids on an equal footing to ensure fair and competitive bid comparison. For this purpose, all bidders shall be required to include the cost of all taxes, such as, but not limited to,



value added tax (VAT), income tax, local taxes, and other fiscal levies and duties which shall be itemized in the bid form and reflected in the detailed estimates. Such bids, including said taxes, shall be the basis for bid evaluation and comparison.

2.3 In case of discrepancies between:

- a. bid prices in figures and in words, the latter shall prevail;
- b. total price per item and unit price for the item as extended or multiplied by the quantity of that item, the latter shall prevail;
- c. stated total price and the actual sum of prices of component items, the latter shall prevail;
- d. unit cost in the detailed estimate and unit cost in the bill of quantities, the latter shall prevail.

2.4 Bids shall then be ranked in the ascending order of their total calculated bid prices, as evaluated and corrected for computational errors, and other bid modifications, to identify the Lowest Calculated Bid. Total calculated bid prices, as evaluated and corrected for computational errors, and other bid modifications, which exceed the ABC shall be disqualified.

3. After all bids have been received, opened, examined, evaluated, and ranked, the BAC shall prepare the corresponding Abstract of Bids. All members of the BAC shall sign the Abstract of Bids and attach thereto all the bids with their corresponding bid securities and the minutes or proceedings of the bidding. The Abstract of Bids shall contain the following:
 - a. Name of the contract and its location, if applicable;
 - b. Time, date and place of bid opening; and
 - c. Names of bidders and their corresponding calculated bid prices arranged from lowest to highest, the amount of bid security and the name of the issuing entity.
4. The entire evaluation process for the procurement of Goods and Infrastructure Projects shall be completed within seven (7) calendar days from the deadline for receipt of proposals

Bid Evaluation of Short Listed Bidders for Consulting Services

1. From submission and receipt of bids until the approval by the HoPE of the ranking of short listed bidders, those that have submitted their bids are prohibited from making any communication with any BAC member, including its staff and personnel, as well as its BAC-SEC and BAC-TWG, regarding matters connected to their bids. However, the BAC, through its BAC-SEC, may ask in writing the bidder for a clarification of its bid. All responses to requests for clarification shall be in writing.



2. The purpose of bid evaluation is to determine the Highest Rated Bid using the following steps:

2.1 The BAC shall conduct a detailed evaluation of bids using either of the following evaluation procedures as specified in the Bidding Documents:

a. Quality-Based Evaluation Procedure

- i. A two-stage procedure shall be adopted whereby each consultant shall be required to submit his technical and financial proposals simultaneously in separate sealed envelopes.
- ii. After receipt of bids, the technical proposals shall first be opened and evaluated, in accordance with Section 33.2.2 of R-IRR. The BAC shall rank the consultants in descending order based on the numerical ratings of their technical proposals and identify the Highest Rated Bid: provided, however, that the Highest Rated Bid shall pass the minimum score indicated in the Bidding Documents.
- iii. The HoPE shall approve or disapprove the recommendations of the BAC within two (2) calendar days after receipt of the results of the evaluation from the BAC.
- iv. After approval by the HoPE of the Highest Rated Bid, its financial proposal shall then be opened. The BAC shall, within three (3) calendar days, notify and invite the consultant with the Highest Rated Bid for the opening of financial proposal for the purpose of conducting negotiations with the said consultant. In the letter of notification, the BAC shall inform the consultant of the issues in the technical proposal the BAC may wish to clarify during negotiations.
- v. Negotiations shall be in accordance with Section 33.2.5 of the R-IRR: Provided, that the amount indicated in the financial envelope shall be made as the basis for negotiations and the total contract amount shall not exceed the amount indicated in the envelope and the ABC as stated in the Bidding Documents.

b. Quality-Cost Based Evaluation Procedure

- i. The technical proposal together with the financial proposal shall be considered in the evaluation of consultants. The technical proposals shall be evaluated first using the criteria in Section 33.2.2 of the 2016 R-IRR. The financial proposals of the consultants who meet the minimum technical score shall then be opened.
- ii. The financial and technical proposals shall be given corresponding weights with the financial proposal given a minimum weight of fifteen percent (15%) up to a maximum of



forty percent (40%). The weight of the technical criteria shall be adjusted accordingly such that their total weight in percent together with the weight given to the financial proposal shall add to one hundred percent (100%). The exact weights shall be approved by the HoPE upon the recommendation of the BAC and indicated in the Bidding Documents. The BAC shall rank the consultants in descending order based on the combined numerical ratings of their technical and financial proposals and identify the Highest Rated Bid.

- iii. The HoPE shall approve or disapprove the recommendations of the BAC within two (2) calendar days after receipt of the results of the evaluation from the BAC.
- iv. After approval by the HoPE of the Highest Rated Bid, the BAC shall, within three (3) calendar days, notify and invite the consultant with the Highest Rated Bid for negotiation in accordance with Section 33.2.5 of the 2016 R-IRR, except for the financial proposal under item (e) thereof.

2.2 The technical proposals of consultants shall be evaluated based on the following criteria and using the corresponding numerical weights indicated in the Bidding Documents:

- a. Quality of personnel to be assigned to the project which covers suitability of key staff to perform the duties of the particular assignments and general qualifications and competence including education and training of the key staff;
- b. Experience and capability of the consultant which include records of previous engagement and quality of performance in similar and in other projects; relationship with previous and current clients; and, overall work commitments, geographical distribution of current/impending projects and attention to be given by the consultant. The experience of the consultant to the project shall consider both the overall experiences of the firm and the individual experiences of the principal and key staff including the times when employed by other consultants; and
- c. Plan of approach and methodology with emphasis on the clarity, feasibility, innovativeness and comprehensiveness of the plan approach, and the quality of interpretation of project problems, risks, and suggested solutions.

For complex or unique undertakings, such as those involving new concepts/technology or financial advisory services, participating short listed consultants may be required, at the option of the agency concerned, to make an oral presentation to be presented by each consultant, or its nominated Project Manager or head, in case of firms, within fifteen (15) calendar days after the deadline for submission of technical proposals.

2.3 In order to eliminate bias in evaluating the technical proposals, it is recommended that the highest and lowest scores for each consultant



for each criterion shall not be considered in determining the average scores of the consultants, except when the evaluation is conducted in a collegial manner.

2.4 All participating short listed consultants shall be furnished the results (ranking and total scores only) of the evaluation after the approval by the HoPE of the ranking. Said results shall also be posted in the PhilGEPS and the OCD website, for a period of not less than seven (7) calendar days.

2.5 Negotiations shall cover the following:

- a. Discussion and clarification of the terms of reference and scope of services;
- b. Discussion and finalization of the methodology and work program proposed by the consultant;
- c. Consideration of appropriateness of qualifications and pertinent compensation, number of man-months and the personnel to be assigned to the job, taking note of over-qualified personnel, to be commensurate with the compensation of personnel with the appropriate qualifications, number of man-months and schedule of activities (manning schedule);
- d. Discussion on the services, facilities and data, if any, to be provided by Procuring Entity concerned;
- e. Discussion on the financial proposal submitted by the consultant; and
- f. Provisions of the contract.

Except for meritorious reasons, negotiations with any one consultant shall be completed within ten (10) calendar days.

2.6 Total calculated bid prices, as evaluated and corrected for minor arithmetical corrections, such as computational errors, which exceed the ABC shall not be considered.

3. There should be no replacement of key personnel before the awarding of contract, except for justifiable reason as may be determined by the BAC, such as, illness, death, or resignation provided it is duly supported by relevant certificates, or any delay caused by the Procuring Entity. The BAC shall immediately consider negotiation with the next ranked consultant if unjustifiable replacement of personnel by the first ranked firm is made. Once the contract has been awarded, no replacement shall be allowed by the HoPE until after fifty percent (50%) of the personnel's man-months have been served, except for justifiable reasons, subject to appropriate sanctions as prescribed in the PBDs.
4. The entire evaluation process, including the submission of the results thereof to the HoPE for approval, shall be completed in not more than twenty-one (21) calendar days after the deadline for receipt of proposals.



The proposal with the highest score shall be identified as the Highest Rated Bid.

11	Conduct of Post-Qualification	BAC, BAC-TWG BAC-SEC, End User, Observers
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The BAC shall determine to its satisfaction whether the Bidder that is evaluated as having submitted the SCB/LCB/HRB/SRB complies with and is responsive to all the requirements and conditions specified in the bidding document.

Within a non-extendible period of five (5) calendar days from receipt by the bidder of the notice from the BAC that it submitted the SCB/LCB/HRB/SRB, the Bidder shall submit its latest income and business tax returns filed and paid through the BIR Electronic Filing and Payment System (eFPS) and other appropriate licenses and permits required by law and stated in the bidding document.

Failure to submit any of the post-qualification requirements on time, or a finding against the veracity thereof, shall disqualify the bidder for award. Provided in the event that a finding against the veracity of any of the documents submitted is made, it shall cause the forfeiture of the bid security in accordance with Section 69 of the 2016 R-IRR.

The determination shall be based upon an examination of the documentary evidence of the Bidder's qualifications submitted pursuant to the bidding document, as well as other information as the Procuring Entity deems necessary and appropriate, using a non-discretionary "pass/fail" criterion, which shall be completed within a period of twelve (12) calendar days.

If the BAC determines that the Bidder with the SCB/LCB/HRB/SRB passes all the criteria for post-qualification, it shall declare the said bid as the SCRB/LCRB/HRRB/SRRB, and recommend to the HoPE the award of contract to the said Bidder at its submitted price or its calculated bid price, whichever is lower.

A negative determination shall result in rejection of the Bidder's Bid, in which event the Procuring Entity shall proceed to the next LCB/HRB with a fresh period to make a similar determination of that Bidder's capabilities to perform satisfactorily. If the second Bidder, however, fails the post qualification, the procedure for post qualification shall be repeated for the Bidder with the next LCB/HRB, and so on until the LCRB/HRRB is determined for recommendation for contract award.

Within a period not exceeding fifteen (15) calendar days from the determination by the BAC of the SCRB/LCRB/HRRB/SRRB and the recommendation to award the contract, the HoPE or his duly authorized representative shall approve or disapprove the said recommendation.

In the event of disapproval, which shall be based on valid, reasonable, and justifiable grounds as provided for under Section 41 of the IRR of RA 9184, the HoPE shall notify the BAC and the Bidder in writing of such decision and the grounds for it. When applicable, the BAC shall conduct a post-qualification of the Bidder with the next LCB/HRB. A request for reconsideration may be filed



by the bidder with the HoPE in accordance with Section 37.1.3 of the 2016 R-IRR.

12	Recommendation for Award	BAC, BAC-TWG, BAC-SEC
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The BAC shall recommend to the HoPE the award of contract to the LCRB, HRRB, SCRB, or SRRB after the post-qualification process has been completed.

To facilitate the approval of the award, the BAC shall submit the following supporting documents to the HoPE:

- a. Resolution of the BAC recommending award;
- b. Abstract of Bids;
- c. approved program of work or delivery schedule, and Cost Estimates;
- d. Document issued by appropriate entity authorizing the Procuring Entity to incur obligations for a specified amount; and
- e. Other pertinent documents required by existing laws, rules, and/or the Procuring Entity concerned.

Within three (3) calendar days from the issuance of the resolution recommending award of the contract, the BAC shall notify all other bidders, in writing, of its recommendation.

13	Award of Contract	HoPE, PMD/PMU
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Within a period not exceeding fifteen (15) calendar days from the determination by the BAC of the bidder with the LCRB, HRRB, SCRB, or SRRB, and the recommendation to award the contract, the HoPE or his duly authorized representative shall approve or disapprove the said recommendation.

In case of approval, the HoPE shall immediately issue the NOA to the bidder with the LCRB, HRRB, SCRB or SRRB.

In the event of disapproval, which shall be based only on valid, reasonable, and justifiable grounds as provided for under Section 41 of this IRR, the HoPE shall notify the BAC and the bidder in writing of such decision and the grounds for it.

When applicable, the BAC shall conduct a post-qualification of the bidder with the next Lowest Calculated Bid or Highest Rated Bid.

A request for reconsideration may be filed by the bidder with the HoPE within three (3) calendar days from receipt of the notice of disapproval. The HoPE shall resolve with finality the request for reconsideration within seven (7) calendar days from the filing thereof and furnish the bidder a copy of the resolution immediately from its promulgation. In no case shall the request for reconsideration stay or delay the bidding process. However, the request for reconsideration must first be resolved before any award is made.



Notwithstanding the issuance of the NOA, award of contract shall be subject to the following conditions:

- a. Submission of the following documents within ten (10) calendar days from NOA:
 - i. Valid JVA, if applicable;
 - ii. A valid PCAB license and registration for the type and cost of the contract to be bid for foreign bidders in Infrastructure Projects, when the Treaty or International or Executive Agreement expressly allows submission of such license and registration as a pre-condition to the NOA; or
 - iii. In the case of Consulting Services, the SEC Certificate of Registration of the foreign consulting firm, and/or the authorization or license issued by the appropriate GoP professional regulatory body of the foreign professionals engaging in the practice of regulated professions and allied professions, where applicable.
- b. Posting of performance security;
- c. Signing of the contract; and
- d. Approval by higher authority, if required.

Prior to the expiration of the period of bid validity, the Procuring Entity shall notify the successful Bidder in writing that its bid has been accepted, through a NOA duly received by the Bidder or its representative personally or sent by registered mail or electronically, receipt of which must be confirmed in writing within two (2) days by the Bidder with the LCRB, HRRB, SCRB or SRRB and submitted personally or sent by registered mail or electronically to the Procuring Entity.

14	Contract Signing	HoPE, PMD/PMU
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The winning bidder shall post the required Performance Security and enter into contract with the Procuring Entity within ten (10) calendar days from receipt by the winning bidder of the NOA.

The Procuring Entity shall enter into contract with the winning bidder within the same ten (10) day period provided that all the documentary requirements are complied with.

The following documents shall form part of the contract:

- a. Contract Agreement;
- b. Bidding Documents;
- c. Winning bidder's bid, including the Eligibility requirements, Technical and Financial Proposals, and all other documents/statements submitted;
- d. Performance Security;



- e. Notice of Award of Contract; and
- f. Other contract documents that may be required by existing laws and/or the Procuring Entity concerned in the Bidding Documents, such as the construction schedule and S-curve, manpower schedule, construction methods, equipment utilization schedule, construction safety and health program approved by the Department of Labor and Employment, and PERT/CPM or other acceptable tools of project scheduling for infrastructure projects.

15	Issuance of NTP	HoPE, PMD/PMU
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The Procuring Entity shall issue the NTP together with a copy or copies of the approved contract to the successful bidder within seven (7) calendar days from the date of approval of the contract by the appropriate government approving authority. All notices called for by the terms of the contract shall be effective only at the time of receipt thereof by the successful bidder.

16	Posting of NOA, PO/WO/Contract and NTP	PMD/PMU
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The BAC, through the BAC-SEC, shall post, within three (3) calendar days from its issuance, the NOA in the PhilGEPS, the OCD website, and any conspicuous place in the premises of the Procuring Entity.

The Procuring Entity, through the BAC-SEC, shall post a copy of the NTP and the approved contract in the PhilGEPS and the OCD website, within fifteen (15) calendar days from the issuance of the NTP.

A copy of the NOA, Contract/PO, NTP and other relevant documents will be submitted to COA Resident Auditor within five (5) days after from their approval.

17	Maintenance of Records	PMD/PMU
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The PMD/PMU records and keeps all retained documented information, including the following:

- Purchase Request, Terms of Reference or Program of Works
- Approved Fund Source
- Proof of Advertisement and Posting
- Bidding Documents
- Eligibility Checklist
- Abstract of Bids
- Post-Qualification Report
- Notices of Meeting
- Minutes of the Meeting
- BAC Resolution
- Notice of Award
- Purchase Order, Work Order or Contract
- Notice to Proceed



Section IV. **ALTERNATIVE METHODS OF PROCUREMENT**

Subject to the prior approval of the HoPE, and whenever justified by the conditions provided in RA 9184, the Procuring Entity may, in order to promote economy and efficiency, resort to any of the alternative methods of procurement provided in this Manual. In all instances, the Procuring Entity shall ensure that the most advantageous price for the Government is obtained.

The method of procurement to be used shall be as indicated in the approved APP. If the original method of procurement recommended in the APP was competitive bidding but cannot be ultimately pursued, the BAC, through a resolution, shall justify and recommend the change in the method of procurement to be approved by the HoPE. Such changes must be reflected in the APP to be submitted to the GPPB, pursuant to Section 7.4 of RA 9184.

The following are the Work Instructions for the Alternative Methods of Procurement:

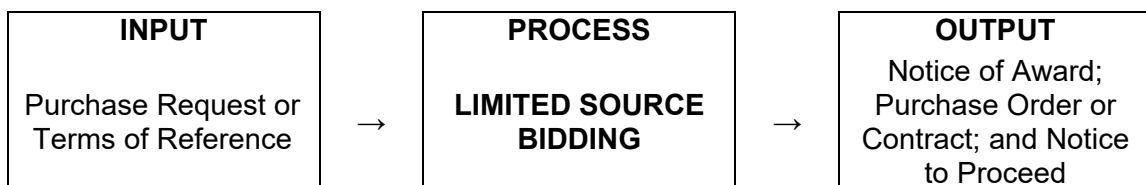
REFERENCE (RA 9184)	MODE OF PROCUREMENT	PAGE
Section 49	Limited Source Bidding	26
Section 50	Direct Contracting	30
Section 51	Repeat Order	33
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LIMITED SOURCE BIDDING

1. **Purpose:** This is to define the procurement process for Limited Source Bidding of **Goods** and **Consulting Services**, in compliance to RA 9184 and its 2016 R-IRR.
2. **Scope:** This process starts from the receipt of duly approved procurement documents (PR or TOR), up to the posting of the NOA, PO/Contract and NTP.
3. **Conditions:** Limited Source Bidding is a method of procurement of goods and consulting services that involves direct invitation to bid from the list of pre-selected suppliers or consultants with known experience and proven capability on the requirements of particular contract. Limited Source Bidding may be employed by a Procuring Entity under any of the following conditions:
 - a. Procurement of highly specialized types of goods (e.g. sophisticated defense equipment, complex air navigation systems, coal) and consulting services where only a few suppliers or consultants are known to be available, such that resorting to the competitive bidding method will not likely result in any additional suppliers or consultants participating in the bidding; or
 - b. Procurement of major plant components where it is deemed advantageous to limit the bidding to known qualified bidders in order to maintain uniform quality and performance of the plant as a whole.

4. Process Description:



5. Process Flow and Work Instructions:

1	Submission of Approved Procurement Activity	End User
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The End User forwards to the PMD/PMU the duly signed and approved PR or TOR. These documents shall be supported by Proof of Funding Source.

2	Verification of the Procurement Activity	PMD/PMU
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The PMD/PMU staff verifies whether the items indicated in the procurement documents are included in the approved APP for the year.

If Yes, proceed with the procurement process.

If No, the PMD/PMU shall require a duly approved Supplemental PPMP from the End User.



3	Determination of Mode of Procurement	BAC, BAC-TWG, BAC-SEC
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The method of procurement to be used shall be as indicated in the approved APP.

If the original mode of procurement recommended in the APP was Public/Competitive Bidding but cannot be ultimately pursued or if the appropriate mode of procurement is different from that indicated in the APP, the BAC, through a resolution, shall justify and recommend the change in the mode of procurement to be approved by the HoPE.

4	Determination of Pre-Selected Suppliers	BAC-SEC
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The BAC, through the BAC-SEC, gets the list of pre-selected suppliers from the government authority that has expertise in the type of procurement at hand. It may also access the PhilGEPS website as a secondary source of information

5	Preparation of the Bidding Documents	BAC-TWG, BAC-SEC
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The BAC, through the BAC-TWG and the BAC-SEC, prepares the bidding documents, including the ITB/RFEI (indicating therein the method of procurement to be used) and the technical specifications, in accordance with the procedures laid down in the 2016 R-IRR, and the Philippine Bidding Documents (PBDs).

6	Conduct of Pre-Procurement Conference	BAC, BAC-TWG BAC-SEC, End User
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The BAC thru the BAC-SEC calls for a pre-procurement conference. During the conference the participants led by the BAC shall:

- a. confirm the technical description and the scope of the contract, the ABC and the contract duration;
- b. ensure that the procurement is in accordance with the PPMP and APP;
- c. determine the readiness of the procurement at hand;
- d. review, modify and agree on the criteria for eligibility screening, evaluation, and post-qualification;
- e. review and adopt the procurement schedule, including deadlines and timeframes, for the different activities; and
- f. reiterate and emphasize the importance of confidentiality, in accordance with Section 19 of the R-IRR, and the applicable sanctions and penalties, as well as agree on measures to ensure compliance with the foregoing.



7	Advertising/Posting of the ITB/RFEI	BAC-SEC
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The BAC, through the BAC-SEC, shall post the ITB/RFEI for a period of at least three (3) calendar days prior to the opening of the bids, in the following:

- The PhilGEPS website;
- The OCD website; and
- Conspicuous place reserved for this purpose in the premises of OCD.

8	Sending of ITB/RFEI to Pre-Selected Bidders	BAC-SEC
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The BAC-SEC sends the ITB to the pre-selected suppliers. The ITB is sent to ALL suppliers in the list.

9	Conduct of Pre-Bid Conference	BAC, BAC-TWG BAC-SEC, End User, Observers
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The pre-bid conference shall discuss, clarify and explain, among other things, the eligibility requirements and the technical and financial components of the contract to be bid including questions and clarifications raised by the prospective bidders before and during the Pre-Bid Conference.

10	Submission and Receipt of Bids	BAC-SEC
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This follows the process for Competitive Bidding, referring to Section 25 of the 2016 RIRR.

11	Bid Opening	BAC, BAC-TWG BAC-SEC, End User, Observers
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This follows the process for Competitive Bidding, referring to Section 29 of the 2016 RIRR.

12	Bid Evaluation	BAC, BAC-TWG BAC-SEC, End User, Observers
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This follows the process for Competitive Bidding, referring to Rule IX, Section 30 – 33 of the 2016 RIRR.

13	Conduct of Post-Qualification	BAC, BAC-TWG BAC-SEC, End User, Observers
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This follows the process for Competitive Bidding, referring to Rule X, Section 34 – 36 of the 2016 RIRR.



14	Recommendation for Award	BAC, BAC-TWG BAC-SEC
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The BAC shall recommend to the HoPE the award of contract to the LCRB, HRRB, SCRIB, or SRRB after the post-qualification process has been completed.

To facilitate the approval of the award, the BAC shall submit the following supporting documents to the HoPE:

- a. Resolution of the BAC recommending award;
- b. Abstract of Bids;
- c. Duly approved program of work or delivery schedule, and Cost Estimates;
- d. Document issued by appropriate entity authorizing the Procuring Entity to incur obligations for a specified amount; and
- e. Other pertinent documents required by existing laws, rules, and/or the Procuring Entity concerned.

15	Award of Contract	HoPE, PMD/PMU
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Within a period not exceeding fifteen (15) calendar days from the determination by the BAC of the bidder with the LCRB, HRRB, SCRIB, or SRRB, and the recommendation to award the contract, the HoPE or his duly authorized representative shall approve or disapprove the said recommendation.

In case of approval, the HoPE shall immediately issue the NOA to the bidder with the LCRB, HRRB, SCRIB or SRRB.

16	Contract Signing	HoPE, PMD/PMU
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The Supplier shall immediately enter into contract with the Procuring Entity, through the HoPE, upon receipt of the NOA. Upon transmission of the signed Contract/PO, the HoPE or his duly authorized representative shall immediately sign the contract/PO provided that all the relevant documentary requirements are submitted.

17	Issuance of NTP	HoPE, PMD/PMU
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The Procuring Entity shall issue the NTP together with a copy or copies of the approved contract to the successful bidder within seven (7) calendar days from the date of approval of the contract by the appropriate government approving authority. All notices called for by the terms of the contract shall be effective only at the time of receipt thereof by the successful bidder.

18	Posting of NOA, PO/Contract and NTP	PMD/PMU
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The BAC, through the BAC-SEC, shall post the NOA, PO/Contract and NTP the NOA in the PhilGEPS, the OCD website, and any conspicuous place in the premises of OCD, within ten (10) calendar days from its issuance, except for contracts with ABC of Fifty Thousand Pesos (50,000.00) and below.

A copy of the NOA, Contract/PO, NTP and other relevant documents will be submitted to COA Resident Auditor within five (5) days after from their approval.

19	Maintenance of Records	PMD/PMU
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The PMD/PMU records and keeps all retained documented information, including the following:

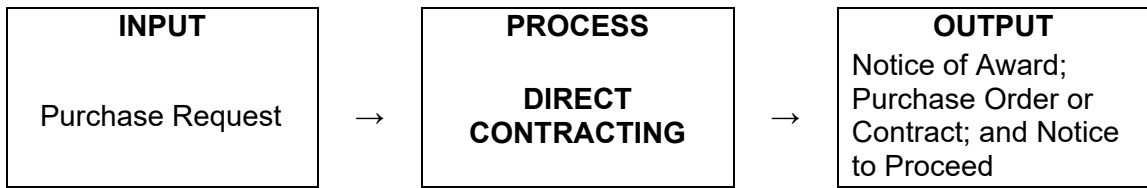
- Purchase Request or Terms of Reference
- Approved Fund Source
- Proof of Advertisement and Posting
- Bidding Documents
- Eligibility Checklist
- Abstract of Bids
- Post-Qualification Report
- Notices of Meeting
- Minutes of the Meeting
- BAC Resolution
- Notice of Award
- Purchase Order or Contract
- Notice to Proceed

DIRECT CONTRACTING

1. **Purpose:** This is to define the procurement process for Direct Contracting for **Goods** in compliance to RA 9184 and its 2019 R-IRR.
2. **Scope:** This process starts from the receipt of duly approved PR, up to the posting of the NOA. PO/Contract, and NTP.
3. **Conditions:** In Direct Contracting, the supplier is simply asked to submit a price quotation with the conditions of sale. It may be resorted to under any of the following conditions:
 - a. Procurement of goods of proprietary nature which can be obtained only from the proprietary source, i.e. when patents, trade secrets, and copyrights prohibited from manufacturing the same item;
 - b. When the procurement of critical components from specific supplier is a condition, precedent to hold a contractor to guarantee its project performance, in accordance with the provisions of its contract; or
 - c. Those sold by an exclusive dealer or manufacturer which does not have sub-dealers selling at lower prices and for which no suitable substitute can be obtained at more advantageous terms to the government.



4. Process Description:



5. Process Flow and Work Instructions

1	Submission of Approved Procurement Activity	End User
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The End User forwards to the PMD/PMU the duly signed and approved PR. This document shall be supported by Proof of Funding Source.

2	Verification of the Procurement Activity	PMD/PMU
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The PMD/PMU staff verifies whether the items indicated in the procurement documents are included in the approved Annual Procurement Plan for the year.

If Yes, proceed with the procurement process.

If No, the PMD/PMU shall require a duly approved PPMP from the End User.

3	Determination of Mode of Procurement	BAC, BAC-TWG, BAC-SEC
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The method of procurement to be used shall be as indicated in the approved APP. If the original mode of procurement recommended in the APP is Public/Competitive Bidding but cannot be ultimately pursued or if the appropriate mode of procurement is different from that indicated in the APP, the BAC, through a resolution, shall justify and recommend the change in the mode of procurement to be approved by the Head of the Procuring Entity.

4	Determination of the Supply Source	BAC, BAC-TWG BAC-SEC
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To justify the need to procure through Direct Contracting, the end user should conduct a survey of the industry and determine the supply source. End User must justify the necessity for an item that may only be procured through Direct Contracting, and it must be able to prove that there is no suitable substitute in the market that can be obtained at more advantageous terms.

5	Preparation of RFQ	BAC, BAC-SEC
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The BAC, through the BAC-SEC prepares the RFQ with the terms and conditions of sale, technical specifications and draft contract that will be sent to the identified Direct Supplier.

6	Identification of Supplier	BAC, BAC-SEC
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The Supplier from whom the goods will be procured is identified. If the PMD/PMU has list of qualified suppliers, reference thereto can be made by the BAC.

7	Simplified Negotiation	BAC-SEC
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Simplified Negotiations on the terms and conditions of the contract is conducted to ensure that the supplier is technically, legally and financially capable to deliver the goods at most advantageous price and contract for the Government.

Participants should confirm the existence of the conditions required by law for procurement through Direct Contracting.

8	Recommendation for Award	BAC, BAC-TWG BAC-SEC
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The BAC shall recommend to the HoPE the award of contract in favor of the supplier.

9	Award of Contract	HoPE, PMD/PMU
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Within a period not exceeding fifteen (15) calendar days from the recommendation by the BAC, the HoPE or his duly authorized representative shall approve or disapprove the said recommendation. In case of approval, the HoPE shall immediately issue the NOA to the supplier.

10	Contract Signing	HoPE, PMD/PMU
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The Supplier/Service Provider shall immediately enter into contract with the Procuring Entity, through the HoPE, upon receipt of the NOA. Upon transmission of the signed contract/PO, the HoPE or his duly authorized representative shall immediately sign the contract/PO provided that all the relevant documentary requirements are submitted.

11	Issuance of NTP	HoPE, PMD/PMU
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The Procuring Entity shall issue the NTP together with a copy or copies of the approved contract to the successful bidder within three (3) calendar days from the date of approval of the contract by the appropriate government approving authority.

12	Posting of NOA, PO/Contract and NTP	PMD/PMU
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The BAC, through the BAC-SEC, shall post the NOA, PO/Contract and NTP the NOA in the PhilGEPS, the OCD website, and any conspicuous place in the premises of OCD, within ten (10) calendar days from its issuance, except for contracts with ABC of Fifty Thousand Pesos (50,000.00) and below.

A copy of the NOA, Contract/PO, NTP and other relevant documents shall be submitted to COA Resident Auditor within five (5) days after from their approval.



13	Maintenance of Records	PMD/PMU
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The PMD/PMU records and keeps all retained documented information, including the following:

- Purchase Request
- Approved Fund Source
- Proof of Advertisement and Posting
- Submitted Documents
- Abstract of Quotations
- Notices of Meeting
- Minutes of the Meeting
- BAC Resolution
- Notice of Award
- Purchase Order or Contract
- Notice to Proceed

REPEAT ORDER

1. **Purpose:** This is to define the procurement process for Repeat Order of **Goods** in compliance to RA 9184 and its 2019 R-IRR.
2. **Scope:** This process starts from the receipt of duly approved procurement documents (PR, POW or TOR), up to the posting of the NOA, Contract and NTP.
3. **Conditions:** Repeat Order is a method of procurement of goods from the winning bidder whenever there is a need to replenish goods procured through Competitive Bidding. Repeat Orders from the previous winning bidder may be resorted to by the Procuring Entity only in cases where the procured item is clearly superior to the other bids. This superiority must exist, not only in the price quoted but also in equipment reliability, availability of spare parts, aftersales service and delivery period, among others. The bid should not have been so closely contested, such that if a bidding would be conducted again, the previous winning bidder would still have a high probability of winning.

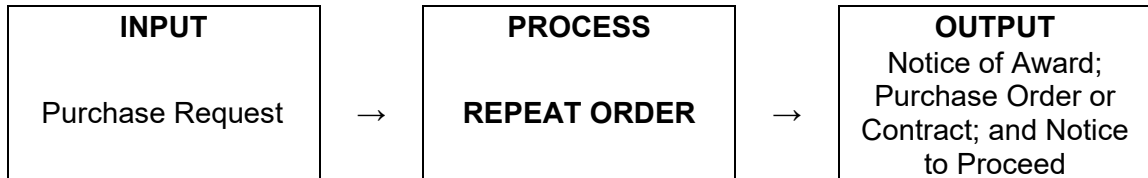
Repeat Order may be resorted to by a Procuring Entity if the following conditions are satisfied:

- a. The original contract must have been procured through competitive bidding.
- b. Contract prices of the repeat order must be the same as or lower than those in the original contract, provided that such prices are still the most advantageous to the government after price verification;
- c. The repeat order will not result in splitting of contracts, requisitions or purchase orders, as provided for in Section 54.1 of the IRR;
- d. Except in cases duly approved by the GPPB, the repeat order shall be availed of only within six (6) months from the date of the NTP arising from the original contract; and



- e. The repeat order should not exceed twenty-five percent (25%) of the quantity of each item in the original contract. In order not to exceed the 25% threshold, the goods under the original contract must be: (i) quantifiable; (ii) divisible; and (iii) consisting of at least four (4) units per item

4. Process Description:



5. Process Flow and Work Instructions:

1	Request for the Procurement of Additional Units	End User
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The End User requests for the procurement of additional units of goods previously procured. If the requirements is twenty-five (25%) or less than the original quantity, it indicates / recommends the use of Repeat Order as a mode of procurement.

2	Conduct of Market Price Canvass	End User
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The End User conducts a canvass of the prevailing market price of the goods to be procured and compares this with the price of the goods in the original contact.

3	Confirmation of Price	BAC-SEC
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The BAC through the BAC-SEC seeks confirmation of the price from the supplier that won the previous public bidding.

4	Conduct of Pre-Procurement Conference	BAC, BAC-TWG BAC-SEC, End User, Supplier
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The BAC thru the BAC-SEC calls for a pre-procurement conference if deemed necessary. During the conference the participants led by the BAC shall:

- a. The BAC-TWG reviews the specification.
- b. The End User confirms the additional requirements as to necessity and corresponding quantity.
- c. The supplier confirms the price of the goods and the BAC determines if the price and terms are most advantageous to the government.
- d. The BAC determines the existence of the conditions required for procurement through Repeat Order



5	Recommendation for the Conduct of Repeat Order	HoPE, BAC, BAC-SEC
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The BAC recommends the conduct of a Repeat Order through a Resolution to be approved by the HoPE. The BAC-SEC amends the APP to include the recommendation to the HoPE on the use of Repeat Order as a method of procurement. The HoPE approves the recommendation and the amended APP.

6	Award of Contract	HoPE, BAC, BAC-SEC
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The BAC, through the BAC-SEC confirms the Repeat Order with the previous supplier, and proceeds with the Supplemental Contract or PO, using the Technical Specifications in the Bidding Documents used in the previous Bidding.

7	Contract Signing	HoPE, PMD/PMU
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The supplier/service provider signs the supplemental contract/PO with the Procuring Entity, through the HoPE.

8	Issuance of NTP	HoPE, PMD/PMU
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The HoPE or his duly authorized representative shall issue the NTP, if necessary, and a copy of the approved contract to the Supplier, Contractor or Consultant within three (3) calendar days from the date of approval of the contract by the appropriate government approving authority.

9	Posting of NOA, PO/Contract and NTP	PMD/PMU
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The BAC, through the BAC-SEC, shall post the NOA, PO/Contract and NTP the NOA in the PhilGEPS, the OCD website, and any conspicuous place in the premises of OCD, within ten (10) calendar days from its issuance, except for contracts with ABC of Fifty Thousand Pesos (50,000.00) and below.

A copy of the NOA, Contract/PO, NTP and other relevant documents will be submitted to COA Resident Auditor within five (5) days after from their approval.

10	Maintenance of Records	PMD/PMU
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The PMD/PMU records and keeps all retained documented information, including the following:

- Purchase Request
- Approved Fund Source
- Notices of Meeting
- Minutes of the Meeting
- BAC Resolution
- Notice of Award
- Purchase Order or Contract
- Notice to Proceed



SHOPPING

1. **Purpose:** This is to define the procurement process for Shopping of **Goods** in compliance to RA 9184 and its 2019 R-IRR.
2. **Scope:** This process starts from the receipt of duly approved PR, up to the posting of the NOA, PO/Contract and NTP.
3. **Conditions:** This method of procurement shall be employed in any of the following cases:
 - a. When there is an unforeseen contingency requiring immediate purchase: provided, however, that the amount shall not exceed the threshold of Two Hundred Thousand Pesos (Php 200,000.00) as prescribed in Annex “H” of the R-IRR of RA 9184.
 - b. Procurement of ordinary or regular office supplies and equipment not available in the Procurement Service involving an amount not exceeding the threshold of One Million Pesos (Php 1,000,000.00) as prescribed in Annex “H” of this IRR.

The phrase “ordinary or regular office supplies” shall be understood to include those supplies, commodities, or materials which are necessary in the transaction of official businesses, and consumed in the day-to-day operations. However, office supplies shall not include services such as repair and maintenance of equipment and furniture, as well as trucking, hauling, janitorial, security, and related or analogous services.

Note: Under Section 52.1 (b) of RA 9184, at least three (3) price quotations from bona fide suppliers shall be obtained.

4. Process Description:



5. Process Flow and Work Instructions:

1	Submission of Approved Procurement Activity	End User
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The End User forwards to the PMD/PMU the duly signed and approved PR. This document shall be supported by Proof of Funding Source.

2	Verification of the Procurement Activity	PMD/PMU
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The PMD/PMU staff verifies whether the items indicated in the procurement documents are included in the approved Annual Procurement Plan for the year.

If Yes, proceed with the procurement process.



If No, the PMD/PMU shall require a duly PPMP from the End User.

3	Determination of Mode of Procurement	BAC, BAC-TWG, BAC-SEC
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The method of procurement to be used shall be as indicated in the approved APP.

If the original mode of procurement recommended in the APP was Public Bidding or Agency-to-Agency (PSDBM), but cannot be ultimately pursued or if the appropriate mode of procurement is different from that indicated in the APP, the BAC, through a resolution, shall justify and recommend the change in the mode of procurement to be approved by the Head of the Procuring Entity.

4	Preparation of the RFQ	BAC-SEC
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The BAC, through the BAC-TWG and the BAC-SEC, prepares the RFQ, indicating the technical specifications, quantity, ABC, and other terms and conditions of the contract.

5	Posting of the RFQ	BAC-SEC
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Under Section 52.1(a), posting of RFQ may be dispensed with.

Under Section 52.1(b), the BAC, through the BAC-SEC, shall post the RFQ for a period of at least three (3) calendar days prior to the opening of the bids, in the following:

- The PhilGEPS website;
- The OCD website; and
- Conspicuous place reserved for this purpose in the premises of OCD.

6	Sending of RFQ to Prospective Suppliers	BAC-SEC
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Under Section 52.1(a), the BAC through BAC-SEC may send the RFQ directly to a supplier of known technical, legal and financial qualifications.

Under Section 52.1(b), the BAC through BAC-SEC must send the RFQ to at least three (3) prospective suppliers.

7	Submission and Receipt of Quotations	BAC-SEC
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Under Section 52.1(a), identified supplier shall immediately respond to the RFQ.

Under Section 52.1(b), upon receipt of at least three (3) quotations within the prescribed deadline, the BAC shall prepare an Abstract of Quotation (AOQ) / Abstract of Canvass (AOC) setting forth the names of those who responded to the RFQ, their corresponding price quotations, and the lowest calculated quotation submitted. If three (3) price quotations were not met, the BAC through the BAC-SEC will repost the RFQ for at least three (3) calendar days



8	Opening and Evaluation	BAC, BAC-TWG BAC-SEC, End User,
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The BAC shall open the submitted bid and validate the technical, legal and financial capability of the supplier to supply and deliver the goods by requiring the submission of relevant documents or through other verifiable means to prove the capability of the service provider.

In case of failure of negotiation, the BAC through the BAC-SEC will repost the RFQ for at least 3 calendar days; otherwise, proceed with the procurement process.

9	Recommendation for Award	BAC, BAC-TWG BAC-SEC
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Upon confirmation and ascertainment of such capability, the BAC shall recommend to the HoPE the award of contract.

10	Award of Contract	HoPE, PMD/PMU
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In case of approval, the HoPE shall immediately issue the NOA to the Supplier.

In the event the HoPE shall disapprove the recommendation, such disapproval shall be based only on valid, reasonable, and justifiable grounds to be expressed in writing, addressed to the BAC.

11	Contract Signing	HoPE, PMD/PMU
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The Supplier shall immediately enter into contract with the Procuring Entity upon receipt of the NOA. Upon transmission of the signed PO, the HoPE or his duly authorized representative shall immediately sign the PO provided that all the relevant documentary requirements are submitted.

12	Issuance of NTP	HoPE, PMD/PMU
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The Procuring Entity shall issue the NTP together with a copy or copies of the approved contract to the successful bidder within three (3) calendar days from the date of approval of the contract by the appropriate government approving authority. All notices called for by the terms of the contract shall be effective only at the time of receipt thereof by the successful bidder.

13	Posting of NOA, PO/Contract and NTP	PMD/PMU
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The BAC, through the BAC-SEC, shall post the NOA, PO/Contract and NTP the NOA in the PhilGEPS, the OCD website, and any conspicuous place in the premises of OCD, within ten (10) calendar days from its issuance, except for contracts with ABC of Fifty Thousand Pesos (50,000.00) and below.

A copy of the NOA, Contract/PO, NTP and other relevant documents will be submitted to COA Resident Auditor within five (5) days after from their approval.



14	Maintenance of Records	PMD/PMU
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The PMD/PMU records and keeps all retained documented information, including the following:

- Purchase Request
- Approved Fund Source
- Proof of Advertisement and Posting
- Abstract of Quotation
- Post-Qualification Report
- Notices of Meeting
- Minutes of the Meeting
- BAC Resolution
- Notice of Award
- Purchase Order or Contract
- Notice to Proceed

TWO FAILED BIDDINGS

1. **Purpose:** This is to define the procurement process for Negotiated Procurement under Two Failed Biddings for **Goods, Infrastructure Projects** and **Consulting Services**, in compliance to RA 9184 and its 2019 R-IRR.
2. **Scope:** This process starts from the receipt of duly approved procurement documents (PR, POW or TOR), up to the posting of the NOA, PO/WO/Contract and NTP.
3. **Conditions:** Two Failed Biddings, where there has been failure of competitive bidding or Limited Source Bidding for the second time as provided for in Section 35 of RA 9184 and its R-IRR, wherein it is stated that the BAC shall declare the bidding a failure when:
 - a. No bids are received;
 - b. All prospective bidders are declared ineligible;
 - c. All bids fail to comply with all the bid requirements or fail post-qualification, or in case of Consulting Services, there is no successful negotiation; or
 - d. The bidder with the LCRB, HRRB, SCRB or SRRB refuses, without justifiable cause, to accept the award of contract, and no award is made in accordance with Section 40 of the RA 9184 and its 2016 R-IRR.

Pursuant to the principle of efficiency in the procurement process espoused by RA 9184 and its 2016 R-IRR, whether in the conduct of Competitive Bidding or Alternative Methods of Procurement, a period for the conduct of re-bidding and Negotiated Procurement under Two Failed Biddings modality shall be prescribed:

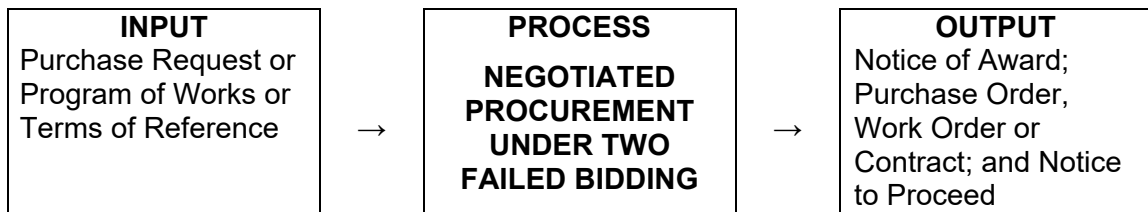
- a. The Bids and Awards Committee (BAC) shall endeavor to conduct the re-bidding of a procurement project immediately, but it should not exceed fifteen (15) days after the declaration of the first failure of bidding under Section 35 of RA 9184 and



its 2016 R-IRR. The period may be extended up to 30 days upon approval of the HoPE;

- b. The same periods shall be observed for the conduct of Negotiated Procurement under Two Failed Biddings modality reckoned from the declaration of the second failure of bidding; and
- c. If the procurement cannot be undertaken within such periods, the BAC shall make a report to the HoPE so that the latter can make the appropriate decision to facilitate the procurement or take other proper action.

4. Process Description:



5. Process Flow and Work Instructions:

1	Convene Meeting to Conduct Mandatory Review	BAC, BAC-TWG, BAC-SEC
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The BAC as assisted by the BAC Sec, BAC-TWG and End User shall conduct a mandatory review and evaluation of the terms, conditions, and specifications in the Bidding Documents, including its cost estimates.

2	Revisions or Amendments to the Bidding documents	BAC, BAC-TWG, BAC-SEC and End User
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After conduct of the mandatory review, the BAC revises and agrees on the technical, legal and financial eligibility requirements and technical specifications or terms of reference, and if necessary, adjust the ABC, subject to the required approvals.

Note: The ABC cannot be increased by more than twenty percent (20%) of the ABC for the last failed bidding.

3	Preparation and Approval of the Resolution for the Mode of Procurement	BAC BAC-SEC
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The BAC thru the BAC-SEC prepares a Resolution for the Mode of Procurement and have it approved by the Head of the Procuring Entity.

4	Preparation of the RFEI	BAC thru BAC-SEC
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Upon approval of the Mode of Procurement, the BAC thru the BAC-SEC shall immediately prepare the RFEI, indicating the technical specifications, scope of work, terms of reference, quantity, ABC, and other terms and conditions of the contract.



5	Advertising/Posting of the RFEI	BAC-SEC
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The BAC, through the BAC-SEC, shall post the RFEI for a period of at least three (3) calendar days prior to the opening of the bids, in the following:

- The PhilGEPS website;
- The OCD website; and
- Conspicuous place reserved for this purpose in the premises of OCD.

6	Sending of RFEI	BAC-SEC
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The RFEI shall be sent directly to at least three (3) suppliers, contractors or consultants of known technical, legal and financial qualification, including those disqualified in previous biddings for the project, for negotiations to ensure effective competition.

This, notwithstanding, those who responded through any of the required postings shall be allowed to participate.

7	Submission and RFEI	Supplier, Contractor or Consultant
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The supplier, contractor or consultant shall immediately respond to the RFEI and signify its technical, legal and financial capability to supply and deliver the goods and services, infrastructure projects, or consulting services to be procured.

Even if only one (1) bidder should respond to such invitation or posting, the BAC shall proceed with the negotiation subject to the rules prescribed hereunder.

8	Validation of the Technical, Legal and Financial Capability of the Supplier, Contractor or Consultant	BAC, BAC-TWG
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The BAC shall immediately validate the technical, legal and financial capability of the supplier, contractor or consultant to supply and deliver the goods and services, infrastructure projects, or consulting services by requiring the submission of relevant documents or through other verifiable means to prove the capability of the supplier/service provider.

9	Negotiation	BAC
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The prospective bidders shall be given equal time and opportunity to negotiate and discuss the technical and financial requirements of the project to be able to submit a responsive quotation or proposal.

10	Completion of Negotiation; Determination of Specified Date for the Submission of Proposals	BAC and BAC-SEC
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Following completion of the Negotiations, the BAC shall request all suppliers, contractor, or consultants in the proceedings to submit, on a specified date, a best offer based on the final technical and financial requirements.

Pursuant to this Guidelines, the Procuring Entity shall require the submission of Certificate of PhilGEPS Registration in accordance with Section 8.5.2 of the R-IRR of RA 9184.

11	Receipt, Opening and Evaluation of Technical and Financial Proposals	BAC
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The BAC receives technical and financial proposals and evaluates the same based on the technical specifications, scope of work, or terms of reference provided by the End User.

The BAC determines the SCRB or LCRB for goods and infrastructure projects, or the SRRB or HRRB for consulting services.

12	Recommendation for Award	BAC, BAC-TWG BAC-SEC
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Upon confirmation and ascertainment of such capability, the BAC shall recommend to the HoPE the award of contract. Within a period not exceeding fifteen (15) calendar days from receipt, the HoPE shall approve or disapprove the BAC's recommendation.

13	Award of Contract	HoPE, PMD/PMU
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In case of approval, the HoPE shall immediately issue the NOA (NOA) to the Supplier/Contractor/Consultant.

In the event the HoPE shall disapprove the recommendation, such disapproval shall be based only on valid, reasonable, and justifiable grounds to be expressed in writing, addressed to the BAC.

14	Contract Signing	HoPE, PMD/PMU
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The Supplier/Contractor/Consultant shall immediately enter into contract with the Procuring Entity upon receipt of the NOA. Upon transmission of the signed contract/PO, the HoPE or his duly authorized representative shall immediately sign the contract/PO provided that all the relevant documentary requirements are submitted.

15	Issuance of NTP	HoPE, PMD/PMU
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The Procuring Entity shall issue the NTP together with a copy or copies of the approved contract to the successful bidder within three (3) calendar days from the date of approval of the contract by the appropriate government approving authority. All notices called for by the terms of the contract shall be effective only at the time of receipt thereof by the successful bidder.



16	Posting of NOA, PO/WO/Contract and NTP	PMD/PMU
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The BAC, through the BAC-SEC, shall post the NOA, PO/WO/Contract and NTP the NOA in the PhilGEPS, the OCD website, and any conspicuous place in the premises of OCD, within ten (10) calendar days from its issuance, except for contracts with ABC of Fifty Thousand Pesos (50,000.00) and below.

A copy of the NOA, Contract/PO, NTP and other relevant documents will be submitted to COA Resident Auditor within five (5) days after from their approval.

17	Maintenance of Records	PMD/PMU
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The PMD/PMU records and keeps all retained documented information, including the following:

- Purchase Request, Terms of Reference or Program of Works
- Approved Fund Source
- Proof of Advertisement and Posting
- Submitted Documents
- Eligibility Checklist
- Abstract of Bids
- Post-Qualification Report
- Notices of Meeting
- Minutes of the Meeting
- BAC Resolution
- Notice of Award
- Purchase Order, Work Order or Contract
- Notice to Proceed

EMERGENCY CASES

1. **Purpose:** This is to define the procurement process for Negotiated Procurement under Emergency Cases in compliance to RA 9184 and its R-IRR.
2. **Scope:** This process starts from the receipt of duly approved procurement documents (PR, POW or TOR), up to the posting of the NOA, Contract and NTP.
3. **Conditions:** Instances when Negotiated Procurement Under Emergency Cases may be resorted to:
 - a. In case of imminent danger to life or property during a state of calamity; or
 - b. When time is of the essence arising from natural or man-made calamities; or
 - c. Other causes where immediate action is necessary;
 - i. To prevent damage to or loss of life or property, or



- ii. To restore vital public services, infrastructure facilities and other public utilities.

In all instances of Negotiated Procurement under this modality, the HoPE shall confirm in writing the existence and veracity of the ground or grounds relied upon before approving the ensuing contract.

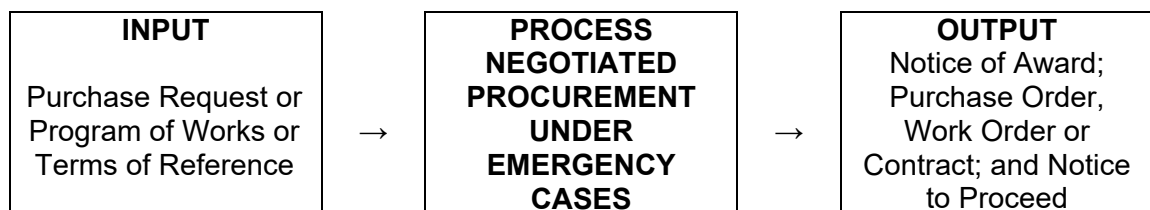
Considering that the underlying reason to support a Negotiated Procurement through the Emergency modality relates to “time element” as when there is –

- a. imminent danger to life or property; or,
- b. when time is of the essence; or,
- c. immediate action is necessary,

– the Procuring Entity, through the HoPE, BAC, its BAC-SEC and End User unit, should consider appropriate timing or the proximity of time between the actual procurement activity to be conducted and the emergency sought to be addressed, such that when the reason or cause for the emergency has already been abated, adoption of competitive bidding as the primary mode of procurement shall be considered.

When the ground is based on imminent danger to life during a state of calamity, there must be a declaration by a competent authority of a state of calamity pursuant to existing laws, rules and regulations before any procurement activity may be undertaken

4. Process Description:



5. Process Flow and Work Instructions:

1	Submission of Approved Procurement Activity	End User
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The End User forwards to the PMD/PMU the duly signed and approved PR, POW or TOR, identifying the necessary goods, civil works or consulting services that have to be procured to address the emergency.

These documents shall be supported by Proof of Funding Source, accompanied by appropriate supporting documents identifying the emergency sought to be addressed.

2	Determination of Mode of Procurement	BAC, BAC-TWG, BAC-SEC
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The PMD/PMU shall require a duly approved PPMP from the End User. The BAC, through a resolution, shall justify the mode of procurement to be approved by the Head of the Procuring Entity.



3	Preparation of the RFQ/RFP	BAC, BAC-TWG BAC-SEC, End User
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The BAC, thru the BAC-SEC, prepares the RFQ/RFP, indicating the technical specifications, quantity, scope of work, terms of reference, ABC, and other terms and conditions of the contract.

4	Sending of RFQ/RFP	BAC, BAC-TWG BAC-SEC, End User
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Upon preparation of the appropriate procurement documents, the BAC may directly send the RFQ/RFP to suppliers, contractors or consultants with known technical, legal and financial capability.

5	Submission and Receipt Suppliers', Contractors' or Consultants' Response	BAC-SEC
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The supplier, contractor or consultant shall immediately respond to the RFQ / RFP and signify its technical, legal and financial capability to supply and deliver the goods and services, execute the work for infrastructure projects, or perform the consulting services that have to be procured to address the emergency.

6	Opening and Evaluation of Quotations / Proposals	BAC, BAC-TWG BAC-SEC, End User, Observers
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The BAC shall immediately validate the technical, legal and financial capability of the supplier, contractor or consultant to supply and deliver the goods and services, execute the work for infrastructure projects, or perform the consulting services by requiring the submission of relevant documents or through other verifiable means to prove the capability of the supplier/service provider.

7	Negotiation	BAC, BAC-TWG BAC-SEC, End User
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Upon confirmation and ascertainment of such capability to address the emergency, the BAC shall undertake the negotiation with a technically, legally and financially capable supplier, contractor or consultant based on the Technical Specifications, Scope of Work or TOR prepared by the End User.

8	Recommendation for Award	BAC, BAC-TWG BAC-SEC
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Upon successful negotiation, the BAC shall recommend to the HOPE the award of contract. Within a period not exceeding fifteen (15) calendar days from receipt, the HoPE shall approve or disapprove the BAC's recommendation.

9	Award of Contract	HoPE, PMD/PMU
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The HoPE shall confirm in writing the existence and veracity of the ground or grounds relied upon before approving the ensuing contract.



In case of approval, the HoPE shall immediately issue the NOA to the Supplier, Contractor or Consultant. In the event the HoPE shall disapprove the recommendation, such disapproval shall be based only on valid, reasonable, and justifiable grounds to be expressed in writing, addressed to the BAC.

10	Contract Signing	HoPE, PMD/PMU
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The Supplier, Contractor or Consultant shall immediately enter into contract with the Procuring Entity, through the HoPE, upon receipt of the NOA. Upon transmission of the signed Contract/PO, the HoPE or his duly authorized representative shall immediately sign the Contract/PO provided that all the relevant documentary requirements are submitted

11	Issuance of NTP	HoPE, PMD/PMU
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The HoPE or his duly authorized representative shall issue the NTP, if necessary, and a copy of the approved contract to the Supplier, Contractor or Consultant within three (3) calendar days from the date of approval of the contract by the appropriate government approving authority.

12	Posting of NOA, PO/WO/Contract and NTP	PMD/PMU
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The BAC, through the BAC-SEC, shall post the NOA, PO/WO/Contract and NTP the NOA in the PhilGEPS, the OCD website, and any conspicuous place in the premises of OCD, within ten (10) calendar days from its issuance, except for contracts with ABC of Fifty Thousand Pesos (50,000.00) and below.

A copy of the NOA, PO/WO/Contract, NTP and other relevant documents will be submitted to COA Resident Auditor within five (5) days after from their approval.

13	Maintenance of Records	PMD/PMU
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The PMD/PMU records and keeps all retained documented information, including the following:

- Purchase Request, Terms of Reference or Program of Works
- Market Study
- Approved Fund Source
- Request for Quotation/Proposal
- Abstract of Quotations (as necessary)
- Post-Qualification (or Validation Report)
- Notices of Meeting
- Minutes of the Meeting
- BAC Resolution
- Certification by HoPE
- Notice of Award
- Purchase Order, Work Order or Contract
- Notice to Proceed



TAKE OVER OF CONTRACT

1. **Purpose:** This is to define the procurement process for Negotiated Procurement under Take Over of Contract for **Infrastructure Projects** and **Consulting Services** in compliance to RA 9184 and its 2019 R-IRR.
2. **Scope:** This process starts from the termination or rescission of the contract up to the posting of the NOA, Contract and NTP for the new successful bidder.
3. **Conditions:** Take-over of Contracts may be resorted to by a Procuring Entity under any of the following conditions:
 - a. The contract, previously awarded through Competitive Bidding, has been rescinded or terminated for causes provided for in the contract and existing laws; and
 - b. Where immediate action is necessary: (i) To prevent damage to or loss of life or property, or (ii) To restore vital public services, infrastructure facilities and other public utilities.

4. Process Description:



5. Process Flow and Work Instructions:

1	Submission of Termination Report	End User/CMS
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The End User forwards to the BAC the report on termination or rescission of contract.

2	Determination of Mode of Procurement	BAC, BAC-TWG, BAC-SEC
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The BAC determines Take-over of Contracts as the Method of Procurement to be used, and through a resolution, shall justify and recommend such Mode of Procurement to be approved by the Head of the Procuring Entity.

3	Issuance of Notice of Post-Qualification to the Second LCB/HRB	BAC, BAC-TWG, BAC-SEC, End User, Observers
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The BAC thru the BAC-SEC communicates with the Second Lowest Calculated/Highest Rated Bidder for the Project under Consideration and send Notice of Post-Qualification.



4	Conduct of Post-Qualification	BAC, BAC-TWG BAC-SEC, End User, Observers
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The BAC will do post-qualification and negotiation with the next lowest calculated/highest rated bidder for the project under consideration at the said bidder's own original bid price, applicable to the remaining works to be done.

If negotiation fails, the BAC shall post-qualify and negotiate with the next lowest calculated/ highest rated bidder at the bidder's own original bid price.

If negotiation fails another time, the process of post-qualifying and negotiating is repeated until all the bidders from the previous bidding have been considered.

5	Submission of the and Deliberation on the Post-Qualification Report	BAC, BAC-TWG BAC-SEC, End User, Observers
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After the conduct of post-qualification and negotiation, the Post-Qualification Team prepares the Post-Qualification Report indicating whether the next lowest calculated/highest rated bidder for the project under consideration is Post-Qualified or not and endorses the same to the BAC for consideration.

Upon receipt of the PostQualification Report, the BAC shall determine whether the next lowest calculated/highest rated bidder for the project under consideration passess all the criteria for post-qualification. If found post-qualified, the BAC shall declare the said bid as the LCRB or HRRB.

6	Recommendation for Award	BAC, BAC-TWG BAC-SEC
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The BAC shall recommend to the HoPE the award of contract to the bidder with the LCRB, HRRB, SCRb, or SRRB after the postqualification process has been completed.

To facilitate the approval of the award, the BAC shall submit the following supporting documents to the HoPE:

- a. Resolution of the BAC recommending award;
- b. Abstract of Bids;
- c. Duly approved program of work or delivery schedule, and Cost Estimates;
- d. Document issued by appropriate entity authorizing the Procuring Entity to incur obligations for a specified amount; and
- e. Other pertinent documents required by existing laws, rules, and/or the Procuring Entity concerned.

Within three (3) calendar days from the issuance of the resolution recommending award of the contract, the BAC shall notify all other bidders, in writing, of its recommendation.



7	Award of Contract	HoPE, PMD/PMU
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Within a period not exceeding fifteen (15) calendar days from the determination by the BAC of the bidder with the LCRB, HRRB, SCRB, or SRRB, and the recommendation to award the contract, the HoPE or his duly authorized representative shall approve or disapprove the said recommendation.

In case of approval, the HoPE shall immediately issue the NOA to the bidder with the LCRB, HRRB, SCRB or SRRB

8	Contract Signing	HoPE, PMD/PMU
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The Supplier, Contractor or Consultant shall immediately enter into contract with the Procuring Entity upon receipt of the NOA. Upon transmission of the signed contract/PO, the HoPE or his duly authorized representative shall immediately sign the contract/PO provided that all the relevant documentary requirements are submitted.

9	Issuance of NTP	HoPE, PMD/PMU
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The concerned Procuring Entity shall issue the NTP together with a copy or copies of the approved contract to the successful bidder within three (3) calendar days from the date of approval of the contract. All notices called for by the terms of the contract shall be effective only at the time of receipt thereof by the successful bidder.

10	Posting of NOA, WO/Contract and NTP	PMD/PMU
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The BAC, through the BAC-SEC, shall post the NOA, WO/Contract and NTP the NOA in the PhilGEPS, the OCD website, and any conspicuous place in the premises of OCD, within ten (10) calendar days from its issuance, except for contracts with ABC of Fifty Thousand Pesos (50,000.00) and below.

A copy of the NOA, WO/Contract, NTP and other relevant documents will be submitted to COA Resident Auditor within five (5) days after from their approval.

11	Maintenance of Records	PMD/PMU
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The PMD/PMU records and keeps all retained documented information, including the following:

- Termination Report
- Bidding Documents
- Eligibility Checklist
- Abstract of Bids
- Post-Qualification Report
- Notices of Meeting
- Minutes of the Meeting
- BAC Resolution
- Notice of Award



- Work Order or Contract
- Notice to Proceed

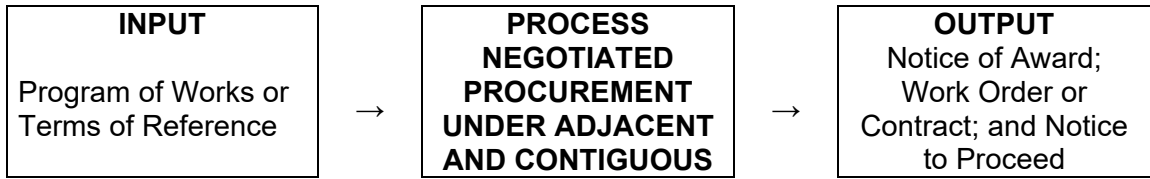
ADJACENT AND CONTIGUOUS

- 1. Purpose:** This is to define the procurement process for Negotiated Procurement under Adjacent and Contiguous for **Infrastructure Projects** and **Consulting Services** in compliance to RA 9184 and its 2019 R-IRR.
- 2. Scope:** This process starts from the receipt of duly approved procurement documents (POW or TOR), up to the posting of the NOA, Contract and NTP.
- 3. Conditions:** In infrastructure projects, the phrase “adjacent or contiguous” refers to projects that are in actual physical contact with each other or in the immediate vicinity such that the required equipment and other resources can easily be mobilized; while in consulting services, it pertains to the linkage or relationship of the subject matters, outputs or deliverables required. This negotiated procurement may be used where the project is “adjacent or contiguous” to an on-going infrastructure project of the contractor and subject to the following conditions:
 - a. Original contract is the result of a Competitive Bidding;
 - b. Subject contract to be negotiated has similar or related scopes of work;
 - c. It is within the contracting capacity of the contractor/consultant considering the legal, technical (e.g. , PCAB license, SLCC) and financial (e.g. , NFCC for the contiguous project) requirements for eligibility;
 - d. In determining the SLCC, NFCC and PCAB license, the sum of the value of the remaining works for the existing contract and the ABC of the contiguous or adjacent work shall be considered;
 - e. The contractor/consultant uses the same prices or lower unit prices as in the original contract less mobilization cost;
 - f. The ABC of the contiguous or adjacent work involved does not exceed the contract amount of the ongoing project;
 - g. The contractor/consultant has no negative slippage/delay in the original contract during the time of negotiation; and
 - h. Negotiations for the procurement are commenced before the expiry of the original contract.

If there is a necessity to introduce new items which are related to the scope of work of the original contract, the Procuring Entity shall ensure that the unit prices of the new items are equal to or lower than the prevailing market prices.



4. Process Description:



5. Process Flow and Work Instructions:

1	Submission of Approved Procurement Activity	End User
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The End User forwards to the PMD/PMU the duly signed and approved PR, POW, or TOR. These documents shall be supported by Proof of Funding Source.

2	Verification of the Procurement Activity	PMD/PMU
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The PMD/PMU staff verifies whether the items indicated in the procurement documents are included in the approved Annual Procurement Plan for the year.

If Yes, proceed with the procurement process.

If No, the PMD/PMU shall require a duly approved PPMP from the End User.

3	Determination of Mode of Procurement	BAC, BAC-TWG, BAC-SEC
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The method of procurement to be used shall be as indicated in the approved APP.

If the original mode of procurement recommended in the APP was Public/Competitive Bidding but cannot be ultimately pursued or if the appropriate mode of procurement is different from that indicated in the APP, the BAC, through a resolution, shall justify and recommend the change in the mode of procurement to be approved by the Head of the Procuring Entity.

4	Preparation of the RFQ/RFP	BAC, BAC-TWG BAC-SEC, End User
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The BAC, thru the BAC-SEC, prepares the RFQ / RFP, indicating the technical specifications, quantity, scope of work, terms of reference, ABC, and other terms and conditions of the contract.

5	Sending of RFQ/RFP to Contractors or Consultants	BAC, BAC-TWG BAC-SEC, End User
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Upon preparation of the appropriate procurement documents, the BAC shall directly send the RFQ/RFP to suppliers, contractors or consultants with known technical, legal and financial capability.



6	Submission and Receipt of Quotations/Proposals	BAC-SEC
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The supplier, contractor or consultant shall immediately respond to the RFQ and signify its technical, legal and financial capability to supply and deliver the goods and services, execute the work for infrastructure projects, or perform the consulting services that have to be procured to address the emergency.

7	Opening and Evaluation of Quotations/Proposals	BAC, BAC-TWG BAC-SEC, End User, Observers
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The BAC shall immediately validate the technical, legal and financial capability of the supplier, contractor or consultant to supply and deliver the goods and services, execute the work for infrastructure projects, or perform the consulting

services by requiring the submission of relevant documents or through other verifiable means to prove the capability of the supplier/service provider.

8	Negotiation	BAC-SEC
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Upon confirmation and ascertainment of such capability to address the emergency, the BAC shall undertake the negotiation with a technically, legally and financially capable supplier, contractor or consultant based on the Technical Specifications, Scope of Work or Terms of Reference prepared by the End User.

9	Recommendation for Award	BAC, BAC-TWG BAC-SEC
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Upon successful negotiation, the BAC shall recommend to the HoPE the award of contract. Within a period not exceeding fifteen (15) calendar days from receipt, the HoPE shall approve or disapprove the BAC's recommendation.

10	Award of Contract	HoPE, PMD/PMU
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In case of approval, the HoPE shall immediately issue the NOA to the Supplier, Contractor or Consultant. In the event the HoPE shall disapprove the recommendation, such disapproval shall be based only on valid, reasonable, and justifiable grounds to be expressed in writing, addressed to the BAC.

11	Contract Signing	HoPE, PMD/PMU
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The Supplier, Contractor or Consultant shall immediately enter into contract with the Procuring Entity, through the HoPE, upon receipt of the NOA. Upon transmission of the signed contract/PO, the HoPE or his duly authorized representative shall immediately sign the contract/PO provided that all the relevant documentary requirements are submitted

12	Issuance of NTP	HoPE, PMD/PMU
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The HoPE or his duly authorized representative shall issue the NTP, if necessary, and a copy of the approved contract to the Supplier, Contractor or Consultant within three (3) calendar days from the date of approval of the contract by the appropriate government approving authority.

13	Posting of NOA, WO/Contract and NTP	PMD/PMU
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The BAC, through the BAC-SEC, shall post the NOA, WO/Contract and NTP the NOA in the PhilGEPS, the OCD website, and any conspicuous place in the premises of OCD, within ten (10) calendar days from its issuance, except for contracts with ABC of Fifty Thousand Pesos (50,000.00) and below.

A copy of the NOA, WO/Contract, NTP and other relevant documents will be submitted to COA Resident Auditor within five (5) days after from their approval.

14	Maintenance of Records	PMD/PMU
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The PMD/PMU records and keeps all retained documented information, including the following:

- Terms of Reference or Program of Works
- Approved Fund Source
- Proof of Advertisement and Posting
- Submitted Documents
- Abstract of Quotations
- Post-Qualification Report
- Notices of Meeting
- Minutes of the Meeting
- BAC Resolution
- Notice of Award
- Purchase Order, Work Order or Contract
- Notice to Proceed

AGENCY-TO-AGENCY

1. **Purpose:** This is to define the procurement process for Negotiated Procurement under Agency to Agency for **Goods, Infrastructure Projects** and **Consulting Services** in compliance to RA 9184 and its 2019 R-IRR.
2. **Scope:** This process starts from the receipt of duly approved procurement documents (PR, POW or TOR), up to the posting of the NOA, Contract and NTP.
3. **Conditions:** It is the general policy of government to purchase its requirements from the private sector. However, it acknowledges that, in some exceptional cases, procurement from another agency of the government is more efficient and economical for the government specifically when the servicing agency has the mandate to deliver the goods, services or to undertake infrastructure or consulting services, subject to the following conditions:



- a. The Procuring Entity shall justify that entering into an Agency-to-Agency Agreement with the Servicing Agency is more efficient and economical to the government;
- b. Servicing Agency has the mandate to deliver the goods and services required to be procured or to undertake the infrastructure project or consultancy required by the Procuring Agency;
- c. Servicing Agency has the absorptive capacity to undertake the project;
- d. Servicing Agency owns or has access to the necessary tools and equipment required for the project;
- e. Sub-contracting is not allowed. However, the servicing agency may implement the infrastructure project in-house, by job-order, or through the “pakyaw” contracting system; and
- f. For procurement of infrastructure projects, the Servicing Agency must have a track record of having completed, or supervised a project, by administration or by contract, similar to and with a cost of at least fifty percent (50%) of the project at hand.

4. Process Description:



5. Process Flow and Work Instructions:

1	Submission of Approved Procurement Activity	End User
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The End User forwards to the PMD the duly signed and approved PR, POW, or TOR. These documents shall be supported by Proof of Funding Source.

2	Verification of the Procurement Activity	PMD/PMU
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The PMD/PMU staff verifies whether the items indicated in the procurement documents are included in the approved Annual Procurement Plan for the year.

If Yes, proceed with the procurement process.

If No, the PMD/PMU shall require a duly approved PPMP from the End User.

3	Determination of Mode of Procurement	BAC, BAC-TWG, BAC-SEC
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The method of procurement to be used shall be as indicated in the approved APP.



If the original mode of procurement recommended in the APP was Public/Competitive Bidding but cannot be ultimately pursued or if the appropriate mode of procurement is different from that indicated in the APP, the BAC, through a resolution, shall justify and recommend the change in the mode of procurement to be approved by the Head of the Procuring Entity.

4	Preparation of the RFQ/RFP	BAC, BAC-TWG BAC-SEC, End User
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The BAC, thru the BAC-SEC, prepares the RFQ/RFP, indicating the technical specifications, quantity, scope of work, terms of reference, ABC, and other terms and conditions of the contract.

5	Advertising/Posting of the RFQ/RFP	BAC-SEC
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The BAC, through the BAC-SEC, shall post the RFQ/RFP for a period of at least seven (7) calendar days prior to the opening of the bids, in the following:

- The OCD website; and
- Conspicuous place reserved for this purpose in the premises of OCD.

6	Sending of RFQ/RFP to Agencies	BAC, BAC-TWG BAC-SEC, End User
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The possible agencies shall respond on or before the deadline indicated in the RFQ and signify its technical, legal and financial capability to supply and deliver the goods to be procured.

7	Submission and Receipt of Quotations/Proposals	BAC-SEC
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Upon receipt of quotations within the prescribed deadline, the BAC shall prepare an Abstract of Quotations.

8	Opening and Evaluation of Quotations/Proposals	BAC, BAC-TWG BAC-SEC, End User, Observers
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The BAC shall open the submitted bid and validate the technical, legal and financial capability of the supplier to supply and deliver the goods by requiring the submission of relevant documents or through other verifiable means to prove the capability of the service provider.

9	Recommendation for Award	BAC, BAC-TWG BAC-SEC
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Upon successful negotiation, the BAC shall recommend to the HoPE the award of contract. Within a period not exceeding fifteen (15) calendar days from receipt, the HoPE shall approve or disapprove the BAC's recommendation.

10	Contract Signing	HoPE, PMD/PMU
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The Procuring Entity shall enter into contract with the winning bidder within the ten (10) day period provided that all the documentary requirements are complied with.

11	Issuance of MOA and NTP	HoPE, PMD/PMU
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The HoPE or his duly authorized representative shall issue the Memorandum of Agreement, NTP and a copy of the approved contract to the winning proponent within three (3) calendar days from the date of approval of the contract by the procuring entity.

12	Posting of NOA, PO/WO/Contract and NTP	PMD/PMU
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The BAC, through the BAC-SEC, shall post the NOA, PO/WO/Contract and NTP the NOA in the PhilGEPS, the OCD website, and any conspicuous place in the premises of OCD, within ten (10) calendar days from its issuance, except for contracts with ABC of Fifty Thousand Pesos (50,000.00) and below.

A copy of the NOA, PO/WO/Contract, NTP and other relevant documents will be submitted to COA Resident Auditor within five (5) days after from their approval.

13	Maintenance of Records	PMD/PMU
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The PMD/PMU records and keeps all retained documented information, including the following:

- Purchase Request, Terms of Reference or Program of Works
- Approved Fund Source
- Proof of Advertisement and Posting
- Submitted Documents
- Abstract of Quotations
- Post-Qualification Report
- Notices of Meeting
- Minutes of the Meeting
- BAC Resolution
- Notice of Award
- Purchase Order, Work Order or Contract
- Notice to Proceed



SCIENTIFIC, SCHOLARLY OR ARTISTIC WORK, EXCLUSIVE TECHNOLOGY AND MEDIA SERVICES

1. **Purpose:** This is to define the procurement process for Negotiated Procurement under Scientific, Scholarly or Artistic Work, Exclusive Technology and Media Services for **Goods, Infrastructure Projects** and **Consulting Services** in compliance to RA 9184 and its R-IRR, for any of the following:

1.1 The requirement is for:

- a. Work of art; commissioned work or services of an artist for a specific artist skills (e.g., Singer, poet, writer, painter, sculptor, etc.);
- b. Scientific, academic, scholarly work or research, or legal services;
- c. Highly-specialized life-saving medical equipment, as certified by the Department of Health (DOH);
- d. Scientific, technical, economic, business, trade or legal journal, magazine, paper, subscription, or other exclusive statistical publications and references; or
- e. Media documentation, advertisement, or announcement through television, radio, newspaper, internet, and other communication media.

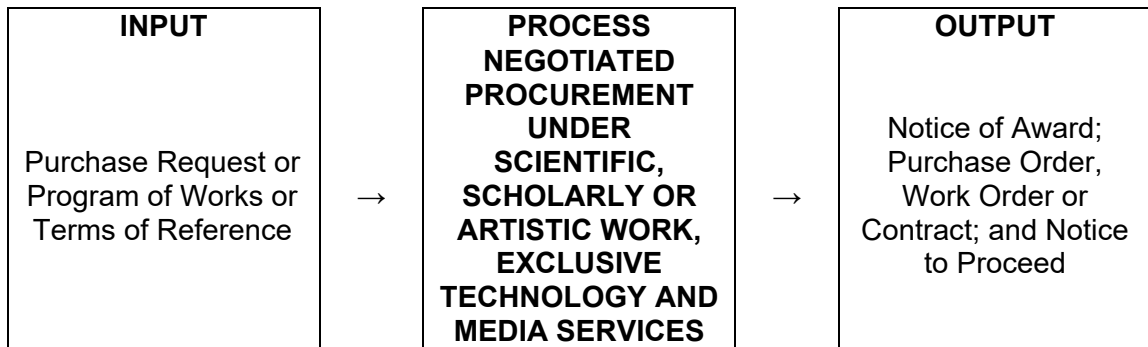
Due to the nature of the information to be disseminated, alongside principles of transparency, efficiency and economy, award to more than one (1) supplier may be made by the Procuring Entity.

1.2 The construction or installation of an infrastructure facility where the material, equipment, or technology under a proprietary right can only be obtained from the same contractor.

2. **Scope:** This process starts from the receipt of duly approved procurement documents (PR, POW or TOR), up to the posting of the NOA, Contract and NTP.
3. **Conditions:** To justify the need to procure through this negotiated modality the following conditions must be met:
- a. The End User shall conduct a market study and determine the probable sources.
 - b. The study should confirm that the supplier, contractor or consultant could undertake the project at more advantageous terms.
 - c. In all cases, the market study must be conducted prior to the commencement of the procurement process.



4. Process Description:



5. Process Flow and Work Instructions:

1	Submission of Approved Procurement Activity	End User
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The End User forwards to the PMD/PMU the duly signed and approved PR, POW or TOR. These documents shall be supported by Proof of Funding Source.

The PR, POW or TOR should be submitted with the appropriate market study to determine the probable sources and pricing. It would confirm that a supplier that can undertake the project at more advantageous to the government.

2	Verification of the Procurement Activity	PMD/PMU
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The PMD/PMU staff verifies whether the items indicated in the procurement documents are included in the approved Annual Procurement Plan for the year.

If Yes, proceed with the procurement process.

If No, the PMD/PMU shall require a duly approved PPMP from the End User.

3	Determination of Mode of Procurement	BAC, BAC-TWG, BAC-SEC
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The method of procurement to be used shall be as indicated in the approved APP.

If the original mode of procurement recommended in the APP was Public/Competitive Bidding but cannot be ultimately pursued or if the appropriate mode of procurement is different from that indicated in the APP, the BAC, through a resolution, shall justify and recommend the change in the mode of procurement to be approved by the Head of the Procuring Entity.

4	Preparation of the RFQ/RFP	BAC, BAC-TWG BAC-SEC, End User
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The BAC, thru the BAC-SEC, prepares the RFQ/RFP, indicating the technical specifications, quantity, scope of work, terms of reference, ABC, and other terms and conditions of the contract.



5	Sending of RFQ/RFP to Prospective Suppliers	BAC, BAC-TWG BAC-SEC, End User
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The RFQ shall be sent directly to the supplier, contractor or consultant of known technical, legal and financial qualifications.

6	Submission and Receipt of Quotations/Proposals	BAC-SEC
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The supplier, contractor or consultant shall immediately respond to the RFQ and signify its technical, legal and financial capability to supply and deliver the goods and services, infrastructure projects, or consulting services to be procured.

7	Opening and Evaluation of Quotations/Proposals	BAC, BAC-TWG BAC-SEC, End User, Observers
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The BAC shall immediately validate the technical, legal and financial capability of the supplier, contractor or consultant to supply and deliver the goods and services, infrastructure projects, or consulting services by requiring the submission of relevant documents or through other verifiable means to prove the capability of the supplier/service provider

8	Negotiation	BAC
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Upon confirmation and ascertainment of such capability the BAC shall undertake the negotiation with a technically, legally and financially capable supplier, contractor or consultant based on the Technical Specifications, Scope of Work or Terms of Reference prepared by the End User.

9	Recommendation for Award	BAC, BAC-TWG BAC-SEC
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Upon successful negotiation, the BAC shall recommend to the HoPE the award of contract. Within a period not exceeding fifteen (15) calendar days from receipt, the HoPE shall approve or disapprove the BAC's recommendation

10	Award of Contract	HoPE, PMD/PMU
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In case of approval, the HoPE shall immediately issue the NOA (NOA) to the Supplier, Contractor or Consultant.

In the event the HoPE shall disapprove the recommendation, such disapproval shall be based only on valid, reasonable, and justifiable grounds to be expressed in writing, addressed to the BAC.

11	Contract Signing	HoPE, PMD/PMU
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The Supplier, Contractor or Consultant shall immediately enter into contract with the Procuring Entity, through the HoPE, upon receipt of the NOA. Upon transmission of the signed contract/PO, the HoPE or his duly authorized



representative shall immediately sign the contract/PO provided that all the relevant documentary requirements are submitted.

12	Issuance of MOA and NTP	HoPE, PMD/PMU
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The HoPE or his duly authorized representative shall issue the NTP and a copy of the approved contract/Memorandum of Agreement, to the winning proponent within three (3) calendar days from the date of approval of the contract by the procuring entity.

13	Posting of NOA, PO/WO/Contract and NTP	PMD/PMU
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The BAC, through the BAC-SEC, shall post the NOA, PO/WO/Contract and NTP the NOA in the PhilGEPS, the OCD website, and any conspicuous place in the premises of OCD, within ten (10) calendar days from its issuance, except for contracts with ABC of Fifty Thousand Pesos (50,000.00) and below.

A copy of the NOA, PO/WO/Contract, NTP and other relevant documents will be submitted to COA Resident Auditor within five (5) days after from their approval.

14	Maintenance of Records	PMD/PMU
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The PMD/PMU records and keeps all retained documented information, including the following:

- Purchase Request, Terms of Reference or Program of Works
- Approved Fund Source
- Proof of Advertisement and Posting
- Submitted Documents
- Abstract of Quotations (as necessary)
- Post-Qualification Report
- Notices of Meeting
- Minutes of the Meeting
- BAC Resolution
- Notice of Award
- Purchase Order, Work Order or Contract
- Notice to Proceed

HIGHLY TECHNICAL CONSULTANTS

1. **Purpose:** This is to define the procurement process for Negotiated Procurement under Highly Technical Consultants for Consulting Services in compliance to RA 9184 and its 2019 R-IRR.
2. **Scope:** This process starts from the receipt of duly approved procurement documents (PR, POW or TOR), up to the posting of the NOA, Contract and NTP.



3. **Conditions:** Procurement of Consultancy contract involving an individual consultant is subjected to the following conditions:

- a. The Individual consultant will be hired to do work that is either: i. Highly Technical or Proprietary; or ii. Primarily confidential or policy determining, where trust and confidence are the primary consideration for the hiring of the consultant.
- b. The term of the individual consultants shall, at the most, be on a six month basis, renewable at the option of the appointing HoPE, but in no case shall exceed the term of the latter.

4. **Process Description:**



5. **Process Flow and Work Instructions:**

1	Submission of Approved Procurement Activity	End User
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The End User forwards to the PMD/PMU the duly signed and approved TOR, indicating the justification, ABC, other terms and conditions, and TOR which normally contains the following: background; objectives; scope of services; training; reports and time schedule; data; location services; personnel and facilities to be provided by the Procuring Entity. These documents shall be supported by Proof of Funding Source.

2	Verification of the Procurement Activity	PMD/PMU
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The PMD/PMU staff verifies whether the items indicated in the procurement documents are included in the approved Annual Procurement Plan for the year.

If Yes, proceed with the procurement process.

If No, the PMD/PMU shall require a duly approved PPMP from the End User.

3	Determination of Mode of Procurement	BAC, BAC-TWG, BAC-SEC
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The method of procurement to be used shall be as indicated in the approved APP.

If the original mode of procurement recommended in the APP was Public/Competitive Bidding but cannot be ultimately pursued or if the appropriate mode of procurement is different from that indicated in the APP, the BAC, through a resolution, shall justify and recommend the change in the mode of procurement to be approved by the Head of the Procuring Entity.



4	Preparation of the RFEI	BAC, BAC-TWG BAC-SEC, End User
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The BAC, through the BAC-TWG and the BAC-SEC, prepares the RFEI, indicating the technical specifications, quantity, ABC, and other terms and conditions of the contract.

5	Sending of RFEI to the Prospective Consultant	BAC, BAC-TWG BAC-SEC, End User
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The RFEI shall be sent to be identified consultant of known technical, legal and financial qualifications.

6	Submission and Receipt of Expressions of Interest	BAC-SEC
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The identified consultant shall respond on or before the deadline indicated in the RFEI and signify its technical, legal and financial capability to supply and deliver the highly technical consulting services to be procured.

7	Bid Opening and Evaluation	BAC, BAC-TWG BAC-SEC, End User, Observers
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The BAC shall open the submitted bid and validate the technical, legal and financial capability of the identified consultant/s to supply and deliver the Highly Technical Consulting Services by requiring the submission of relevant documents or through other verifiable means to prove the capability of the consultant.

8	Negotiation	BAC, BAC-TWG BAC-SEC, End User, Observers
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Upon confirmation and ascertainment of such capability the BAC shall undertake the negotiation with technically, legally and financially capable consultant based on the terms of reference prepared by the End User.

9	Recommendation for Award	BAC, BAC-TWG BAC-SEC
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Upon successful negotiation, the BAC shall recommend to the HoPE the award of contract. Within a period not exceeding fifteen (15) calendar days from receipt, the HoPE shall approve or disapprove the BAC's recommendation

10	Award of Contract	HoPE, PMD/PMU
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In case of approval, the HoPE shall immediately issue the NOA to the Supplier, Contractor or Consultant.

In the event the HoPE shall disapprove the recommendation, such disapproval shall be based only on valid, reasonable, and justifiable grounds to be expressed in writing, addressed to the BAC.



11	Contract Signing	HoPE, PMD/PMU
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The Procuring Entity shall enter into contract with the winning bidder provided that all the documentary requirements are complied with.

12	Issuance of MOA and NTP	HoPE, PMD/PMU
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The HoPE or his duly authorized representative shall issue the Memorandum of Agreement, NTP and a copy of the approved contract to the winning proponent within three (3) calendar days from the date of approval of the contract by the procuring entity.

13	Posting of NOA, Contract and NTP	PMD/PMU
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The BAC, through the BAC-SEC, shall post the NOA, Contract and NTP the NOA in the PhilGEPS, the OCD website, and any conspicuous place in the premises of OCD, within ten (10) calendar days from its issuance, except for contracts with ABC of Fifty Thousand Pesos (50,000.00) and below.

A copy of the NOA, Contract, NTP and other relevant documents will be submitted to COA Resident Auditor within five (5) days after from their approval.

14	Maintenance of Records	PMD/PMU
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The PMD/PMU records and keeps all retained documented information, including the following:

- Terms of Reference
- Approved Fund Source
- Proof of Advertisement and Posting
- Submitted Documents
- Abstract of Quotations (as necessary)
- Post-Qualification Report
- Notices of Meeting
- Minutes of the Meeting
- BAC Resolution
- Notice of Award
- Contract or Memorandum of Agreement
- Notice to Proceed

SMALL VALUE PROCUREMENT

- 1. Purpose:** This is to define the process for Negotiated Procurement under Small Value Procurement for **Goods**, **Infrastructure Projects** and **Consulting Services** in compliance to RA 9184 and its 2019 R-IRR.



- 2. **Scope:** This process starts from the receipt of duly approved procurement documents (PR, POW or TOR), up to the posting of the NOA, Contract and NTP.
- 3. **Conditions:** This method of procurement shall be employed in any of the following cases:
 - a. Procurement of goods not covered by Shopping under Section 52 of the IRR of RA 9184;
 - b. Procurement of infrastructure projects where the amount involved does not exceed the prescribed threshold of One Million Pesos (Php 1,000,000.00); and
 - c. Procurement of consulting services where the amount involved does not exceed the prescribed threshold.

4. **Process Description:**



5. **Process Flow and Work Instructions:**

1	Submission of Approved Procurement Activity	End User
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The End User forwards to the PMD/PMU the duly signed and approved PR, POW, or TOR. These documents shall be supported by Proof of Funding Source.

2	Verification of the Procurement Activity	PMD/PMU
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The PMD/PMU staff verifies whether the items indicated in the procurement documents are included in the approved Annual Procurement Plan for the year.

If Yes, proceed with the procurement process.

If No, the PMD/PMU shall require a duly approved Supplemental PPMP from the End User.

3	Determination of Mode of Procurement	BAC, BAC-TWG, BACEC
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The method of procurement to be used shall be as indicated in the approved APP.

If the original mode of procurement recommended in the APP was Public/Competitive Bidding but cannot be ultimately pursued or if the appropriate mode of procurement is different from that indicated in the APP, the BAC, through a resolution, shall justify and recommend the change in the mode of procurement to be approved by the Head of the Procuring Entity.



4	Preparation of the RFQ/RFP	BAC, BAC-SEC
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The BAC, through the BAC-SEC, prepares the RFQ/RFP, indicating the technical specifications, quantity, ABC, and other terms and conditions of the contract.

5	Advertising/Posting of RFQ/RFP	BAC-SEC
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The BAC, through the BAC-SEC, shall post the RFQ/RFP for a period of at least three (3) calendar days prior to the opening of the bids, in the following:

- The PhilGEPS website (except for those with ABC equal to Fifty Thousand Pesos (Php 50,000.00) and below);
- The OCD website; and
- Conspicuous place reserved for this purpose in the premises of OCD.

6	Sending of Request for RFQ/RFP to Prospective Suppliers	BAC, BAC-TWG BAC-SEC, End User, Observers
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The BAC thru the BAC-SEC shall send the RFQ/RFP to at least three (3) suppliers of known qualifications, and at least one (1) price quotations/proposal must be obtained. This, notwithstanding, those who responded through any of the required postings shall be allowed to participate.

7	Submission and Receipt	BAC-SEC, Suppliers
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Upon receipt of at least one (1) quotation within the prescribed deadline, the BAC shall prepare an Abstract of Quotations setting forth the names of those who responded to the RFQ, their corresponding price quotations, and the lowest calculated quotation submitted.

8	Opening and Evaluation	BAC, BAC-TWG BAC-SEC, End User, Observers
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The BAC shall open the submitted bid and validate the technical, legal and financial capability of the supplier to supply and deliver the goods by requiring the submission of relevant documents or through other verifiable means to prove the capability of the service provider.

9	Recommendation for Award	BAC, BAC-TWG BAC-SEC
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Upon confirmation and ascertainment of such capability, the BAC shall recommend to the HoPE the award of contract.

10	Award of Contract	HoPE, PMD/PMU
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In case of approval, the HoPE shall immediately issue the Notice of Award (NOA) to the Supplier, Contractor or Consultant.

In the event the HoPE shall disapprove the recommendation, such disapproval shall be based only on valid, reasonable, and justifiable grounds to be expressed in writing, addressed to the BAC.

11	Contract Signing	HoPE, PMD/PMU
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The Supplier/Contractor/Consultant shall immediately enter into contract with the Procuring Entity upon receipt of the NOA. Upon transmission of the signed contract/PO, the HoPE or his duly authorized representative shall immediately sign the contract/PO provided that all the relevant documentary requirements are submitted.

12	Issuance of NTP	HoPE, PMD/PMU
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The HoPE or his duly authorized representative shall issue the Memorandum of Agreement, NTP and a copy of the approved contract to the winning proponent within three (3) calendar days from the date of approval of the contract by the procuring entity.

13	Posting of NOA, PO/WO/Contract and NTP	PMD/PMU
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The BAC, through the BAC-SEC, shall post the NOA, PO/WO/Contract and NTP the NOA in the PhilGEPS, the OCD website, and any conspicuous place in the premises of OCD, within ten (10) calendar days from its issuance, except for contracts with ABC of Fifty Thousand Pesos (50,000.00) and below.

A copy of the NOA, PO/WO/Contract, NTP and other relevant documents will be submitted to COA Resident Auditor within five (5) days after from their approval.

14	Maintenance of Records	PMD/PMU
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The PMD/PMU records and keeps all retained documented information, including the following:

- Purchase Request, Terms of Reference or Program of Works
- Approved Fund Source
- Proof of Advertisement and Posting
- Submitted Documents
- Abstract of Quotations
- Post-Qualification Report
- Notices of Meeting
- Minutes of the Meeting
- BAC Resolution
- Notice of Award
- Purchase Order, Work Order or Contract
- Notice to Proceed



LEASE OF REAL PROPERTY AND VENUE

1. **Purpose:** This is to define the process for Negotiated Procurement under Lease of Real Property and Venue in compliance to RA 9184 and its R-IRR.
2. **Scope:** This process starts from the receipt of duly approved procurement documents (PR or TOR), up to the posting of the NOA, Contract and NTP.
3. **Conditions:**
 - a. It is preferred that government agencies lease public-owned real property or venue from other government agencies.
 - b. The location of the real property or venue to be leased should have been meticulously selected by the procuring entity, taking into consideration the need for prudence and economy in government service and the suitability of the area in relation to the mandate of the office and its accessibility to its clients.
 - c. The ABC shall be set using the midpoint of the range obtained from the results of the market analysis of the prevailing lease rates for the real property or venue within the vicinity of the selected location complying with the criteria and technical specifications of the End User.
 - d. The technical specifications shall be prepared taking into consideration the rating factors under Appendix B of Annex H of the R-IRR.

4. Process Description:



5. Process Flow and Work Instructions:

1	Submission of Approved Procurement Activity	End User
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The End User Unit shall conduct a market survey and cost-benefit analysis to assess the feasibility of leasing a privately-owned real property/estate or venue as against purchasing or leasing from a government-owned real property/estate or venue.

The End User forwards to the PMD/PMU the duly signed and approved PR with complete supporting documents and proof of Funding Source.

2	Verification of the Procurement Activity	PMD/PMU
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The PMD staff verifies whether the items indicated in the procurement documents are included in the approved APP for the year.

If Yes, proceed with the procurement process.

If No, the PMD/PMU shall require a duly approved PPPMP from the End User.

3	Determination of Mode of Procurement	BAC, BAC-TWG, BAC-SEC
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The method of procurement to be used shall be as indicated in the approved APP.

If the original mode of procurement recommended in the APP was Public/Competitive Bidding but cannot be ultimately pursued or if the appropriate mode of procurement is different from that indicated in the APP, the BAC, through a resolution, shall justify and recommend the change in the mode of procurement to be approved by the HoPE.

4	Preparation of the RFQ	BAC, BAC-SEC
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The BAC, through the BAC-TWG and the BAC-SEC, prepares the RFQ, indicating the technical specifications, quantity, ABC, and other terms and conditions of the contract.

5	Advertising/Posting of the RFQ	BAC-SEC
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The BAC, through the BAC-SEC, shall post the RFQ for a period of at least seven (7) calendar days prior to the opening of the bids, in the OCD website; and conspicuous place reserved for this purpose in the premises of OCD. For venue, it may include meals and accommodations.

6	Sending of RFQ to Prospective Suppliers	BAC, BAC-TWG BAC-SEC, End User, Observers
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The BAC thru the BAC-SEC shall send the RFQs to at least three (3) suppliers of known qualifications, and at least one (1) price quotations must be obtained.

This, notwithstanding, those who responded through any of the required postings shall be allowed to participate.

7	Submission and Receipt of Quotations	BAC-SEC
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Submission of sealed quotations by the bidders on the date and time specified in the RFQ. Receipt of at least (one) 1 quotation is sufficient to proceed with the evaluation.

8	Opening and Evaluation of Quotations	BAC, BAC-TWG BAC-SEC, End User, Observers
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Submitted quotation/s will be opened and the BAC & End User, with the assistance of the BAC-TWG and the BAC-SEC, will determine the technical and financial eligibility of the bidder/s.

The price quotation of the bidder with the LCB or SCB will be evaluated and its reasonableness will be computed in accordance with the prescribed guidelines, then Post Qualification (PQ) shall be conducted to determine the responsiveness of the bid offered.

In case of unreasonableness of the LCB/SCB and non-determination of the LCRB/SCRB, the BAC shall proceed to the determination of the reasonableness/responsiveness of the price quotation of the 2nd Lowest Calculated Bid. This procedure shall be repeated for the next LCB until the LCRB is determined for award.

9	Conduct of Post-Qualification	BAC, BAC-TWG BAC-SEC, End User, Observers
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The BAC shall determine to its satisfaction whether the supplier that is evaluated as having submitted the SCB or LCB complies with and is responsive to all the requirements and conditions specified in the RFQ.

FOR REAL PROPERTY

Real Property being offered by the Lessor with the Single or Lowest Calculated Quotation shall be rated in accordance with the technical specifications and the reasonableness of its price quotation shall be determined in accordance with the methodology prescribed in Appendix B of Annex "H" of RA 9184.

FOR VENUE

The venue being offered by the Lessor with the Lowest Calculated Quotation shall then be rated in accordance with the technical specifications prepared pursuant to Appendix B of Annex "H" of RA 9184. Compliance rating with technical specifications may be conducted through ocular inspection, interviews, or other forms of due diligence.

10	Recommendation for Award	BAC, BAC-TWG BAC-SEC
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Upon confirmation and ascertainment, the BAC shall recommend to the HoPE the award of contract.

11	Award of Contract	HoPE, PMD/PMU
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In case of approval, the HoPE shall immediately issue the Notice of Award (NOA) to the Supplier/Contractor/Consultant.

In the event the HoPE shall disapprove the recommendation, such disapproval shall be based only on valid, reasonable, and justifiable grounds to be expressed in writing, addressed to the BAC.



12	Contract Signing	HoPE, PMD/PMU
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The Lessor shall immediately enter into contract with the Procuring Entity upon receipt of the NOA. Upon transmission of the signed contract/PO, the HoPE or his duly authorized representative shall immediately sign the contract/PO provided that all the relevant documentary requirements are submitted.

13	Issuance of NTP	HoPE, PMD/PMU
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The HoPE or his duly authorized representative shall issue the NTP, if necessary and a copy of the approved contract to the Supplier within three (3) calendar days from the date of approval of the contract by the appropriate government approving authority.

14	Posting of NOA, PO/Contract and NTP	PMD/PMU
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The BAC, through the BAC-SEC, shall post the NOA, PO/Contract and NTP the NOA in the PhilGEPS, the OCD website, and any conspicuous place in the premises of OCD, within ten (10) calendar days from its issuance, except for contracts with ABC of Fifty Thousand Pesos (50,000.00) and below.

A copy of the NOA, PO/Contract, NTP and other relevant documents will be submitted to COA Resident Auditor within five (5) days after from their approval.

15	Maintenance of Records	PMD/PMU
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The PMD/PMU records and keeps all retained documented information, including the following:

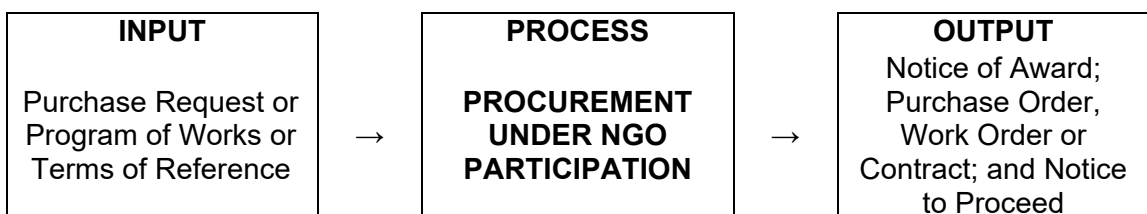
- Purchase Request
- Approved Fund Source
- Proof of Advertisement and Posting
- Request for Quotations/Proposal
- Submitted Documents
- Abstract of Quotations
- Post-Qualification Report
- Notices of Meeting
- Minutes of the Meeting
- BAC Resolution
- Notice of Award
- Contract
- Notice to Proceed



NGO PARTICIPATION

1. **Purpose:** This is to define the process for Negotiated Procurement under NGO Participation for Goods, Infrastructure Projects and Consulting Services in compliance to RA 9184 and its 2016 R-IRR.
2. **Scope:** This process starts from the receipt of duly approved procurement documents (PR, POW or TOR), up to the posting of the NOA, PO/WO/Contract and NTP in the PhilGEPS website.
3. **Conditions:** A Non-Governmental Organization or NGO refers to a non-stock, nonprofit domestic corporation duly registered with the Securities and Exchange Commission (SEC) or a cooperative duly registered with the Cooperative Development Authority (CDA) committed to the task of socio-economic development and established primarily for providing goods and services to the public. The procurement process shall be subject to the following conditions:
 - a. When an appropriation law or ordinance specifically earmarks an amount for projects to be specifically contracted out to NGOs, the procuring entity may select an NGO through competitive public bidding or negotiated procurement under Section 53 of the R-IRR.
 - b. The selected NGO shall keep and maintain separate savings account and accounting records in accordance with generally accepted accounting rules and principles, subject to visitorial audit and examination by the procuring entity or the Commission on Audit.
 - c. Unless otherwise provided by law, technical specifications prescribed for the School Building Program under the Department of Education shall be the same as those prescribed by the Department of Public Works and Highways.
 - d. For the erasure of doubt, the NGO, whether selected through public bidding or negotiated procurement, shall be required to post a performance security in accordance with Section 39 of the R-IRR and a warranty in accordance with Section 62 of the R-IRR.

4. Process Description:



5. Process Flow and Work Instructions under Competitive Bidding:

1	Submission of Approved Procurement Activity	End User
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The End User forwards to the PMD/PMU the duly signed and approved PR, POW, or TOR. These documents shall be supported by Proof of Funding Source.

2	Verification of the Procurement Activity	PMD/PMU
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The PMD/PMU staff verifies whether the items indicated in the procurement documents are included in the approved Annual Procurement Plan for the year.

If Yes, proceed with the procurement process.

If No, the PMD/PMU shall require a duly approved Supplemental PPMP from the End User.

3	Determination of Mode of Procurement	BAC, BAC-TWG, BAC-SEC
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The method of procurement to be used shall be as indicated in the approved APP.

If the original mode of procurement recommended in the APP was Public/Competitive Bidding but cannot be ultimately pursued or if the appropriate mode of procurement is different from that indicated in the APP, the BAC, through a resolution, shall justify and recommend the change in the mode of procurement to be approved by the Head of the Procuring Entity.

4	Determination of Pre-selected NGO	BAC, BAC-SEC
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The BAC, through the BAC-SEC, gets the list of pre-selected suppliers/NGO from the government authority that has expertise in the type of procurement at hand. It may also access the PhilGEPS website as a secondary source of information

5	Preparation of the Bidding Documents	BAC, BAC-TWG BAC-SEC, End User
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The BAC, through the BAC-TWG and the BAC-SEC, prepares the bidding documents, including the ITB (indicating therein the method of procurement to be used) and the technical specifications, in accordance with the procedures laid down in the R-IRR, and the PBDs.

6	Conduct of Pre-Procurement Conference	BAC, BAC-TWG BAC-SEC, End User
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The BAC thru the BAC-SEC calls for a pre-procurement conference. During the conference the participants led by the BAC shall:

- a. confirm the description and the scope of the contact, the ABC and the contract duration;
- b. ensure that the procurement is in accordance with the PPMP and APP;



- c. determine the readiness of the procurement at hand;
- d. review, modify and agree on the criteria for eligibility screening, evaluation, and post-qualification;
- e. review and adopt the procurement schedule, including deadlines and timeframes, for the different activities; and
- f. Reiterate and emphasize the importance of confidentiality, in accordance with Section 19 of the R-IRR, and the applicable sanctions and penalties, as well as agree on measures to ensure compliance with the foregoing

7	Advertising and Posting of the ITB/RFEI	BAC-SEC
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The ITB/RFEI shall include:

- a. the legal basis or appropriation law or ordinance which earmarks a specific amount or project to NGOs; and
- b. a statement that the project shall be limited to NGOs

The BAC, through the BAC-SEC, shall post the ITB / RFEI for a period of at least three (3) calendar days prior to the opening of the bids, in the following:

- The PhilGEPS website;
- The OCD website; and
- Conspicuous place reserved for this purpose in the premises of OCD.

The BAC-SEC shall also send the ITB to the pre-selected NGO's.

8	Conduct of Pre-Bid Conference	BAC, BAC-TWG BA-CSEC, End User, Observers
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The pre-bid conference shall discuss, clarify and explain, among other things, the eligibility requirements and the technical and financial components of the contract to be bid including questions and clarifications raised by the prospective bidders before and during the Pre-Bid Conference.

9	Submission and Bid Opening	BAC-SEC
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It shall be based on the submission of the documents enumerated under Sections 23.6 and 24.7.1 of R-IRR. However:

- a. In lieu of the registration certificate issued by the Securities and Exchange Commission (SEC), a cooperative may submit a registration certificate issued by the Cooperatives Development Authority (CDA).
- b. In addition to the legal eligibility documents, a participating NGO must submit its latest articles of incorporation in order that the procuring entity



may determine that it falls within the definition of NGO under the Guidelines.

- c. To establish the financial stability of the participating NGO, audited financial statements for the past three (3) years.
- d. Participating NGOs need not submit the financial document as prescribed under the R-IRR.

10	Bid Evaluation	BAC, BAC-TWG BAC-SEC, End User, Observers
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This follows the process for Competitive Bidding, referring to Rule IX, Section 30 – 33 of the 2016 RIRR.

11	Conduct of Post-Qualification	BAC, BAC-TWG BAC-SEC, End User, Observers
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This follows the process for Competitive Bidding, referring to Rule X, Section 34 – 36 of the 2016 RIRR.

12	Recommendation for Award	BAC, BAC-TWG BAC-SEC
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The BAC shall recommend to the HoPE the award of contract to the LCRB, HRRB, SCRB, or SRRB after the post-qualification process has been completed.

To facilitate the approval of the award, the BAC shall submit the following supporting documents to the HoPE:

- a. Resolution of the BAC recommending award;
- b. Abstract of Bids;
- c. Duly approved program of work or delivery schedule, and Cost Estimates;
- d. Document issued by appropriate entity authorizing the Procuring Entity to incur obligations for a specified amount; and
- e. Other pertinent documents required by existing laws, rules, and/or the Procuring Entity concerned.

13	Award of Contract	HoPE, PMD/PMU
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Within a period not exceeding fifteen (15) calendar days from the determination by the BAC of the bidder with the LCRB, HRRB, SCRB, or SRRB, and the recommendation to award the contract, the HoPE or his duly authorized representative shall approve or disapprove the said recommendation.



In case of approval, the HoPE shall immediately issue the NOA to the bidder with the LCRB, HRRB, SCRB or SRRB.

14	Contract Signing	HoPE, PMD/PMU
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The Supplier, Contractor or Consultant shall immediately enter into contract with the Procuring Entity, through the HoPE, upon receipt of the NOA. Upon transmission of the signed contract/PO, the HoPE or his duly authorized representative shall immediately sign the contract/PO provided that all the relevant documentary requirements are submitted.

15	Issuance of NTP	HoPE, PMD/PMU
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The Procuring Entity shall issue the NTP together with a copy or copies of the approved contract to the successful bidder within seven (7) calendar days from the date of approval of the contract by the appropriate government approving authority. All notices called for by the terms of the contract shall be effective only at the time of receipt thereof by the successful bidder.

16	Posting of NOA, PO/WO/Contract and NTP	PMD/PMU
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The BAC, through the BAC-SEC, shall post the NOA, PO/WO/Contract and NTP the NOA in the PhilGEPS, the OCD website, and any conspicuous place in the premises of OCD, within ten (10) calendar days from its issuance, except for contracts with ABC of Fifty Thousand Pesos (50,000.00) and below.

A copy of the NOA, PO/WO/Contract, NTP and other relevant documents will be submitted to COA Resident Auditor within five (5) days after from their approval.

17	Maintenance of Records	PMD/PMU
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The PMD/PMU records and keeps all retained documented information, including the following:

- Purchase Request, Program of Works or Terms of Reference
- Approved Fund Source
- Proof of Advertisement and Posting
- Bidding Documents
- Eligibility Checklist
- Abstract of Bids
- Post-Qualification Report
- Notices of Meeting
- Minutes of the Meeting
- BAC Resolution
- Notice of Award
- Purchase Order or Contract
- Notice to Proceed



6. Process Flow and Work Instructions under Negotiated Procurement:

1	Submission of Approved Procurement Activity	End User
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The End User forwards to the PMD the duly signed and approved PR, POW, or TOR. These documents shall be supported by Proof of Funding Source.

2	Verification of the Procurement Activity	PMD/PMU
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The PMD staff verifies whether the items indicated in the procurement documents are included in the approved Annual Procurement Plan for the year.

If Yes, proceed with the procurement process.

If No, the PMD shall require a duly approved Supplemental Procurement Project Management Plan (PPMP) from the End User.

3	Determination of Mode of Procurement	BAC, BAC-TWG, BAC-SEC
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The method of procurement to be used shall be as indicated in the approved APP.

If the original mode of procurement recommended in the APP was Public/Competitive Bidding but cannot be ultimately pursued or if the appropriate mode of procurement is different from that indicated in the APP, the BAC, through a resolution, shall justify and recommend the change in the mode of procurement to be approved by the Head of the Procuring Entity.

4	Preparation of the RFQ/RFP	BAC, BAC-SEC
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The BAC thru the BAC-SEC shall immediately prepare the RFQ/RFP, indicating the technical specifications, scope of work, terms of reference, quantity, ABC, and other terms and conditions of the contract.

5	Advertising/Posting of the RFQ/RFP	BAC-SEC
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The BAC, through the BAC-SEC, shall post the RFQ/RFP for a period of at least three (3) calendar days prior to the opening of the bids, in the following:

- The PhilGEPS website;
- The OCD website; and
- Conspicuous place reserved for this purpose in the premises of OCD.

The procuring entity shall invite at least three (3) prospective NGOs to submit sealed price quotations.

6	Submission, Receipt and Opening of Quotations	BAC, TWG, BAC-SEC, End User, Observers
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The NGO's shall immediately respond to the RFQ/RFP and signify its technical, legal and financial capability to supply and deliver the infrastructure projects.

The BAC shall open the price quotations and determine the Lowest Calculated Bid (LCB). Consistent with the nature of an NGO, no profit should be included in its bid. Thus, the BAC shall ensure that the LCB does not include any profit margin or mark-up.

7	Award of Contract	HoPE, PMD/PMU
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After determination that the proposal submitted by the NGO with the Lowest Calculated Bid complies with the technical requirements of the project, the procuring entity shall require submission of the eligibility documents to ensure that said NGO is technically, legally, and financially capable to undertake the proposed project.

The HoPE shall subsequently issue a NOA.

8	Contract Signing	HoPE, PMD/PMU
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The winning NGO shall immediately enter into contract with the Procuring Entity upon receipt of the NOA. Upon transmission of the signed contract/PO, the HoPE or his duly authorized representative shall immediately sign the contract/PO provided that all the relevant documentary requirements are submitted.

9	Issuance of NTP	HoPE, PMD/PMU
----------	------------------------	---------------

The Procuring Entity shall issue the NTP together with a copy or copies of the approved contract to the successful bidder within three (3) calendar days from the date of approval of the contract by the appropriate government approving authority. All notices called for by the terms of the contract shall be effective only at the time of receipt thereof by the successful bidder.

10	Posting of NOA, PO/WO/Contract and NTP	PMD/PMU
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The BAC, through the BAC-SEC, shall post the NOA, PO/WO/Contract and NTP the NOA in the PhilGEPS, the OCD website, and any conspicuous place in the premises of OCD, within ten (10) calendar days from its issuance, except for contracts with ABC of Fifty Thousand Pesos (50,000.00) and below.

A copy of the NOA, PO/WO/Contract, NTP and other relevant documents will be submitted to COA Resident Auditor within five (5) days after from their approval.

11	Maintenance of Records	PMD/PMU
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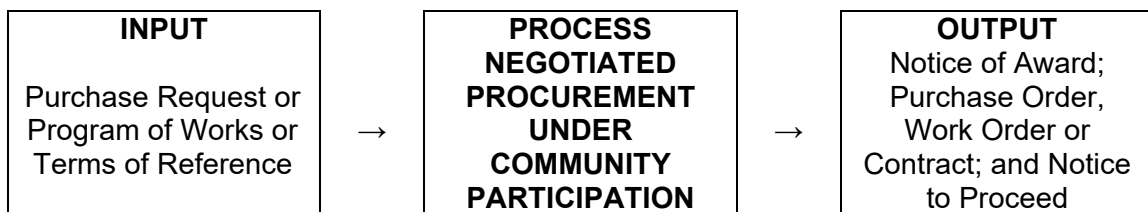
The PMD/PMU records and keeps all retained documented information, including the following:



- Purchase Request, Terms of Reference or Program of Works
- Approved Fund Source
- Proof of Advertisement and Posting
- Request for Quotation/Proposal
- Submitted Documents
- Abstract of Quotations (as necessary)
- Post-Qualification Report (as necessary)
- Notices of Meeting
- Minutes of the Meeting
- BAC Resolution
- Notice of Award
- Purchase Order, Work Order or Contract
- Notice to Proceed

COMMUNITY PARTICIPATION

- Purpose:** This is to define the process for Negotiated Procurement under Community Participation in compliance to RA 9184 and its 2019 R-IRR.
- Scope:** This process starts from the receipt of duly approved procurement documents (PR, POW or TOR), up to the posting of the NOA, PO/WO/Contract and NTP.
- Conditions:** Community Participation as a form of Negotiated Procurement is allowed only in order to meet specific social objectives or for project sustainability.
- Process Description:**



5. Process Flow and Work Instructions:

1	Identification of Project Proposals	End User
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The end user unit shall identify project proposals in line with the procuring entity’s strategic plan, key results areas, and major final outputs that will be sustainable if implemented with the participation of a target community or where the engagement of community participants will lead to the achievement of specific social objectives.

2	Preparation of the Objectives, Requirements, Estimated Budget, Outputs and Target Community Beneficiaries of the Selected Project	End User
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The end user unit shall prepare the objectives, requirements, estimated budget, outputs and target community beneficiary(ies) of the selected project and present the same to the local community concerned for review, revision, and acceptance.

3	Inclusion of the Project in the PPMP and APP	End User
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The proposed projects that were accepted by the target community shall be included in the end user unit's PPMP and the procuring entity's approved APP, indicating that it shall be procured using Negotiated Procurement-Community Participation. The acceptance by the target community shall be evidenced by the project's inclusion in their respective local development plan or in a resolution by the local sanggunian in case of projects for the LGUs.

4	Finalization of the Technical Specifications, Scope of Work, Term of Reference	Procuring Entity or End User
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The project or project components, technical specifications or scope of work, and contract packaging shall be finalized by the procuring entity, taking into consideration the requisites under Section 53.12 of 2016 R-IRR and the inputs of the local community concerned.

- For goods, the procuring entity shall ensure that there are clear standards for quality, function and performance in the technical specifications that need to be met. Where applicable, these shall approximate those of Philippine National Standards (PNS), as specified by the Bureau of Product Standards (BPS).
- For works, the technical designs and specifications to be used must be in accordance with relevant national, municipal and local design codes and standards for rural infrastructure applicable to local conditions. Construction supervision, quality control, contract management, completion inspection, acceptance, operation and maintenance procedures shall be in accordance with the requirements of the projects.

5	Preparation of the RFQ / RFP	BAC-SEC
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The BAC-SEC shall prepare the RFQ/RFP, which shall indicate a brief description of the goods, non-consulting services, or simple infrastructure projects to be procured, the technical specifications or scope of work, the ABC, the manner and deadline for submission of quotations, the terms and conditions of the project, and other necessary information.

6	Posting of RFQ / RFP	BAC-SEC
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The BAC shall post the RFQ / RFP for a period of seven (7) calendar days, in the following:

- a. OCD website;
- b. OCD premises; and
- c. At least three (3) conspicuous places where the project will be implemented.



7	Submission and Receipt of Quotations or Proposals	Supplier, Contractor or Consultant
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The supplier, contractor or consultant shall respond to the RFQ and signify its technical, legal and financial capability to supply and deliver the goods and services, infrastructure projects, or consulting services to be procured.

The BAC should have obtained quotations/proposals from at least three (3) community-based service provider from the barangays where the project is located or to be executed. If there are less than three (3) community-based service provider, the BAC shall continue the procurement process and determine the eligibility of the community based service providers that submitted its quotation/proposal. If none are qualified, the invitation may be extended to other barangays within the same municipality only.

8	Opening and Recommendation for Award	BAC, BAC-TWG, BAC-SEC End User,
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The BAC shall validate the technical, legal and financial capability of the supplier, contractor or consultant to supply and deliver the goods and services, infrastructure projects, or consulting services.

On the date specified in the RFQ, the BAC shall open the quotations/proposals submitted, using a non-discretionary pass or fail criterion, to determine compliance with the requirements and evaluate which bidder submitted the LCB.

Upon confirmation and ascertainment of such capability the BAC shall determine if the LCB is responsive, using a non-discretionary pass or fail criterion, if the LCB is found to be responsive the BAC shall declare the LCB as the LCRB.

If not, the second LCB shall be evaluated with its responsiveness determined pursuant to the aforementioned provision. Such procedure shall be repeated for the next LCB until the LCRB is determined.

9	Award of Contract	HoPE, PMD/PMU
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The BAC shall submit its findings and recommendations to the HoPE for his/her approval/disapproval. The submission shall contain the documents submitted, its evaluation, and the contract documents.

In case of approval, the HoPE shall immediately issue the NOA. In case of failure to enter into a contract, the HoPE shall disqualify the provider and direct the BAC to determine the responsiveness of the quotation of the community-based service provider with the second lowest calculated quotation. The procuring entity shall ensure that the contract provides the most advantageous terms and conditions to the Government.

10	Contract Signing	HoPE, PMD/PMU
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The Supplier, Contractor or Consultant shall immediately enter into contract with the Procuring Entity upon receipt of the NOA. Upon transmission of the signed



contract/PO, the HoPE or his duly authorized representative shall immediately sign the contract/PO provided that all the relevant documentary requirements are submitted.

11	Issuance of NTP	HoPE, PMD/PMU
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The HoPE or his duly authorized representative shall issue the NTP, if necessary and a copy of the approved contract to the Supplier within three (3) calendar days from the date of approval of the contract by the appropriate government approving authority.

12	Posting of NOA, PO/WO/Contract and NTP	PMD/PMU
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The BAC, through the BAC-SEC, shall post the NOA, PO/WO/Contract and NTP the NOA in the PhilGEPS, the OCD website, and any conspicuous place in the premises of OCD, within ten (10) calendar days from its issuance, except for contracts with ABC of Fifty Thousand Pesos (50,000.00) and below.

All the said documents shall also be posted in the community where the project will be implemented.

A copy of the NOA, PO/WO/Contract, NTP and other relevant documents will be submitted to COA Resident Auditor within five (5) days after from their approval.

13	Maintenance of Records	PMD/PMU
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The PMD records and keeps all retained documented information, including the following:

- Purchase Request, Terms of Reference or Program of Works
- Approved Fund Source
- Proof of Advertisement and Posting
- Requests for Quotation/Proposal
- Abstract of Quotations
- Eligibility Checklist (as necessary)
- Post-Qualification Report (as necessary)
- Notices of Meeting
- Minutes of the Meeting
- BAC Resolution
- Notice of Award
- Purchase Order, Work Order or Contract
- Notice to Proceed



Section V. ANNEXES

REFERENCE	TITLE	PAGE
GPPB Resolution No. 21-2017	Documentary Requirements for Alternative Methods of Procurement	84
GPPB Circular No. 02-2018	Conduct of Pre-Bid Conference	85
GPPB Resolution No. 06-2018	Amended Guidelines on Lease of Real Property and Venue	88
GPPB Resolution No. 24-2018	Use of Videoconferencing, Webcasting and Similar Technology in the Conduct of Meetings and Determination of Quorum by the BAC	90
GPPB Circular No. 03-2019	Guidance on Contract Termination due to Fifteen Percent (15%) Negative Slippage by the Contractor in Infrastructure Projects	92
GPPB Circular No. 04-2019	Non-Acceptability of Temporary PCAB License as an Eligibility Requirement	94
GPPB Resolution No. 27-2019	Guidelines on the Use of Framework Agreement by All Procuring Entities	96



DOCUMENTARY REQUIREMENTS FOR ALTERNATIVE METHODS OF PROCUREMENT

(Under GPPB Resolution No. 21-2017, dated 30 May 2017)

ALTERNATIVE MODALITY	Mayor's / Business Permit	Professional License / Curriculum Vitae (Consulting Services)	PhilGEPS Registration Number	PCAB License (Infra)	NFCC (Infra)	Income / Business Tax Return	Omnibus Sworn Statement
I. Direct Contracting: Sec. 50	✓		✓			✓ For ABCs above P500K	
II. Shopping: Sec. 52.1(b)	✓		✓				
III. Negotiated Procurement							
A. Emergency Cases: Sec. 53.2	✓			✓	✓ For ABCs above P500K	✓ For ABCs above P500K	✓ For ABCs above P500K
B. Take-Over of Contracts: Sec. 53.3.2	✓	✓	✓	✓	✓		
C. Adjacent / Contiguous: Sec. 53.4				✓	✓		
D. Scientific, Scholarly or Artistic Work, Exclusive Technology and Media Services: Sec. 53.6	✓	✓	✓			✓ For ABCs above P500K	
E. Highly Technical Consultant: Sec. 53.7	✓	✓	✓				
F. Small Value Procurement: Sec. 53.9	✓	✓	✓	✓		✓ For ABCs above P500K	✓ For ABCs above P50K
G. Lease of Real Property and Venue: Sec. 53.10	✓ Except for gov't agencies as lessors		✓ Except for gov't agencies as lessors			✓ Except for gov't agencies as lessors	

- For individuals engaged under Sec. 53.6, 53.7 and 53.9 of the IRR of RA 9184, only the BIR Certificate of Registration shall be submitted in lieu of Mayor's Permit.
- Requirements under Section 53.6 of the IRR of RA 9184 will not apply to artists such as singer, performer, poet, writer, painter and sculptor who are not engaged in business.
- For methods of procurement requiring Mayor's Permit and PhilGEPS Registration Number, Certificate of Platinum Membership may be submitted in lieu of the said documents.



CONDUCT OF PRE-BID CONFERENCE

(Under GPPB Circular No. 02-2018, dated 09 March 2018)

1. Purpose

This Circular is being issued to maximize the conduct of Pre-bid Conference to minimize the occasions of bidders' disqualification due to non-compliance with the bidding requirements.

2. Coverage

All Departments, Bureaus, Offices and Agencies of the National Government, including State Universities and Colleges, Government-Owned and/or Controlled Corporations, Government Financial Institutions, and Local Government Units.

3. Nature of Pre-Bid Conference

3.1 Pre-bid Conference is a forum where the Bids and Awards Committee (BAC) and prospective bidders meet to discuss all the aspects of the procurement at hand.

3.2 Under Section 22.1 of the 2016 revised Implementing Rules and Regulations (IRR) of Republic Act (RA) No. 9184, for contracts to be bid with an ABC of One Million Pesos (₱1,000,000.00) or more, the BAC shall convene at least one (1) pre-bid conference to clarify and/or explain any of the requirements, terms, conditions, and specifications stipulated in the Bidding Documents. For contracts to be bid with an ABC of less than One Million Pesos (₱1,000,000), pre-bid conferences may be conducted at the discretion of the BAC. Subject to the approval of the BAC, a pre-bid conference may also be conducted upon written request of any prospective bidder.

3.3 Section 22.3 of the 2016 IRR of RA 9184 mandates that the pre-bid conference shall discuss, clarify and explain, among other things, the eligibility requirements and the technical and financial components of the contract to be bid, including questions and clarifications raised by the prospective bidders before and during the Pre-Bid Conference. It likewise provides that the Pre-Bid Conference is open to prospective bidders, and in case of procurement of consulting services, the shortlisted bidder, but attendance shall not be mandatory.

3.4 For the procurement of consulting services, apart from the pre-bid conference, procuring entities may conduct a clarificatory meeting before the conduct of eligibility checking and shortlisting to discuss the eligibility requirements and the technical and financial components of the contract to be bid.

While a clarificatory meeting is not considered part of the standardized bidding procedures for the procurement of consulting services, a procuring entity, who wishes to conduct such clarificatory meeting before eligibility checking, shall ensure that all interested bidders are properly notified and given equal opportunity to participate; the mandatory processes and procedures, including the timelines under RA 9184 and its IRR are not disregarded; and, what has been discussed during the clarificatory meeting shall be binding to both the procuring entity and the bidders, and must be fully recorded through the minutes of the meeting, and made available to the bidders. To address transparency, the procuring entity shall also issue a bid bulletin, containing the details as to the date, time and place of the clarificatory meeting, which must be posted in the PhilGEPS and in the website of the procuring entity.



4. Maximizing the Conduct of Pre-bid Conference

4.1. Despite the new measures introduced in the 2016 IRR of RA 9184 that aimed at addressing the frequent disqualification of bidders, still there are declarations of failures of bidding due to non-compliance of bidders with the bidding requirements. Such non-compliance of bidders with the bidding requirements may have been avoided had the bidders carefully examined each and every page of the Bidding Documents and/or made clarifications before or during the Pre-Bid Conference.

4.2. BAC to Have a Proactive Role during the Conduct of Pre-bid Conference

4.2.1. The Bids and Awards Committee (BAC) shall proactively discuss the requirements for a particular procurement project, as stated in the Bidding Documents. The BAC shall not merely rely on the questions propounded by the prospective bidders, but must initiate the discussions on the requirements of the project.

4.2.2. The BAC shall likewise discuss the common reasons of bidders' disqualifications based on its experiences in previous procurement projects. Accordingly, the BAC shall present and explain the ways to prevent similar occasions of disqualification.

4.2.3. The BAC shall entertain questions of bidders, regardless of whether they have purchased the bidding documents for the procurement project or not.

4.2.4. The BAC shall issue Supplemental/Bid Bulletin at its own initiative or in response to requests for clarifications made by the prospective bidders before, during and after the conduct of Prebid Conference. The issuance of Supplemental/Bid Bulletin shall be in accordance to Section 22.5 of the 2016 IRR of RA 9184.

4.2.5. The BAC shall post the Minutes of the Pre-bid Conference in the procuring entity's website.

4.3. Prospective Bidders to Actively Participate during Pre-bid Conference

4.3.1. The prospective bidder shall ensure that it complies with the responsibilities of a bidder, as stated in the Philippine Bidding Documents (PBDs)², which include careful examination of the entire Bidding Documents, including the instructions, forms, terms and specifications, before attending the Pre-bid Conference.

4.3.2. During the Pre-bid Conference, prospective bidders shall raise all relevant and appropriate questions and requests for clarifications relative to the instructions, data sheets, conditions and requirements embodied in the Bidding Documents that would affect their participation in the procurement at hand and the actual implementation of the project so that they can prepare and submit responsive bids.

4.3.3. To minimize errors in the preparation of bids, bidders are strongly enjoined to send the person or representative actually preparing their bids to attend the Pre-bid Conference. The bidders' representatives shall carefully consider all the discussions during the pre-bid conference and be guided by them in the preparation of bids.

4.3.4. Pursuant to Section 22.5 of the 2016 IRR of RA 9184, after the conduct of Pre-bid Conference, the prospective bidders shall inquire and secure from the BAC, or through the PhilGEPS, or website of the procuring entity, any Supplemental/Bid



Bulletin issued to explain, clarify or modify the Bidding Documents, or any matter relative to the conduct of the procurement activity.

The contents of the Supplemental/Bid Bulletin shall be carefully examined by the prospective bidders in preparing or modifying their responsive bids.

5. For the step-by-step methodology on the conduct of Pre-bid Conference and issuance of Supplemental/Bid Bulletin, procuring entities and prospective bidders may refer to the Generic Procurement Manuals for more detailed discussion.
6. This Circular shall take effect immediately.
7. For guidance and compliance.



AMENDED GUIDELINES ON LEASE OF REAL PROPERTY AND VENUE UNDER ANNEX “H” OF THE 2016 R-IRR OF RA 9184

(Under GPPB Resolution No. 06-2018, dated 18 May 2018)

WHEREAS, Section 63(b) of Republic Act (R.A.) No. 9184, the Government Procurement Reform Act, and Section 63.1(b) of the 2016 revised Implementing Rules and Regulations (IRR) authorize the Government Procurement Policy Board (GPPB) to formulate public procurement policies, rules and regulations, and amend, whenever necessary, the IRR;

WHEREAS, Section 43 of RA 9184 provides that the rules and guidelines for the implementation and termination of contracts awarded pursuant to the provisions of the Act shall be prescribed in the IRR, while Section 54 thereof states that the specific terms and conditions, including the limitations and restrictions, for the application of each of the alternative methods shall be specified in the IRR;

WHEREAS, Section 53.10 of the 2016 IRR of RA 9184 allows the resort to Negotiated Procurement in case of Lease of Real Property and Venue, subject to the provisions of Annex H of the 2016 IRR of RA 9184 entitled Consolidated Guidelines for the Alternative Methods of Procurement (Guidelines for brevity);

WHEREAS, during the 2nd Inter-Agency Technical Working Group Meeting held on 10 May 2018, the Government Procurement Policy Board - Technical Support Office recommended the following amendment to the Guidelines to ensure that contractual arrangements with service providers continue to be favorable to the interest of the government and, thus, remain consistent with the principles of RA 9184 and to adapt to the changes in the procurement environment, to wit:

Section V.D.9.(d) of Annex “H” of the 2016 IRR of RA 9184, **Renewal of Contract of Lease of Real Property (New Provision)**

- i. At the end of each year, the end-user of the procuring entity must conduct a cost-benefit analysis to assess the quality of service under the lease contract. For instance, it must compare the rental rates charged by its lessor against other lessors in the area. It must also analyze whether entering into a new contract will be more expensive taking into consideration the cost of transfer and accessibility to the public. In assessing the existing lease, PEs are encouraged to consult relevant government agencies regarding any new policy or directive in the lease of real property.
- ii. If the results of the CBA, conducted by the end-user, continue to favor the existing lessor, then the Head of the Procuring Entity (HoPE) may simply renew its lease contract. If it does not, then the PE should procure a new lease contract in accordance with Section 53.10 of the IRR of RA 9184 and this guidelines. For efficiency and economy, during the effectivity of the contract, or upon its renewal, the PE may consider the expansion or reduction of the space provided by the existing lessor, provided that the leased premises can accommodate the space requirements of the PE in case of expansion, based on the need of the PE and the best way by which such need may be addressed and satisfied, subject to existing budgeting, accounting and auditing rules.”;

WHEREAS, the IATWG, after due consideration and review, adopted the recommendation of the GPPB-TSO, subject to the clarification that the renewal of the contract of lease of real property need not be reflected in the Annual Procurement Plan (APP);



WHEREAS, during the 2nd Regular Meeting of the GPPB, the GPPB-TSO presented the proposed amendments to the Guidelines as recommended by the IATWG;

WHEREAS, after careful and due deliberation, the Board approved the proposed amendments and additional provisions to the Guidelines, with revisions;

NOW, THEREFORE, for and in consideration of the foregoing, WE, the Members of the GOVERNMENT PROCUREMENT POLICY BOARD, by virtue of the powers vested on US by law, hereby RESOLVE to confirm, adopt and approve as WE hereby confirm, adopt and approve the following, viz:

(1) APPROVAL of the following amendment to the Guidelines on Lease of Real Property and Venue under Annex H of the 2016 IRR of RA 9184, thus:

d) Renewal of Contract of Lease of Real Property (New Provision)

- i. Prior to the expiration of the lease contract, the end-user of the procuring entity must conduct a cost-benefit analysis of the lease. For instance, it must compare the rental rates charged by its lessor against other lessors in the area. It must also analyze whether entering into a new contract will be more expensive taking into consideration the cost of transfer and accessibility to the public. In assessing the existing lease, PEs are encouraged to consult relevant government agencies regarding any new policy or directive in the lease of real property.
- ii. If the results of the CBA, conducted by the end-user, continue to favor the existing lessor, then the Head of the Procuring Entity (HoPE) may simply renew its lease contract. If it does not, then the PE should procure a new lease contract in accordance with Section 53.10 of the IRR of RA 9184 and this guidelines. For efficiency and economy, during the effectivity of the contract, or upon its renewal, the PE may consider the expansion or reduction of the space provided by the existing lessor, provided that the leased premises can accommodate the space requirements of the PE in case of expansion, based on the need of the PE and the best way by which such need may be addressed and satisfied, subject to existing budgeting, accounting and auditing rules.”;

(2) CLARIFY that the renewal of the contract of lease of real property need not be reflected in the APP.

The Amendment to the Guidelines shall take effect after fifteen (15) days following the publication in the Official Gazette or a newspaper of general nationwide circulation and upon filing with the University of the Philippines Law Center of three (3) certified true copies of this Resolution.



USE OF VIDEOCONFERENCING, WEBCASTING AND SIMILAR TECHNOLOGY IN THE CONDUCT OF MEETINGS AND DETERMINATION OF QUORUM BY THE BAC AND AMENDING SECTIONS 12.3 AND 12.4 OF THE 2016 R-IRR OF RA 9184, AND THE AFFECTED CLAUSES IN THE GENERIC PROCUREMENT MANUALS
(Under GPPB Resolution No. 24-2018, dated 04 December 2018)

WHEREAS, Republic Act (RA) No. 9184 otherwise known as the “Government Procurement Reform Act” took effect on 26 January 2003, while its 2016 revised Implementing Rules and Regulations (IRR) took effect on 28 October 2016;

WHEREAS, Section 63 of RA No. 9184 and its 2016 revised IRR authorize the Government Procurement Policy Board (GPPB) to formulate public procurement policies, rules and regulations, and amend its IRR, whenever necessary;

WHEREAS, Section 3(c) of RA No. 9184 and its 2016 revised IRR mandates the adoption of a streamlined procurement process that will uniformly apply to all government procurement which shall be simple and made adaptable to advances in modern technology in order to ensure an effective and efficient method;

WHEREAS, Section 22.3 of the 2016 revised IRR of RA No. 9184 introduced the use of videoconferencing, webcasting and similar technology, or a combination thereof for pre-bid conference;

WHEREAS, the GPPB-Technical Support Office (TSO) has received informal proposals on the possibility of using videoconferencing or webcasting technology in the conduct of Bids and Awards Committee meetings as the use of such technology would address delays due to postponement of meetings attributed to lack of quorum;

WHEREAS, during the 5th Inter-Agency Technical Working Group (IATWG) Meeting, held on 15 November 2018, the GPPB-TSO presented to the IATWG, its proposal to allow the BAC to use videoconferencing for purposes of conducting its business and determining quorum and the proposed amendments to the 2016 revised IRR of RA No. 9184, thus:

1. Amendment to Section 12.3 to allow a member of the BAC to be present in person, face-to-face through videoconferencing, webcasting or similar technology for procuring entities with such technology, or a combination thereof for purposes of determining the presence of a quorum; and
2. Amendment to Section 12.4 to allow meetings of the BAC to be conducted electronically for procuring entities with such capabilities and to consider as valid and binding the decision of at least a majority of the members present, either in person, face-to-face through videoconferencing, webcasting or similar technology, or a combination thereof;

WHEREAS, the IATWG agreed to recommend to the GPPB the approval of the use of videoconferencing, webcasting or similar technology in the conduct of meetings and the determination of quorum by the BAC, including the amendments to the pertinent provisions of the 2016 revised IRR of RA No. 9184;



WHEREAS, during its 6th GPPB Regular Meeting held on 4 December 2018, the GPPB, after careful review and deliberation, resolved to adopt the recommendations of the IATWG to allow the use of videoconferencing, webcasting or similar technology in the conduct of meetings and the determination of quorum by the BAC, including the amendments of Sections 12.3 and 12.4 of the 2016 revised IRR of RA No. 9184, and the affected clauses in the Generic Procurement Manuals (GPM);

NOW, THEREFORE, for and in consideration of the foregoing, WE, the Members of the GOVERNMENT PROCUREMENT POLICY BOARD, by virtue of the powers vested on US, by law and other executive issuances, hereby RESOLVE, to confirm, adopt, and approve, as WE hereby confirm, adopt, and approve the use of videoconferencing, webcasting or similar technology in the conduct of meetings and the determination of quorum by the BAC, including the amendments of Sections 12.3 and 12.4 of the 2016 revised IRR of RA No. 9184, and the affected clauses in the GPM, a copy of which, is attached as Annex "A", and made an integral part hereof.

This Resolution shall take effect immediately.



GUIDANCE ON CONTRACT TERMINATION DUE TO FIFTEEN PERCENT (15%) NEGATIVE SLIPPAGE BY THE CONTRACTOR IN INFRASTRUCTURE PROJECTS

(Under GPPB Circular No. 03-2019, dated 08 March 2019)

1. PURPOSE

This Circular is issued to further guide procuring entities on the actions to be undertaken when contractors incurred negative slippage in the implementation of infrastructure projects.

2. SCOPE

All Departments, Bureaus, Offices and Agencies of the National Government including State Universities and Colleges, Government Owned and/or Controlled Corporations, Government Financial Institutions and Local Government Units.

3. CONTRACT TERMINATION DUE TO DEFAULT BY CONTRACTORS IN INFRASTRUCTURE PROJECTS

3.1 The provisions for the grounds contract termination of on-going infrastructure project under GPPB Resolution No. 018-2004 remain effective and continue to be the basis by which both the procuring entities and contractors should be guided, thus:

“2. In contracts for Infrastructure Projects:

The Procuring Entity shall terminate a contract for default when any of the following conditions attend its implementation:

- a. Due to the Contractor’s fault and while the project is on-going, it has incurred negative slippage of fifteen percent (15%) or more in accordance with Presidential Decree 1870

4. GUIDELINES

4.1. The provisions of the Guidelines on Termination of Contracts as embodied in GPPB Resolution No. 018-2004 remain to be the basis for contract termination in infrastructure projects.

4.2. To ensure the timely implementation of infrastructure projects and effective management of the performance of contractors, the following calibrated actions in response to delays in the implementation of infrastructure projects are hereby adopted:

4.2.1. Negative slippage of five percent (5%) –

The contractor shall be given a warning and be required to:

4.2.1.1. Submit a detailed “catch-up” program every two weeks in order to eliminate the slippage and to restore the project to its original schedule;

4.2.1.2. Accelerate work and identify specific physical targets to be accomplished over a definite period of time; and



4.2.1.3. Provide additional input resources such as the following: money, manpower, materials, equipment, and management, which shall be mobilized for this action.

The Implementing Unit shall exercise closer supervision and meet the contractor every other week to evaluate the progress of work and resolve any problems and bottlenecks.

4.2.2. Negative slippage of ten percent (10%)—

The contractor shall be issued a final warning and be required to come-up with a revised detailed “catch-up” program with weekly physical targets together with the required additional input resources.

The implementing unit shall intensify on-site supervision and evaluation of the project performance to at least once a week and prepare contingency plans for a possible termination of the contract or take-over of the work by administration or contract.

4.2.3. Negative slippage of fifteen percent (15%) –

The implementing unit shall initiate termination of the contract or take-over of the work by administration or contract in accordance with Section 53.3 of the 2016 revised IRR of RA No. 9184 and the Revised Guidelines for the Implementation of Infrastructure Projects by Administration.

It shall likewise take proper transitory measures to minimize work disruptions, e.g., take-over by administration while negotiation or rebidding is on-going.

5. All procuring entities are enjoined to apply this Guidelines on all government infrastructure projects.
6. This Circular shall take effect fifteen (15) days after publication.
7. For guidance and compliance.



CLARIFICATION ON THE ACCEPTABILITY OF A TEMPORARY PCAB LICENSE AS A REQUIREMENT IN GOVERNMENT PROCUREMENT ACTIVITIES

(Under GPPB Circular No. 04-2019, dated 22 April 2019)

1. PURPOSE

This Circular is issued to clarify the acceptability of a Temporary PCAB License as an eligibility requirement in government procurement either through competitive bidding or any of the alternative modalities of procurement.

2. SCOPE

All Departments, Bureaus, Offices and Agencies of the National Government including State Universities and Colleges, Government Owned and/or Controlled Corporations, Government Financial Institutions and Local Government Units.

3. DEFINITION OF TERMS

3.1 **PCAB License** – License issued by the Philippine Contractors Accreditation Board (PCAB) pursuant to Republic Act (RA) No. 45661 that allows an applicant to engage in business as a contractor.

3.2 **Temporary PCAB License** – refers to the document issued by PCAB to a contractor who has filed for renewal of PCAB license before the 30th of June of each year but have not yet been processed due to high volume of applicants.

4. GENERAL CONSIDERATIONS

4.1. For purposes of complying with the eligibility requirements as provided under Section 23.1(a)(vi) of the 2016 revised Implementing Rules and Regulations (IRR) of RA No. 9184, bidders must submit a valid PCAB License or Special PCAB License in case of Joint Ventures, and registration for the type and cost of the contract to be bid.

4.2. For the procurement of Goods or Consulting Services with civil works component where PCAB license is likewise required as part of the Technical Specifications or Terms of Reference, bidders must submit a valid PCAB License during post-qualification process as one of the licenses or permits required by law.

4.3. For purposes of complying with the documentary requirements as provided in Appendix A of Annex “H” or the Consolidated Guidelines for the Alternative Methods of Procurement, bidders must submit a valid PCAB License or Special PCAB License, as the case may be.

4.4. For purposes of complying with the documentary requirements for Limited Source Bidding and Negotiated Procurement for NonGovernmental Organization Participation under Sections 49 and 53.11 of the 2016 revised IRR of RA No. 9184, respectively, bidders must submit a valid PCAB License or Special PCAB License, as the case may be.



- 4.5. In all of the foregoing instances, a Temporary PCAB License shall not be accepted as an eligibility or documentary requirement in lieu of a valid PCAB License.

5. REMINDER ON RENEWAL OF PCAB LICENSE

5.1. For Contractors intending to participate in Government Procurement:

- a. All prospective bidders, intending to participate in government procurement where a valid PCAB license is required by law to be submitted, are hereby enjoined to renew their PCAB Licenses in accordance with the Mandatory Schedule for Filing of Renewal of Applications under PCAB Board Resolution No. 376 and such other similar or related issuances.
- b. It shall be the duty of the prospective bidder to ensure that it has a valid PCAB license at the time of the submission of bid. The submission of a Temporary PCAB License is a ground for the declaration of the bidder's ineligibility for failure to comply with the requirements of the procurement rules.
- c. Procuring entities are directed to emphasize during the pre-bid conference that only a valid PCAB License shall be accepted as an eligibility requirement and remind all prospective bidders to renew their respective licenses in accordance with the Mandatory Schedule for Filing of Renewal of Applications under PCAB Board Resolution No. 376 and such other similar or related issuances.

5.2. For Contractors implementing government infrastructure projects:

- a. All Contractors implementing government infrastructure projects shall ensure the continuing validity of their PCAB licenses until final completion thereof.
- b. Procuring entities, through their project management office, implementing unit or office or employee/s tasked to monitor the implementation of contract, are enjoined to monitor the continuing validity of the contractor's PCAB license and remind the latter to renew the same on a timely manner.

6. For guidance and compliance.

7. This Circular shall take effect immediately.



GUIDELINES ON THE USE OF FRAMEWORK AGREEMENT BY ALL PROCURING ENTITIES

(Under GPPB Resolution No. 27-2019, dated 10 December 2019)

1. PURPOSE

This Guidelines shall prescribe the rules for the use of Framework Agreement, including the procedure in the conduct of public bidding that will be subject of Framework Agreement.

2. SCOPE AND APPLICATION

2.1. This Guidelines shall govern the use of Framework Agreement by all departments, bureaus, offices, and agencies of the national government, government owned or controlled corporations, government financial institutions, state universities and colleges, and local government units.

2.2. Procuring entities may use Framework Agreement, as a contractual arrangement, in the procurement of goods and services as defined under Section 5(h) and 5(r) of Republic Act (RA) No. 9184 and the revised Implementing Rules and Regulation (IRR), respectively.

2.3. Framework agreement may be utilized by procuring entites in the following:

2.3.1. for the procurement of goods and services which are repeatedly required but by their nature, use, or characteristic, the quantity or exact time of need cannot be accurately predetermined; and

2.3.2. for the procurement of goods which are not advisable to be carried in stock.

3. DEFINITION OF TERMS

3.1. **Call-Off.** Refers to a specific procurement request or order made by the procuring entity exercising the option and requiring a supplier or service provider to deliver the goods or render the services agreed upon under the terms of the Framework Agreement.

3.2. **Call for Mini Competition.** Refers to a written request from the procuring entity inviting all parties to a multi-year Framework Agreement to submit their best price proposal for items or services subject of Mini Competition.

3.3. **Framework Agreement.** Refers to a written agreement between a procuring entity and a supplier or service provider that identifies the terms and conditions, under which specific purchases, otherwise known as "Call-Offs", are made for the duration of the agreement.

The Framework Agreement is in the nature of an option contract between the procuring entity and the bidder(s) granting the procuring entity the option to either place an order for any of the goods or services identified in the Framework Agreement List or not buy at all, within a minimum period of one (1) year to a maximum period of three (3) years. The Framework Agreement shall have a fixed period of either one (1), two (2) or three (3) year(s).



- 3.4. **Framework Agreement List.** Refers to the list of goods or services, and their corresponding technical specifications, scope of work, projected quantities, and estimated prices, subject of the Framework Agreement.

This shall be limited to repeatedly required goods or services that are identified to be necessary and desirable, but, by its nature, use, or characteristic, the quantity and/or exact time of need cannot be accurately pre-determined and are not advisable to be carried in stock.

- 3.5. **Mini Competition.** Refers to the process by which the parties to a multi-year Framework Agreement bid as to their lowest price, prior to the issuance of a Call-Off by the procuring entity.

- 3.6. **Multi-Year Contracting Authority (MYCA).** Refers to the document issued by the Department of Budget and Management (DBM) either for locally-funded projects or foreign-assisted projects authorizing agencies to undertake the procurement of multi-year projects for the full project cost.

- 3.7. **Performance Securing Declaration.** The Performance Securing Declaration is an undertaking which states, among others, that the bidder shall guarantee its faithful performance of the obligations under the Framework Agreement and that it will automatically be blacklisted from being qualified to participate in any government procurement activity for one (1) or two (2) years¹ in the event it violates any of the conditions stated in the Framework Agreement.

4. GENERAL CONSIDERATIONS

- 4.1. Procuring entities may use Framework Agreement if the Bids and Awards Committee (BAC) determines that entering in a Framework Agreement is more practical, economical, and advantageous for the procuring entity, based on the study or evaluation conducted by the end-user unit representative showing that:

4.1.1. Efficiency in procurement is attained as repetitive conduct of procurement or the occasions of failures of biddings are minimized;

4.1.2. Stockholding or warehousing of goods and the costs and risks accompanying it will be significantly reduced or avoided;

4.1.3. Incurrence of additional cost will be lessened as the possibility of delay in the acquisition of the goods or services is minimized;

4.1.4. The commitment by the supplier or service provider to immediately deliver at short notice will translate to a more efficient means of supplying goods and services;

4.1.5. Procuring entity will benefit from the fixed price or lower price for the duration of the Framework Agreement;

4.1.6. Call-Offs at the time of actual need will result in the optimum usage of the ABC; or

4.1.7. The benefits and advantages of lean and just-in-time procurements are achieved.

- 4.2. The procurement of goods and services under a Framework Agreement shall be conducted following the procedure for competitive bidding provided in RA No. 9184 and its revised IRR, subject to Item 6 of this Guidelines.



5. FRAMEWORK AGREEMENT BY ELECTRONIC MEANS

A special facility on electronic Framework Agreement system shall be developed, subject to the approval of the GPPB.

6. PROCUREMENT PLANNING

6.1. The Framework Agreement List shall be prepared in the most practical and efficient manner that will encourage participation and competition among interested suppliers or service providers in the relevant industry. The Framework Agreement List shall be prepared taking into consideration the following:

6.1.1. End-user unit's determination that the goods or services to be included in the Framework Agreement List are necessary and desirable for the operations of the procuring entity, supported by a document establishing the need for the acquisition of the goods in the Framework Agreement List, such as, but not limited to historical data, needs analysis, or market study establishing the Approved Budget for the Contract (ABC) for each of the goods in the Framework Agreement List including budgetary allotments per type of product or service.

6.1.2. The maximum quantity of items or services to be indicated in the Framework Agreement List shall be determined based on the expected number or outputs to be required by the procuring entity should the need arises. The maximum quantity shall be considered as the maximum quantity allowed to be purchased by the procuring entity, which the supplier or service provider is bound to deliver or perform pursuant to the Call-Off or aggregate of all the Call-offs issued for the purpose.

6.1.3. The Framework Agreement List shall indicate the following information:

6.1.3.1. Type and nature of each item or service;

6.1.3.2. Technical Specifications or Scope of Work;

6.1.3.3. Maximum quantity of items or services;

6.1.3.4. Estimated cost per item or service; Total ABC including budgetary allotments per type of product or service;

6.1.3.5. Expected delivery timeframe after receipt of a Call-Off; and

6.1.3.6. Other appropriate information as may be necessary.

6.1.4. The cost per item or service shall be determined and prepared after careful consideration of variables and factors that may affect future market prices using, whenever applicable, historical data, market study, feasibility study, net present value of money, foreign exchange rate, inflation rate, cost of money, assessment of Total Cost of Ownership, Life Cycle Costing and Value for Money analysis taking into consideration the timeframe and period for the implementation of the Framework Agreement.



- 6.1.5. Based on the results of market study and procurement planning, the BAC may identify different procurement projects for a given fiscal year that will adopt Framework Agreement as a contractual arrangement. Each procurement project shall have a separate Framework Agreement List as the latter is specific to a particular procurement project.
- 6.2. No procurement shall be undertaken under this Guidelines unless the same is in accordance with the Annual Procurement Plan (APP) and the Project Procurement Management Plan (PPMP) prepared by the procuring entity. The procuring entity, in the preparation of its APP, shall include procurement projects that will be subjected to Framework Agreements, and attach all Framework Agreement Lists as part of the APP.
- 6.3. In the event a MYCA or equivalent document is necessary to support a contractual obligation on a multi-year basis, the procuring entity should secure such document from the relevant government authority before commencement of the relevant procurement activity in compliance with applicable law, rules, circulars and issuances.

The issuance of MYCA shall be subject to existing budgeting and auditing rules and regulations.

7. COMPETITIVE BIDDING

- 7.1. The procuring entity shall conduct competitive bidding using a single stage, two-envelope procedure as prescribed in Sections 23 and 25 of RA No. 9184 and its revised IRR. For this purpose, the procuring entity, through its BAC, shall prepare, separate technical specifications or scope of work for every item to be bid out and indicate, among others, total cost for each item, the maximum quantity it may procure when needed, and the requested delivery or performance lead time from issuance of the Call-Off or from any date determined by the procuring entity.
- 7.2. The Invitation to Bid shall indicate that the procurement will be subject to a Framework Agreement pursuant to this Guidelines, and shall state whether the Framework Agreement is for a single or multi-year Framework Agreement.
- 7.3. For multi-year Framework Agreement, the ABC for the first year shall be the basis in computing for the required amount of the single largest completed contract, net financial contracting capacity, bid security, bidding documents fee and protest fee.
- 7.4. The procedure and requirements for Competitive Bidding provided in RA No. 9184 and its revised IRR shall apply while the Lowest Calculated and Responsive Bidder (LCRB) shall be determined as follows:
- 7.4.1. For single-year Framework Agreement. If the Framework Agreement is for a duration of one (1) year, outright determination of the LCRB shall be conducted by the BAC and the recommendation to enter into a Framework Agreement with the LCRB shall be submitted to the HoPE. Upon receipt of the BAC recommendation, the HoPE shall award the option contract in the form of a Notice to Execute Framework Agreement to the bidder with the LCRB. This notwithstanding, actual purchase of the procuring entity shall only be made upon issuance of Call-Off;



7.4.2. For multi-year Framework Agreement. When the Framework Agreement is for a duration of two (2) to three (3) years, the bidders shall make initial submission of their eligibility requirements and financial bid offer and the BAC shall make an initial determination of the eligibility and the compliance of bidders with the technical and financial aspects of the project. The BAC shall then recommend the execution of a Framework Agreement among the eligible, technically and financially compliant bidders and the procuring entity. The HoPE shall then issue a Notice to Execute a Framework Agreement to all complying bidders. The determination of the LCRB shall not be performed by the BAC until a Mini-Competition is conducted among the bidders which were earlier determined to be eligible and compliant with the technical and financial aspects of the project. When Call for MiniCompetition is made, the BAC shall allow the bidders to submit their best financial proposals on such pre-scheduled date, time and place, to determine the bidder with the LCRB; and

7.4.3. Single Calculated and Responsive Bid (SCRB). A SCRБ shall be considered for award in accordance with Section 36 of the 2016 revised IRR of RA No. 9184; however, if the procurement is for a multi-year framework agreement and only one (1) passed the preliminary examination or evaluation, the multi-year Framework Agreement shall be converted to a single-year Framework Agreement.

7.5. Prices quoted by the bidder must be within the total cost per item as provided in the Framework Agreement List. Financial bid offer that provides price quotations that exceeds the total cost per item shall be automatically disqualified.

8. FRAMEWORK AGREEMENT

8.1. Within ten (10) calendar days from receipt by the participating bidder(s) of the Notification to Execute a Framework Agreement with the procuring entity, the bidder or its duly authorized representative shall formally enter into a Framework Agreement with the procuring entity for an amount of One Peso (Php 1.00) to be paid by the procuring entity as a consideration for the option granted to the procuring entity to procure the items in the Framework Agreement List when the need arises.

8.2. Framework Agreements shall include the following: (a) Framework Agreement List; (b) a provision that the perfection of the actual procurement contract shall be reckoned from the execution of the Call-Offs; and (c) statement that upon the execution of the Call-Offs, all rules and guidelines governing implementation of procurement contracts under RA No. 9184 and its revised IRR shall be applicable.

8.3. Prices indicated in the Framework Agreement corresponding to the subject goods or services in the Framework Agreement List shall be fixed price per item or identified service. For a single-year Framework Agreement, the price shall be based on the actual bid price of the bidder, while for a multi-year Framework Agreement, it shall be based on the price offered in the MiniCompetition.

8.4. Framework Agreements shall not state or imply any agreement by the procuring entity to place future contracts or make orders with the supplier or service provider.

8.5. No modification of the Framework Agreement during its period shall be allowed.

8.6. Framework Agreements shall be valid only for the period stated in the bidding documents which, shall not exceed three (3) years from the time the Framework Agreement was entered into and executed by the parties, and shall not be extended beyond its lifetime.



- 8.7. To guarantee the faithful performance by the supplier or service provider of its obligations under the Framework Agreement, it shall submit a performance security in accordance with Section 39 of the revised IRR of RA No. 9184 or a Performance Securing Declaration as defined under this Guidelines prior to the signing of the Framework Agreement.
- 8.8. The basis for the computation of the performance security shall be the total contract price whether the procurement is for a single or multi-year framework agreement.
- 8.9. Notwithstanding the eligibility of a bidder, the BAC reserves the right to review the qualifications of the supplier or service provider. If there has been any change in the capability of the supplier or service provider to undertake its obligations under the framework agreement so that if it fails the eligibility criteria set thereon, the procuring entity shall consider the said supplier or service provider as ineligible and shall disqualify it from obtaining any award or contract.
- 8.10. Bidders executing the Framework Agreement either for single or multi-year shall ensure the continuing validity of their eligibility documents during the implementation of the contract.

9. CALL-OFF

- 9.1. When the procuring entity has determined that an item or service covered in the Framework Agreement is needed, it shall require the delivery of the item or rendition of the service identified in the Framework Agreement List in such quantity or scope and at the price for which it was awarded by executing a Call-Off.
- 9.2. For a single-year Framework Agreement, Call-off may be executed and issued to the winning supplier or service provider immediately upon determination that an item or service is needed.
- 9.3. For a multi-year Framework Agreement, Call-off shall be issued after conduct of mini competition in favor of the supplier or service provider that provided the lowest calculated and responsive bid.
- 9.4. The BAC may execute as many Call-Offs for the same item as may be needed within the period of the Framework Agreement as long as the total quantity for all Call-Offs do not exceed the maximum quantity in the Framework Agreement List and the aggregate amount of all executed Call-Offs do not exceed the total contract price specified in the Framework Agreement.
- 9.5. The succeeding Call-Offs shall have the same unit price based on the financial bid offer in case of single-year Framework Agreement. For multi-year Framework Agreement with multiple qualified bidders, the price depends on the result of each Mini-Competition but not to exceed the price submitted during the initial submission of the bidders' financial bid as provided in Section 7.4.2 of this Guidelines.
- 9.6. The BAC may execute Call-Offs requiring delivery to multiple destinations or performance at multiple locations.
- 9.7. For purposes of participation in other public bidding activities, the aggregate of the Call-Offs for a particular item or similar items satisfactorily completed by the supplier or service provider shall be considered as one (1) completed contract with the cumulative amount thereof as the total contract amount. In such case, the date appearing in the Certificate of Acceptance issued by the procuring entity for the last delivery will be



considered as the date of completion of the contract. On the other hand, only those undelivered items in the Call-Offs executed by the procuring entity shall be included in the Statement of All Ongoing Government and Private Contracts for purposes of participating in other bidding activities.

9.8. For purposes of the Certificate of Availability of Funds requirement, it shall be issued only every Call-Off subject to existing auditing and budgeting rules and regulations.

10. IMPLEMENTATION AND TERMINATION OF FRAMEWORK AGREEMENTS

10.1. After receipt by the supplier or service provider of the Call-Off from the procuring entity, it shall deliver or perform the items within the period specified in the Framework Agreement, unless a different time is provided in the Call-Off.

10.2. Any extension of time for the delivery or performance shall be made in writing and prior to the date of deliver or performance indicated in the Framework Agreement or Call-Off and subject to prior approval by the procuring entity after consideration of reasonable and justifiable causes.

10.3. If the supplier or service provider fails to deliver or perform within the agreed period, including any time extension, it shall be liable to the procuring entity for liquidated damages of at least equal to one-tenth of one percent (.001) of the cost of the unperformed portion of the total amount of the items ordered per Call-Off for every day of delay.

10.4. Once the cumulative amount of liquidated damages reaches ten percent (10%) of the total amount of the items ordered per Call-Off, the procuring entity may rescind the same, without prejudice to other courses of action and remedies open to it.

10.5. The Warranty provision for goods under Section 62 of RA No. 9184 and its revised IRR shall be observed under the Framework Agreement, and shall be required for each Call-Off.

10.6. Without prejudice to the provisions of applicable laws, rules, and guidelines, the Framework Agreement shall automatically terminate under any of the following conditions:

10.6.1. When the total maximum quantity specified in the Framework Agreement has been exhausted; or

10.6.2. When the specified duration of the Framework Agreement has expired.

10.7. All other rules governing contract implementation and termination under RA No. 9184, its revised IRR, and relevant procurement policies shall be applicable.

11. REPEAT ORDER

11.1. No Repeat Order for an item in the Framework Agreement List shall be allowed until after the procuring entity has exhausted the maximum quantity for the same item specified therein or after the Framework Agreement has expired, whichever comes first and subject to the conditions provided in Section 51 of RA No. 9184 and its revised IRR. For this purpose, the Repeat Order may only be availed of within six (6) months from the date of the last or final Call-Off for a specific item where the maximum quantity has been exhausted or from the expiration of the Framework Agreement.



11.2. In case Repeat Order is allowed and resorted to, the twenty five percent (25%) maximum allowable quantity shall be based on the aggregate quantity of actual items ordered and delivered.

12. REPEALING CLAUSE

This Guidelines repeal GPPB Resolution Nos. 06-2005 and 01-2012, dated 01 April 2005 and 27 January 2012, respectively.

13. EFFECTIVITY

This Guidelines shall take effect immediately.



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