

2. The violations enumerated in the said DO No. 35, which are considered as acts that tend to defeat the purpose of public bidding under the 3-strike policy, are hereby amended to read as follows:
  - a. A bidder that had purchased bidding documents, but subsequently (a) withdrawn from the bidding or (b) submitted a letter of non-participation, or (c) did not submit a bid - without a valid cause, as determined by the Bids and Awards Committee (BAC) concerned.
  - b. A bidder submitting a late bid without a valid cause, as determined by the BAC concerned.
  - c. A bidder submitting insufficient/defective documents, such as insufficient bid securities and other deficiencies.
  - d. Other acts that tend to defeat the purpose of public bidding, as determined by the concerned BAC, provided that these acts had been indicated or discussed in the Instructions to Bidders, Bid Bulletins, Notices, Minutes of Pre-Bid Conference or other similar instruments.



***D.O. No. 17 Series of 2015: 3-Strike Policy in the Procurement of Contracts for Infrastructure Works, Goods, and Consulting Services***


3. Each "offense" by a bidder referred to in Section 69.1.i of the IRR, as stated in the said DO 35, consists of three violations or strikes within a period of one year starting from the date of the first strike, for all procurements by all offices of the DPWH.
4. Every time a bidder is observed to have done any of the four acts enumerated in Item 1 of this DO, the Chairperson of the BAC concerned shall immediately serve a written notice to the bidder informing him of his act, and giving him five (5) days to show cause why he should not be sanctioned under this DO for committing an act which tends to defeat the purpose of public bidding under the 3-strike policy of the DPWH.
5. Based on the evaluation by the BAC of the bidder's response to the show-cause notice mentioned in Item 4 of this DO, the BAC shall, within seven (7) days from receipt of the bidder's response, determine whether the bidder's act was done with or without a valid cause.
6. For every bidding conducted - regardless of whether or not any violation of the 3-strike policy is committed - the BAC, thru its Chairman, shall submit to the Procurement Service a 3-Strike Policy Report, using the attached form, which shall contain the information in items 3 and 4 of this DO. The Report must be "verified," i.e., properly subscribed and sworn to and notarized, and must be received by the Procurement Service within fifteen (15) days after the date of opening of the bids.
7. The BAC concerned shall monitor the participation of bidders in all of its projects and maintain a tally of violations by each bidder of the 3-strike policy in its jurisdiction as well as of the violations by the bidder of the said policy in other offices of the DPWH as posted by the Procurement Service on the DPWH website.
8. The Procurement Service shall monitor the violations of the 3-strike policy in all procurements undertaken in the entire Department - i.e., by all Central, Regional and District Offices - based on the verified 3-Strike Reports submitted by the concerned BACs. For this purpose, the Procurement Service shall maintain an up-to-date database on violations of the 3-strike policy, by contractor and by office, which shall be posted on the DPWH website.
9. Based on the verified 3-Strike Reports received from the BACs, the Procurement Service, in coordination with the Legal Service, shall recommend to the DPWH Secretary, for approval, the following administrative sanctions on the erring contractor for violation of the 3-strike policy:
  - (a) For the first violation or strike - a first warning.
  - (b) For the second strike - a second warning.
  - (c) For the third strike, which together with the first two strikes constitutes the first offense against the 3-strike policy - an administrative penalty of suspension for one (1) year from participating in any procurement process in any office of the DPWH.
  - (d) For the second offense - i.e., the second set of three strikes committed by the bidder - an administrative penalty of suspension for two (2) years from participating in any procurement process in any office of the DPWH.

***D.O. No. 17 Series of 2015: 3-Strike Policy in the Procurement of Contracts for Infrastructure Works, Goods, and Consulting Services***

10. The Procurement Service, in coordination with the Legal Service, shall recommend to the DPWH Secretary, for approval, the following administrative sanctions on the erring BAC members and other DPWH personnel, for failing to submit a complete and verified 3-Strike Report for each procurement as required in Item 6 of this DO within the prescribed 15-day period, pursuant to the provisions of Section 52, C(3) of Civil Service Resolution No. 991936 dated August 31, 1999, otherwise known as the Uniform Rules on Administrative Cases in the Civil Service:

- (a) For the first offense (first set of 3 strikes) – Reprimand.
- (b) For the second offense (second set of 3 strikes) - Suspension for 1-30 days.
- (c) For the third offense (third set of 3 strikes) – Dismissal.

This Order takes effect immediately and amends or supersedes all existing Department Orders and issuances or portions thereof which are inconsistent herewith.

  
**ROGELIO L. SINGSON**  
Secretary

Department of Public Works and Highways  
Office of the Secretary



WIN5Q32497

4.7.2 JABS/MGNO



**D.O. No. 17 Series of 2015: 3-Strike Policy in the Procurement of  
Contracts for Infrastructure Works, Goods, and Consulting Services**

**3-STRIKE REPORT**

DPWH Form No. \_\_\_\_\_

Date of Report: \_\_\_\_\_

Implementing Office: \_\_\_\_\_

Contract ID: \_\_\_\_\_

Contract Name: \_\_\_\_\_

No.	Contractor	Submitted Bid	A. No Bid/ B. Bid withdrawn/ C. Non-participation	Late Bid	Insufficient/ Defective Documents	Other Acts that Defeat Bidding	Cause Given by Bidder for Acts under Col. (4)-(7)	BAC's Determination as to Whether cause in Col. (8) is Valid or Not
(1)	Col. (2)	Col. (3)	Col. (4)	Col (5)	Col. (6)	Col. (7)	Col. (8)	Col. (9)

**Submitted by Bids and Awards Committee:**

\_\_\_\_\_  
Chairman

\_\_\_\_\_  
Member

\_\_\_\_\_  
Member

\_\_\_\_\_  
Member

\_\_\_\_\_  
Member

\_\_\_\_\_  
Member

SUBSCRIBED AND SWORN TO before me this (\_\_\_\_) day of (month and year) at (place), affiants exhibiting to me their (PRC license/BIR TIN/GSIS ID/DPWH ID):

AffiantIdentity No.Date IssuedPlace Issued**Notary Public**

Doc. No.

Page No.

Book No.

Series of 20\_\_