

Republic of the Philippines DEPARTMENT OF PUBLIC WORKS AND HIGHWAYS

OFFICE OF THE SECRETARY

Manila

SEP 17 2012

DEPARTMENT ORDER)	SUBJECT:	Guidelines	on	the	Pro	curement
No. 6/)		Process	based	on	the	Revised
04	,		Implemen	ting Rul	es and	Regu	lations of
Series of 2012 4-9-17.17)	*	Republic A	ct 9184			
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In accordance with the provisions of the Revised Implementing Rules and Regulations (IRR) of the Republic Act 9184, the following guidelines for procurement are hereby prescribed for all procuring entities of this Department.

A. Procurement Planning

- 1. The Project Procurement Management Plan (PPMP) shall be prepared by the end-user units of the procuring entity and shall contain all the information enumerated under Section 7.3.2 of the IRR.
- 2. The PPMP shall then be submitted to the Planning/Budget Office of the procuring entity for the appropriate evaluation with regard to fund.
- 3. The PPMP shall be approved by the Head of the Procuring Entity (HOPE) and furnished to the BAC Secretariat for its review and consolidation into a proposed Annual Procurement Plan (APP).
- 4. The APP shall be approved by the Head of the Procuring Entity concerned.
- 5. Individual PPMPs may be updated every six (6) months or as may be necessary by the end-user units; consolidated by the BAC Secretariat; and approved by the Head of Procuring Entity.
- 6. No procurement shall be undertaken unless it is in accordance with the approved APP of the procuring entity.

B. Posting and Advertising

- 1. All Invitations to Bid (IBs)/Requests for Expression of Interest (REIs) for all locally funded projects to be procured shall contain all the applicable information enumerated under Section 21 of the Revised IRR of RA 9184, shall be posted continuously in the PhilGEPS and DPWH website and at any conspicuous place reserved for this purpose for seven (7) calendar days, and must be in accordance with the attached formats. IBs/REIs shall adopt the standard format attached as Annex "A" for infrastructure, Annex "B" for goods, and Annex "C" for consultancy services.
- For DEOs not yet connected to the DPWH Wide Area Network (WAN), a copy of IBs/REIs
 including bidding documents, plans and drawings (PDF form)/REIs in electronic file (efile) shall be submitted to their respective ROs, for posting in the DPWH website.
- 3. Posting of the IBs/REIs in the PhilGEPS website and at conspicuous places within the office premises shall be undertaken by the Implementing Office concerned.

- 4. For locally funded projects where advertisement of the IBs/REIs in the newspaper of nationwide circulation is required under Section 21.2.1a of said Revised IRR, advertisement shall be undertaken by the Implementing Office.
- 5. The IBs/REIs to be posted in the DPWH and PhilGEPS websites shall include the Bidding Documents; and plans and drawings (PDF Form) of the projects to be procured.
- All Notices and Supplemental/Bid Bulletins shall likewise be posted in the DPWH and PhilGEPS websites including Notices in the use of alternative mode of procurement by the Implementing Office concerned.
- 7. Certification on the posting of the IBs/REIs of all projects to be procured in the DPWH website shall be issued by the Chairman of the BAC of the concerned Implementing Office.
- 8. The original Annual Procurement Plan (APP) or an updated APP must be posted in the DPWH and PhilGEPS websites every quarter or at least on earlier period as may be determined by the BAC.
- 9. Project Monitoring Report (PMR) must be posted in the DPWH and PhilGEPS websites every semester.
- 10. Notice of Award shall be posted within three (3) calendar days from its issuance in the DPWH and PhilGEPS websites.
- 11. Notice to Proceed (NTP) and approved contract shall be posted within fifteen (15) calendar days from the issuance of the NTP in the DPWH and PhilGEPS websites.

C. Eligibility Evaluation

- 1. Eligibility evaluation for goods and consultancy services shall be conducted manually according to their respective criteria as provided in the Revised IRR of RA 9184 until such time that an electronic registry for each shall have been established.
- 2. All eligibility evaluation for the procurement of locally funded civil works contracts shall be conducted electronically using the Civil Works Registry (CWR) system regardless of the mode of procurement (public bidding or alternative mode).
- 3. To improve efficiency, submission of Letter of Intent is no longer required to participate in the bidding.
- 4. The submission of the Original Receipt (OR) for payments of bidding documents issued by any DPWH field offices is sufficient for the BAC of the Central Office (CO), Regional Offices (ROs) and District Engineering Offices (DEOs) which are already electronically connected to process their respective electronic eligibility evaluation of contractors. CO, ROs and DEOs shall submit the names of the contractor who paid the bidding documents at their office to the BAC where the project is to be bid for electronic eligibility evaluation.
- 5. DEOs connected to the DPWH WAN shall conduct its electronic eligibility evaluation.
- 6. The RO BAC shall conduct the electronic eligibility evaluation of projects of their DEOs still not connected to DPWH WAN until such time that connection of those DEOs is established. The DEO BAC shall submit to the RO BAC all eligibility documents specifically the Credit Line Commitment, Joint venture Agreement (JVA) submitted by the contractor and Contract Profile (NR002) immediately after the deadline for submission of bids. On

the same day, the RO BAC shall submit to the DEOs the result of the electronic eligibility evaluation of contractors before 2:00 p.m. (opening of bids).

- 7. In cases where disruption/unavailability of the DPWH WAN occurs and such occurrence is duly certified by the Director of the Monitoring and Information Service (MIS) and upon request of the Regional Office, the Central Procurement Office (CPO) shall undertake posting of advertisement in the DPWH Website, encoding of the Contract Profile and eligibility processing.
- 8. In case of error in posting of the Invitation to Bid (IB), encoding the Contract Profile or processing of eligibility, the Implementing Office concerned shall request in writing the Undersecretary for Support Services for the "unlocking" of the completed action, clearly stating the reason for the request. The CPO shall unlock the completed action upon the Undersecretary's written approval of the request.

D. Procurement Reports (Civil Works Projects)

- 1. The BAC of all procuring entities shall prepare the Procurement Monitoring Report (PMR) to cover all procurement activities specified in the APP, whether ongoing and completed, from the holding of pre-procurement conference to issuance of Notice of Award and approval of contract, including the standard and actual time for each major procurement activity and using the PMR Format issued by the GPPB. The PMR shall be approved and submitted by the HOPE to the GPPB in printed and electronic format within 14 c.d. after the end of each semester. The BAC Secretariat shall submit electronic copies of said reports to the GPPB Technical Support Office (TSO) via email.
- 2. The BAC of all procuring entities shall prepare procurement reports on civil works contracts awarded through public bidding or alternative methods of procurement, using the Awarded Contracts Format (DPWH-INFRA-71-09) attached.
- 3. ROs and DEOs connected to the DPWH WAN shall encode their procurement reports. Procurement reports of DEOs that are not yet connected to the DPWH WAN shall be submitted to their RO for encoding. ROs are responsible in monitoring compliance of DEOs with regard to accurate and timely submission of such reports provided for under D.O. No. 32, series of 2008.
- 4. From the CWR, the ROs shall consolidate all procurement related reports and submit a monthly status report to the Undersecretary for Support Services for appropriate action.
- 5. The BAC of ROs and DEOs shall monitor contractor's participation in the procurement activities within their Offices and shall likewise act diligently on issues concerning procurement related violations provided under Section 69 of the Revised IRR and Department Order No. 35, series of 2007. All actions taken on such issues shall be reported to the Undersecretary for Support Services.

E. Payments

- Contractors can make payment for the purchase of the Bid Documents at any DPWH field offices, such payment shall be recorded in the eNGAS. Verification of payments shall be sent through fax or e-mail to concerned Procuring Office.
- 2. Collections shall be summarized monthly by the collecting office and shall prepare a check and send to concerned Procuring Office.
- 3. List of contractors who purchased bidding documents shall be sent to the concerned Procuring Office.

F. Responsibilities

- 1. The Regional Directors and District Engineers shall be responsible in the effective implementation of this order.
- The Undersecretary for Support Services shall be responsible in monitoring compliance to this Order and shall be the central channel for all procurement related issues and concerns.

G. Violations

 Violation of any of the foregoing shall subject responsible official/employee(s) for violation of reasonable office rules and regulations and shall suffer the penalty prescribed in Section 52, C (3) of the Civil Service Resolution No. 991936 dated August 31, 1999 otherwise known as the Uniform Rules on Administrative cases in the Civil Service;

1st offense - Reprimand 2nd offense - Suspension for 1-30 days 3rd offense — Dismissal

H. Effectivity

This Order shall take effect immediately upon publication and supersedes the following issuances:

- D.O. No. 159 series of 1999, Pilot Program for the Pre-qualification of Civil Works Contractors
- 2. D.O. No. 218 series of 2000, Advertisements of Invitation to Prequalify/Apply for Eliqibility and to Bid
- 3. D.O. No. 2 series of 2001, Guidelines in the Eligibility Processing of Contractors for Civil Works Projects
- 4. D.O. No. 27 series of 2001, Applying for Eligibility Processing on Civil works Projects
- 5. D.O. No. 76 series of 2001, Time Table/Deadline Relative to D.O. No. 2 series of 2001 on Guidelines in the Eligibility Processing of Contractors for Civil Works Projects
- 6. D.O. No. 91 series of 2001, Amendments to D.O. 218 series of 2000 re Advertisement of Invitation to Apply for Eligibility and to Bid
- 7. D.O. No. 144 series of 2001, Amending Department Order No. 2 series of 2001 re Guidelines in the Eligibility Processing of Contractors for Civil works Projects
- 8. D.O. No. 197 series 2001, Revised "Expression of Interest" Form to be used by Bidders
- 9. D.O. No. 01 series of 2010, Interim Guidelines in the Procurement Process based on the Revised Implementing Rules and Regulations of Republic Act 9184
- 10. D.O. No. 11 series of 2011, Guidelines on the Web Posting of Invitation to Bid (IB) in the DPWH Website and Encoding of the Contract Profile in the Civil Works Registry (CWR)

ROGELIO L. SINGSON

Secretary



DEPARTMENT OF PUBLIC WORKS AND HIGHWAYS OFFICE OF THE SECRETARY MANILA



0 = 0	Contract ID: Implementing Office: Contract Name:							. •	
'	Location of the Contract:								
			AW	VARDED C	WARDED CONTRACT REPORT	REPORT	And the second s		
_	Total Contract Awarded Amount:	ļ				Duration:		ł	
Ä	Approved Budget for the Contract (ABC)	t (ABC)			_	Notice to Proceed Date:	ed Date:		
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o Z	Contractor	Awarded	Purchased Bidding Documents	Submitted	Submitted Letter of Non- Participation	Submitted Late Bid	Submitted Non- Complying Bid	Reason(s) for Non- Complying Bid or Non- participation	Reason(s) for Non-Complying or non-participation Accentable?
_			O Yes O No	○ Yes ○ No	O Yes O No	O Yes O No	O Yes O No		
7			O Yes O No	O Yes O No	O Yes O No	O Yes O No	O Yes O No		
			O Yes O No	O Yes O No	O Yes O No	O Yes O No	O Yes O No		

Signature over Printed Name **BAC** Chairman

1. Provided a check mark on the Awarded Contract column for the winning contractor (Single/Joint Venture) Instructions.

2. Fill-up completely & accurately the procurement activities of each contractor. 3. Examples for reasons for Non-Complying; Insufficient Bid Security; No Bid Security; etc.

4. Provide BAC Resolution for acceptability/unacceptability of non-complying/non-participation, approved by the District Engineer, Regional Director, or HOPE.

[Letterhead of the Procuring Entity] Invitation to Bid for [Insert name of Project]

- 1. The [insert name of Procuring Entity], through the [insert source of funding and year]² intends to apply the sum of [insert the approved budget for the contract] being the Approved Budget for the Contract (ABC) to payments under the contract for [insert name/no. of contract]. Bids received in excess of the ABC shall be automatically rejected at bid opening.
- 2. The [insert name of Procuring Entity] now invites bids for [insert brief description of Works to be procured]. Completion of the Works is required [insert the required completion date or expected contract duration]. Bidders should have completed, within ten (10) years from the date of submission and receipt of bids, a contract similar to the Project. The description of an eligible bidder is contained in the Bidding Documents, particularly, in Section II. Instructions to Bidders.
- 3. Bidding will be conducted through open competitive bidding procedures using non-discretionary pass/fail criterion as specified in the Implementing Rules and Regulations (IRR) of Republic Act 9184 (RA 9184), otherwise known as the "Government Procurement Reform Act".
 - Bidding is restricted to Filipino citizens/sole proprietorships, partnerships, or organizations with at least seventy five percent (75%) interest or outstanding capital stock belonging to citizens of the Philippines.
- 4. Interested bidders may obtain further information from [insert name of the Procuring Entity] and inspect the Bidding Documents at the address given below from [insert office hours].
- 5. A complete set of Bidding Documents may be purchased by interested Bidders from the address below and upon payment of a nonrefundable fee for the Bidding Documents in the amount of [insert amount in Pesos].
 - It may also be downloaded free of charge from the website of the Philippine Government Electronic Procurement System (PhilGEPS) and the website of the Procuring Entity, provided that bidders shall pay the fee for the Bidding Documents not later that the submission of their bids.

² In the case of National Government Agencies, the General Appropriations Act and/or continuing appropriations; in the case of GOCCs, GFIs, and SUCs, the Corporate Budget for the contract approved by the governing Boards; in the case of LGUs, the Budget for the contract approved by the respective *Sanggunian*. (Section 5(a), R.A. 9184)

³ A brief description of the scope of Works should be provided, including quantities, location of project, and other information necessary to enable potential bidders to decide whether or not to respond to the invitation.

- 6. Select one of the following two paragraphs, and delete the other: 4
 - a) If the Procuring Entity intends to open the Pre-Bid Conference to all interested Bidders:

The [insert name of the Procuring Entity] will hold a Pre-Bid Conference on [insert time and date] at [insert address for Pre-Bid Conference, if applicable]. which shall be open to all interested parties.

b) If the Procuring Entity intends to limit the Pre-Bid Conference to Bidders who have purchased the Bidding Documents:

The [insert name of the Procuring Entity] will hold a Pre-Bid Conference on [insert time and date] at [insert address for Pre-Bid Conference, if applicable]. which shall be open only to all interested parties who have purchased the Bidding Documents.

7. Bids must be delivered to the address below on or before [insert date and time] at [insert address for submission and receipt of bids]. All bids must be accompanied by a bid security in any of the acceptable forms and in the amount stated in ITB Clause 18.

Bids will be opened in the presence of the bidders' representatives who choose to attend at the address below. Late bids shall not be accepted.

- 8. [Insert such other necessary information deemed relevant by the Procuring Entity]
- 9. The [insert name of the Procuring Entity] reserves the right to accept or reject any bid, to annul the bidding process, and to reject all bids at any time prior to contract award, without thereby incurring any liability to the affected bidder or bidders.
- 10. For further information, please refer to:

[Insert name of officer]
[Insert name of office]
[Insert postal address] and/or [Insert street address]
[Insert telephone number, indicate city code]
[Insert contact's email address]
[Insert facsimile number]
[Insert website address, if applicable]

[Insert Name and Signature of the BAC Chairperson or the Authorized Representative of the BAC Chairperson]

⁴ May be deleted in case the ABC is less than One Million Pesos (PhP1,000,000) where the Procuring Entity may not hold a pre-bid conference.

[Letterhead of the Procuring Entity]

Invitation to Bid for [Insert name of Project]

- 1. The [insert name of Procuring Entity], through the [insert source of funding and year]² intends to apply the sum of [insert the approved budget for the contract] being the Approved Budget for the Contract (ABC) to payments under the contract for [insert name/no. of contract]. Bids received in excess of the ABC shall be automatically rejected at bid opening.
- 2. The [insert name of Procuring Entity] now invites bids for [insert brief description of Goods to be procured].³ Delivery of the Goods is required [insert the required delivery date or expected contract duration]. Bidders should have completed, within [insert relevant period] from the date of submission and receipt of bids, a contract similar to the Project. The description of an eligible bidder is contained in the Bidding Documents, particularly, in Section II. Instructions to Bidders.
- 3. Bidding will be conducted through open competitive bidding procedures using a non-discretionary "pass/fail" criterion as specified in the Implementing Rules and Regulations (IRR) of Republic Act (RA) 9184, otherwise known as the "Government Procurement Reform Act".

In addition, select one of the two following paragraphs and delete the other depending on the existence of conditions under Section 23.5.1.2 of the IRR of RA 9184:

- (i) Select this paragraph if conditions (a), (c), and (d) under Section 23.5.1.2 of the IRR of RA 9184 do not exist: Bidding is restricted to Filipino citizens/sole proprietorships, partnerships, or organizations with at least sixty percent (60%) interest or outstanding capital stock belonging to citizens of the Philippines, and to citizens or organizations of a country the laws or regulations of which grant similar rights or privileges to Filipino citizens, pursuant to RA 5183 and subject to Commonwealth Act 138.
- (ii) Select this paragraph if condition (a), (c), or (d) under Section 23.5.1.2 of the IRR of RA 9184 exists: Bidding is open to all interested bidders, whether local or foreign, subject to the conditions for eligibility provided in the IRR of RA 9184.
- 4. Interested bidders may obtain further information from [insert name of the Procuring Entity] and inspect the Bidding Documents at the address given below during [insert office hours].

² In the case of National Government Agencies, the General Appropriations Act and/or continuing appropriations; in the case of GOCCs, GFIs, and SUCs, the Corporate Budget for the contract approved by the governing Boards; in the case of (LGUs, the Budget for the contract approved by the respective *Sanggunian*. (Section 5(a), R.A. 9184)

³ A brief description of the type(s) of Goods should be provided, including quantities, location of project, and other information necessary to enable potential bidders to decide whether or not to respond to the invitation.

A complete set of Bidding Documents may be purchased by interested Bidders on [insert date of availability of Bidding Documents] from the address below and upon payment of a nonrefundable fee for the Bidding Documents in the amount of *linsert* amount in Pesos1.

It may also be downloaded free of charge from the website of the Philippine Government Electronic Procurement System (PhilGEPS) and the website of the Procuring Entity, provided that Bidders shall pay the nonrefundable fee for the Bidding Documents not later than the submission of their bids.

- 5. Select one of the following two paragraphs, and delete the other: 4
 - a) If the Procuring Entity intends to open the Pre-Bid Conference to all interested Bidders:

The [insert name of the Procuring Entity] will hold a Pre-Bid Conference on [insert time and date] at [insert address for Pre-Bid Conference, if applicable], which shall be open to all interested parties.

b) If the Procuring Entity intends to limit the Pre-Bid Conference to Bidders who have purchased the Bidding Documents:

The [insert name of the Procuring Entity] will hold a Pre-Bid Conference on [insert time and date] at [insert address for Pre-Bid Conference, if applicable], which shall be open only to all interested parties who have purchased the Bidding Documents.

Bids must be delivered to the address below on or before finsert time and date]. All 6. Bids must be accompanied by a bid security in any of the acceptable forms and in the amount stated in ITB Clause 18.

Bid opening shall be on [insert time and date] at [insert address for bid opening]. Bids will be opened in the presence of the Bidders' representatives who choose to attend at the address below. Late bids shall not be accepted.

- 7. [Insert such other necessary information deemed relevant by the PROCURING ENTITY]
- The [insert name of the Procuring Entity] reserves the right to accept or reject any bid, 8. to annul the bidding process, and to reject all bids at any time prior to contract award, without thereby incurring any liability to the affected bidder or bidders.
- For further information, please refer to: 9.

[Insert name of officer]

[Insert name of office]

⁴ May be deleted in case the ABC is less than One Million Pesos (PhP1,000,000) where the Procuring Entity may not hold a pre-bid conference.

[Insert postal address] and/or [Insert street address]
[Insert telephone number, indicate city code]
[Insert contact's email address]
[Insert facsimile number]
[Insert website address, if applicable]

[Insert Name and Signature of the BAC Chairperson or the Authorized Representative of the BAC Chairperson]

[Letterhead of the Procuring Entity]

REQUEST FOR Expression of Interest for [Insert name of Project]

- 1. Select one of the two following paragraphs and delete the other depending on the Funding Source:
 - a) If the Funding Source is GOP:

The [insert name of Procuring Entity], through the [insert source of funding and year] intends to apply the sum of [insert the approved budget for the contract] being the Approved Budget for the Contract (ABC) to payments under the contract for [insert name no. of contract]. Bids received in excess of the ABC shall be automatically rejected at the opening of the financial proposals.

b) If the Funding Source is a foreign government/foreign or international financing institution:

The Government of the Philippines (GOP) [has received/has applied for/intends to apply for] a [Loan/Credit/Grant] from the [state the foreign government/foreign or international financing institution.] toward the cost of [insert name of project], and it intends to apply part of the proceeds of this [loan/credit/Grant] to payments under the contract for [insert name/no. of contract].

- 2. The [insert name of the Procuring Entity] now calls for the submission of eligibility documents for [insert brief description of services to be procured]². Interested consultants must submit their eligibility documents on or before [insert date and time of the opening of eligibility documents] at [insert address for place of submission]. Applications for eligibility will be evaluated based on a non-discretionary "pass/fail" enterion.
- 3. The BAC shall draw up the short list of consultants from those who have submitted [eligibility documents/Expression of Interest] and have been determined as eligible in accordance with the provisions of Republic Act 9184 (RA 9184), otherwise known as the "Government Procurement Reform Act", and its Implementing Rules and Regulations (IRR). The short list shall consist of [insert number of short list allowed]³ prospective bidders who will be entitled to submit bids. The criteria and rating system for short listing are:

¹ In the case of National Government Agencies, the General Appropriations Act and/or continuing appropriations; in the case of GOCCs, GFIs, and SUCs, the Corporate Budget for the contract approved by the governing Boards; in the case of LGUs, the Budget for the contract approved by the respective Sanggunian. (Section 5(a), R.A. 9184)

² A brief description of the terms of reference of the Consulting Service should be provided, including outputs/deliverables, location of project, and other information necessary to enable potential bidders to decide whether or not to respond to the invitation.

³ For World Bank financed contract, the short list should be six (6) Consultants.

[Insert here a general statement on the criteria and rating system to be used for the short listing]

- 4. Select one of the two following paragraphs, and delete the other depending on the Funding Source:
 - a) If the Funding Source is GOP:

Bidding will be conducted through open competitive bidding procedures using non-discretionary "pass/fail" criterion as specified in the IRR of RA 9184.

In addition, select one of the two following paragraphs and delete the other depending on the existence of the condition under Section 24.3.3 of the IRR of RA 9184:

- (i) Select this paragraph if Filipino consultants have sufficient expertise and capability to render the services required under the project: Bidding is restricted to Filipino citizens/sole proprietorships, partnerships, or organizations with at least sixty percent (60%) interest or outstanding capital stock belonging to citizens of the Philippines.
- (ii) Select this paragraph if Filipino consultants do not have sufficient expertise and capability to render the services required under the project: Bidding is open to all interested bidders, whether local or foreign, subject to the conditions for eligibility provided in the IRR of RA 9184.
- b) If the Funding Source is a foreign government/foreign or international financing institution:

Bidding will be conducted in accordance with relevant procedures for open competitive bidding as specified in the IRR of RA 9184 with some amendments, as stated in these bidding documents and is open to all bidders from eligible source countries as defined in the applicable guidelines of the [state the foreign government/foreign international financing institution concerned].

- 5. The Procuring Entity shall evaluate bids using the [indicate if Quality Based Evaluation/Selection (QBE/QBS), Quality-Cost Based Evaluation/Selection (QCBE/QCBS), Fixed Budget Selection, or Least-Cost Selection] procedure. [In case QCBE is used, insert the following sentence here: The Procuring Entity shall indicate the weights to be allocated for the Technical and Financial Proposals]. The criteria and rating system for the evaluation of bids shall be provided in the Instructions to Bidders.
- 6. The contract shall be completed within [insert the expected contract duration in days or months].
- 7. The *[insert name of the Procuring Entity]* reserves the right to reject any and all bids, annul the bidding process, or not award the contract at any time prior to contract award, without thereby incurring any liability to the affected bidder or bidders.
- 8. For further information, please refer to:

[Insert name of officer]
[Insert name of office]
[Insert postal address] and/or [Insert street address]
[Insert telephone number, indicate city code]
[Insert contact's email address]
[Insert facsimile number]
[Insert website address, if applicable]

[Date of Issued]

[Insert Name and Signature of the BAC Chairperson or the Authorized Representative of the BAC Chairperson]