

Comparative Matrix of the 2009 and 2016 Revised Implementing Rules and Regulations of R.A. 9184

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<p>4.3. Unless the Treaty or International or Executive Agreement expressly provides use of foreign government/foreign or international financing institution procurement procedures and guidelines, this IRR shall apply to Foreign-funded Procurement for goods, infrastructure projects, and consulting services by the GOP.</p> <p>Consistent with the policies and principles set forth in Sections 2 and 3 of this IRR, the GOP negotiating panels shall adopt, as its default position, use of this IRR, or at the very least, selection through competitive bidding, in all Foreign-funded Procurement. If the Treaty or International or Executive Agreement states otherwise, then the negotiating panels shall explain in writing the reasons therefor.</p>	<p>4.3. Unless the Treaty or International or Executive Agreement expressly provides another or different procurement procedures and guidelines, R.A. 9184 and this IRR shall apply to Foreign-funded Procurement of goods, Infrastructure Projects, and Consulting Services by the GoP.</p> <p>The GOP negotiating panels shall, as its default position, adhere to R.A. 9184 and this IRR, or at the very least, selection through competitive bidding, in all Foreign-funded Procurement. If the Treaty or International or Executive Agreement states otherwise, then the negotiating panels shall ensure the reasons for the adoption of a different rule or method of procurement are clearly reflected in the records of discussion.</p>
<p>No Section 4.5</p>	<p>New Provision:</p> <p>4.5 The following are not procurement activities under R.A. 9184 and this IRR:</p> <ul style="list-style-type: none"> a) Direct financial or material assistance given to beneficiaries in accordance with the existing laws, rules and regulations, and subject to the guidelines of the concerned agency; b) Participation in local or foreign scholarships, trainings, continuing education, conferences, seminars or similar activities that shall be governed by applicable COA, CSC,

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	<p>and DBM rules;</p> <p>c) Lease of government-owned property as lessor for private use;</p> <p>d) Hiring of Job Order Workers;</p> <p>e) Joint Venture under the revised NEDA Guidelines (GOCC and Private Entities), and Joint Venture Agreements by LGU with Private entities; and</p> <p>f) Disposal of Property and Other Assets of the Government.</p>
<p>Section 5. Definition of Terms</p> <p>For purposes of this IRR, the following terms or words and phrases shall mean or be understood as follows:</p> <p>a) Act. Refers to R.A. 9184, xxx.</p> <p>b) Approved Budget for the Contract. Refers to the budget for the contract duly approved by the Head of the Procuring Entity, as provided for in the General Appropriations Act (GAA), continuing, and automatic appropriations, in the case of national government agencies (NGAs); the corporate budget for the contract approved by the governing board, pursuant to Executive Order No. 518, series of 1979 (E.O. 518), in the case of GOCCs and GFIs, and R.A. 8292 in the case of SUCs; the budget approved by the Sanggunian in the case of LGUs; and the estimated contract cost in the case of Foreign-funded Procurement. For purposes of, and</p>	<p>Section 5. Definition of Terms</p> <p>For purposes of this IRR, the following terms or words and phrases shall mean or be understood as follows:</p> <p>a) Act. Refers to R.A. 9184, xxx.</p> <p>b) Approved Budget for the Contract. Refers to the budget for the contract duly approved by the HoPE, as provided for in the General Appropriations Act (GAA), continuing, and automatic appropriations, in the case of national government agencies (NGAs); the corporate budget for the contract approved by the governing board, pursuant to Executive Order (E.O.) No. 518, series of 1979, in the case of GOCCs and GFIs, and R.A. 8292 in the case of SUCs; the budget approved by the Sanggunian through an appropriations ordinance in the case of LGUs multi-year contracts, for which a Multi-Year Obligational Authority (MYOA) or an equivalent document is required, the</p>

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<p>throughout this IRR, the terms “ABC”, “Approved Budget for the Contract”, and “Approved Budget” shall have the same meaning and shall be used interchangeably. For Foreign-funded Procurement, the estimated contract cost for the project refers to the cost estimate prepared by the procuring entity and approved by the foreign government/foreign or international financing institution as specified in the Treaty or International or Executive Agreement.</p> <p>xxx</p> <p>r) Goods. Refer to all items, supplies, materials and general support services, except consulting services and infrastructure projects, which may be needed in the transaction of public businesses or in the pursuit of any government undertaking, project or activity, whether in the nature of equipment, furniture, stationery, materials for construction, or personal property of any kind, including non-personal or contractual services, such as, the repair and maintenance of equipment and furniture, as well as trucking, hauling, janitorial, security, and related or analogous services, as well as procurement of materials and supplies provided by the procuring entity for such services. The term “related” or “analogous services” shall include, but not be limited to, lease or purchase of office space, media advertisements, health maintenance services, and other services essential to the operation of the procuring entity.</p> <p>xxx</p> <p>w) Non-expendable Supplies. Refer to articles which are not</p>	<p>ABC shall be that incorporated in the project cost reflected in the MYOA or equivalent document.</p> <p>For Foreign-funded Procurement, the ABC refers to the cost estimate prepared by the Procuring Entity and approved by the foreign government/foreign or international financing institution as specified in the Treaty or International or Executive Agreement.</p> <p>xxx</p> <p>r) Goods. Refer to all items, supplies, materials and general support services, except Consulting Services and infrastructure projects, which may be needed in the transaction of public businesses or in the pursuit of any government undertaking, project or activity, whether in the nature of equipment, furniture, stationery, materials for construction, or personal property of any kind, including non-personal or contractual services, such as, the repair and maintenance of equipment and furniture, as well as trucking, hauling, janitorial, security, and related or analogous services, as well as procurement of materials and supplies provided by the procuring entity for such services. The term “related” or “analogous services” shall include, but not be limited to, lease of office space, media advertisements, health maintenance services, and other services essential to the operation of the Procuring Entity.</p> <p>xxx</p> <p>w) Non-expendable Supplies. Refer to articles which are not</p>

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<p>consumed in use and ordinarily retain their original identity during the period of use, whose serviceable life is more than one (1) year and which add to the assets of the GOP (e.g., furniture, fixtures, transport and other equipment).</p>	<p>consumed in use and ordinarily retain their original identity during the period of use, whose serviceable life is more than one (1) year and which add to the assets of the GOP (e.g., furniture, fixtures, transport and other equipment). For this IRR, the term non-expendable supplies shall include semi-expendable property.</p>
<p>7.3. The APP shall be formulated and revised only in accordance with the following guidelines:</p> <p>7.3.1. At the start of every budget period, the procuring entity shall prepare its proposed budget for the succeeding calendar year, taking into consideration the budget framework for that year in order to reflect its priorities and objectives for the budget period.</p> <p>7.3.2. The end-user units of the procuring entity shall prepare their respective Project Procurement Management Plan (PPMP) for their different programs, activities, and projects (PAPs). The PPMP shall include:</p> <ul style="list-style-type: none"> a) information on whether PAPs will be contracted out, implemented by administration in accordance with the guidelines issued by the GPPB, or consigned; b) the type and objective of contract to be employed; c) the extent/size of contract scopes/packages; 	<p>7.3. The APP shall be formulated and revised only in accordance with the following guidelines:</p> <p>7.3.1. Upon issuance of the budget call in the case of NGAs, SUCs, Constitutional Commissions or Offices, or similar document for GOCCs, GFIs and LGUs, the Procuring Entity shall prepare its indicative APP for the succeeding calendar year to support its proposed budget; taking into consideration the budget framework for that year in order to reflect its priorities and objectives.</p> <p>7.3.2. In the preparation of the indicative APP, the end-user or implementing units of the Procuring Entity shall formulate their respective Project Procurement Management Plan (PPMP) for their different programs, activities, and projects (PAPs). The PPMP shall include:</p> <ul style="list-style-type: none"> a) information on whether PAPs will be contracted out, implemented by administration in accordance with the guidelines issued by the GPPB, or consigned; b) the type and objective of contract to be employed; c) the extent/size of contract scopes/packages;

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<p>d) the procurement methods to be adopted, and indicating if the procurement tasks are to be outsourced as provided in Section 53.6 of this IRR;</p> <p>e) the time schedule for each procurement activity and for the contract implementation; and</p> <p>f) the estimated budget for the general components of the contract.</p> <p>For purposes of this Section, consignment refers to an arrangement where the following requisites are present: (a) delivery of goods by their owner (consignor), without sale, to a government agency (consignee); (b) consignee must try to sell the goods and remit the price of the sold goods to the consignor; (c) consignee accepts without any liability except for failure to reasonably protect them from damage; (d) no disbursement of government funds is involved; and (e) at terms not disadvantageous to the GOP.</p> <p>7.3.3. The PPMP shall then be submitted to the procuring entity's Budget Office. The procuring entity's Budget Office shall evaluate each end-user's submitted PPMP and, if warranted, include it in the procuring entity's budget proposal for approval by the Head of the Procuring Entity.</p>	<p>d) the procurement methods to be adopted, and indicating if the procurement tasks are to be outsourced as provided in Section 7.3.3 of this IRR;</p> <p>e) the time schedule for each procurement activity and for the contract implementation; and</p> <p>f) the estimated budget for the general components of the contract.</p> <p>For purposes of this Section, consignment refers to an arrangement where the following requisites are present: (a) delivery of goods by their owner (consignor), without sale, to a government agency (consignee); (b) consignee must try to sell the goods and remit the price of the sold goods to the consignor; (c) consignee accepts without any liability except for failure to reasonably protect them from damage; (d) no disbursement of government funds is involved; and (e) at terms not disadvantageous to the GoP.</p> <p>7.3.3. In order to hasten project implementation, Procuring Entities which may not have the proficiency or capability to undertake a particular procurement, as determined by the HoPE concerned, may outsource the procurement tasks by:</p> <p>a) Requesting other GoP agencies to undertake such procurement for them, through the execution of a memorandum of agreement containing specific arrangements, stipulations and covenants, in accordance with government budgeting, accounting and auditing</p>

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<p>7.3.4. After the budget proposal has been approved by the Head of the Procuring Entity and/or other oversight bodies, the procuring entity's budget office shall furnish a copy of the procuring entity's budget proposal as well as the corresponding PPMPs to the BAC Secretariat for its review and consolidation into the proposed APP. The proposed APP shall be consistent with the procuring entity's budget proposal.</p>	<p>rules;</p> <p>b) Engaging private procurement agents to directly undertake the procurement for them, subject to the guidelines to be issued by the GPPB; or</p> <p>c) Recruiting or engaging consultants to assist them directly and/or train their staff in the management of the procurement function.</p> <p>7.3.4. The PPMP shall then be submitted to the procuring entity's Budget Office for evaluation in order to ensure consistency with the Procuring Entity's budget proposal and compliance with existing budgeting rules. The PPMPs included in the budget proposal shall be forwarded to the BAC Secretariat for consolidation into an indicative APP, and to the BAC for final recommendation of the appropriate procurement modality. For this purpose, the indicative APP shall include the following:</p> <p>a) Name of Procurement Project;</p> <p>b) Procurement Management Office (PMO)/end-user/implementing unit;</p> <p>c) Method of Procurement;</p> <p>d) Schedule of identified procurement activities as reflected in the APP form approved by the GPPB;</p> <p>e) Source of funds;</p> <p>f) Indicative ABC; and</p> <p>g) Other relevant descriptions of the project, if applicable.</p>

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<p>7.3.5. As soon as the GAA, corporate budget, or appropriation ordinance, as the case may be, becomes final, the end-user units shall revise and adjust the PPMP to reflect the budgetary allocation for their respective PAPs. The revised PPMPs shall be submitted to the BAC, through its Secretariat, for the finalization of the modes of procurement under the proposed APP. The APP shall then be approved in accordance with Section 7.2 of this IRR.</p> <p>7.4. Updating of the individual PPMPs and the consolidated APP for each procuring entity shall be undertaken every six (6) months or as often as may be required by the Head of the Procuring Entity. The updating of the PPMPs shall be the responsibility of the respective end-user units of the Procuring Entities, while the consolidation of these PPMPs into an APP shall be lodged with the BAC Secretariat, subject to approval of the Head of the Procuring Entity.</p> <p>7.5. The ABC as reflected in the APP or PPMP shall be at all times consistent with the appropriations for the project authorized in the GAA, continuing, and automatic appropriations, the corporate budget, and the appropriation ordinance, as the case may be. For NGAs, to facilitate the immediate implementation of projects even pending approval of the GAA, the ABC shall be based on</p>	<p>The indicative APP and budget proposal shall be simultaneously submitted to the HoPE and/or other oversight bodies for approval.</p> <p>7.3.5. As soon as the GAA, corporate budget, or appropriation ordinance, as the case may be, becomes final, the end-user or implementing units shall revise and adjust the PPMPs to reflect the budgetary allocation for their respective PAPs. The revised PPMPs shall be submitted to the BAC, through its Secretariat, for the final recommendation of the methods of procurement. The indicative APP shall then be revised and approved in accordance with Section 7.2 of this IRR. The APP shall be submitted to the GPPB on or before the end of January of the budget year, and shall be posted in accordance with E.O. 662, series of 2007, as amended.</p> <p>7.4. Changes to the individual PPMPs and the consolidated APP may be undertaken every six (6) months or as often as may be required by the HoPE. The respective end-user or implementing units of the Procuring Entity shall be responsible for the changes to the PPMPs, while the BAC Secretariat shall be responsible for the consolidation of these PPMPs into an APP, which shall be subject to the approval of the HoPE.</p> <p>7.5. The ABC as reflected in the APP shall be at all times consistent with the appropriations for the project authorized in the GAA, continuing, and automatic appropriations, the corporate budget, and the appropriation ordinance, as the case may be.</p> <p>7.6. To facilitate the immediate implementation of procurement of</p>

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<p>the budget levels under the proposed national budget submitted by the President to Congress.</p>	<p>Goods, Infrastructure Projects or Consulting Services, even pending approval of the GAA, corporate budget or appropriations ordinance, as the case may be, and notwithstanding Section 7.2 hereof, the Procuring Entity may undertake the procurement activities short of award.</p> <p>NGAs, SUCs, Constitutional Commissions or Offices are encouraged to start their procurement activities immediately after the National Expenditure Program (NEP) has been submitted by the President to Congress, provided that the HoPE has approved the corresponding indicative APP. This will facilitate the awarding of procurement contracts after the enactment of the GAA, enabling the timely implementation and completion of programs and projects.</p> <p>For a contract with a period not exceeding one (1) year, the ABC shall be based on the amount in the indicative APP as included in the proposed national budget submitted by the President to Congress; for GOCCs, on budget levels as proposed to the governing board; or for LGUs, on budget levels as proposed in the executive budget submitted to the Sanggunian. In the case of multi-year contracts, for which a MYOA or an equivalent document is required, the ABC shall be the amount reflected in the MYOA or equivalent document.</p> <p>No award of contract shall be made until the GAA, corporate budget or appropriations ordinance, as the case may be, has been approved or enacted.</p>
<p>8.4. Pre-bid Conferences and Notices under the PhilGEPS</p>	<p>8.4. Pre-bid Conferences and Notices under the PhilGEPS</p>

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<p>8.4.1. Pre-bid conferences shall be conducted in accordance with Section 22 of this IRR: Provided, however, That the requirement for face-to-face bidding conference may be replaced once videoconferencing, webcasting, or similar technology becomes the norm in business transactions in the country. 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.</p>	<p>8.4.1. Pre-bid conferences shall be conducted in accordance with Section 22 of this IRR.</p>
<p>8.5. Registration, Eligibility Requirements and Submission of Bids under the PhilGEPS</p> <p>8.5.1. To ensure the widest dissemination of the Invitation to Bid/Request for Expression of Interest, xxx</p> <p>8.5.2. Eligibility requirements may be sent electronically or manually to the PhilGEPS. When a manufacturer, supplier, distributor, contractor, or consultant registers with PhilGEPS, it shall submit along with the requirements a certification stating that the documents submitted are complete and authentic copies of the original, and all statements and information provided therein are true and correct. Upon confirmation, validation, and verification of the documents submitted, PhilGEPS may issue, in favor of the registered entity, a Certificate of Registration and Membership that contains the certification mentioned in the preceding sentence.</p>	<p>8.5. Registration, Eligibility Requirements and Submission of Bids under the PhilGEPS</p> <p>8.5.1. To ensure the widest dissemination of the Invitation to Bid/Request for Expression of Interest, xxx</p> <p>8.5.2. All bidders shall upload and maintain in PhilGEPS a current and updated file of the following Class “A” eligibility documents under Sections 23.1(a) and 24.1(a):</p> <ul style="list-style-type: none"> a) Registration Certificate; b) Mayor’s/Business Permit or its Equivalent Document; c) Tax Clearance; d) Philippine Contractors Accreditation Board (PCAB) license and registration; and e) Audited Financial Statements. <p>For Foreign Bidders, the foregoing documents may be substituted by the appropriate equivalent documents in English, if any, issued by the country of the bidder</p>

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	<p>concerned. Otherwise, it must be accompanied by a translation of the documents in English issued by the relevant foreign government agency, the foreign government agency authorized to translate documents, or a registered translator in the foreign bidder’s country; and shall be authenticated by the appropriate Philippine foreign service establishment/post or the equivalent office having jurisdiction over the foreign bidder’s affairs in the Philippines.</p> <p>These documents shall be accompanied by a Sworn Statement in a form prescribed by the GPPB stating that the documents submitted are complete and authentic copies of the original, and all statements and information provided therein are true and correct. Upon receipt of the said documents, the PhilGEPS shall process the same in accordance with the guidelines on the Government of the Philippines –Official Merchants Registry (GoP-OMR).</p>
<p>11.2. BAC Composition</p> <p>11.2.1. The Head of the Procuring Entity shall xxx</p> <p>11.2.2. The BAC for NGAs, departments, bureaus, offices, or instrumentalities of the GOP, including the judicial and legislative branches, constitutional commissions, SUCs, GOCCs, and GFIs shall be composed of the following:</p> <p>Regular Members:</p> <p>a) Chairman, who is at least a third ranking permanent</p>	<p>11.2. BAC Composition</p> <p>11.2.1. The Head of the Procuring Entity shall xxx</p> <p>11.2.2. The BAC for NGAs, departments, bureaus, offices, or instrumentalities of the GoP, including the judicial and legislative branches, constitutional commissions, SUCs, GOCCs, and GFIs shall be composed of the following:</p> <p>Regular Members:</p> <p>a) Chairperson, who is at least a third (3rd) ranking</p>

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<p>official of the procuring entity;</p> <p>b) An officer, who is at least a fifth ranking permanent official, with knowledge, experience and/or expertise in procurement who, to the extent possible, represents the legal or administrative area of the procuring entity, provided that in the case of bureaus, regional offices and sub-regional/district offices, BAC members shall be at least a third ranking permanent personnel;</p> <p>c) An officer, who is at least a fifth ranking permanent official, with knowledge, experience and/or expertise in procurement who, to the extent possible, represents the finance area of the procuring entity, provided that in the case of bureaus, regional offices and sub-regional/district offices, BAC members shall be at least a third ranking permanent personnel;</p> <p>Provisional Members:</p> <p>d) An officer who has technical expertise relevant to the procurement at hand, and, to the extent possible, has knowledge, experience and/or expertise in procurement; and</p> <p>e) A representative from the end user unit who has</p>	<p>permanent official of the Procuring Entity;</p> <p>b) An officer, who is at least a fifth (5th) ranking permanent official, or if not available, an officer of the next lower rank with knowledge, experience and/or expertise in procurement who, to the extent possible, represents the legal or administrative area of the Procuring Entity: <i>Provided, That</i> in the case of bureaus, regional offices and sub-regional/district offices, BAC members shall be at least a third (3rd) ranking permanent personnel or if not available, an officer of the next lower rank;</p> <p>c) An officer, who is at least a fifth (5th) ranking permanent official, or if not available, an officer of the next lower rank with knowledge, experience and/or expertise in procurement who, to the extent possible, represents the finance area of the Procuring Entity : <i>Provided, That</i> in the case of bureaus, regional offices and sub-regional/district offices, BAC members shall be at least a third (3rd) ranking permanent personnel or if not available, an officer of the next lower rank;</p> <p>Provisional Members:</p> <p>d) An officer who has technical expertise relevant to the procurement at hand, and, to the extent possible, has knowledge, experience and/or expertise in procurement; and</p> <p>e) A representative from the end user or implementing</p>

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<p>knowledge of procurement laws and procedures.</p> <p>The Chairman and the Vice-Chairman shall also be designated by the Head of the procuring entity. Moreover, the Vice-Chairman shall be a regular member of the BAC. For purposes of this IRR, the term “permanent” shall refer to a plantilla position within the procuring entity concerned.</p> <p>11.2.3. The BAC for Local Government Units shall be composed of the following:</p> <ul style="list-style-type: none"> a) One representative each from the regular offices under the Office of the Local Chief Executive such as, but not limited to, the following: Office of the Administrator, Budget Office, Legal Office, Engineering Office, General Services Offices; and b) A representative from the end user unit. <p>The members shall elect among themselves who shall act as the Chairman and Vice-Chairman. The Chairman of the BAC shall be at least a third ranking permanent official of the procuring entity. The members of the BAC shall be</p>	<p>unit who has knowledge of procurement laws and procedures. When procurement tasks are outsourced to another GoP agency as a procurement agent pursuant to Section 7.3.3, a representative from the Procuring Entity may be designated as a provisional member to the BAC. For this purpose, the procuring entity shall recommend the provisional member to be designated.</p> <p>The Chairperson and the Vice-Chairperson shall also be designated by the HoPE. Moreover, the Vice-Chairperson shall be a regular member of the BAC. For purposes of this IRR, the term “permanent” shall refer to a plantilla position within the Procuring Entity concerned.</p> <p>11.2.3. The BAC for Local Government Units shall be composed of the following:</p> <ul style="list-style-type: none"> a.) For Provinces, Cities, and Municipalities <ul style="list-style-type: none"> i) One representative each from the regular offices under the Office of the Local Chief Executive such as, but not limited to, the following: Office of the Administrator, Budget Office, Legal Office, Engineering Office, General Services Offices; and ii) A representative from the end user unit. <p>The Chairperson and Vice- Chairperson shall be designated by the Local Chief Executive. The Chairperson of the</p>

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<p>personnel occupying plantilla positions of the procuring entity concerned.</p> <p>11.2.4. The Head of the Procuring Entity may designate alternate members to the BAC, who shall have the same qualifications as their principals as set in the Act and this IRR. The alternate members shall attend meetings of the BAC and receive the corresponding honoraria, whenever their principals are absent. The alternate members shall have the same term as their principals. The accountability of the principal and the alternate member shall be limited to their respective acts and decisions.</p> <p>11.2.5. In no case shall the Head of the Procuring Entity and/or the approving authority be the Chairman or a member of the BAC.</p> <p>11.2.6. Unless sooner removed for a cause, the members of the</p>	<p>BAC shall be at least a third (3rd) ranking permanent official of the Procuring Entity. The members of the BAC shall be personnel occupying plantilla positions of the Procuring Entity concerned.</p> <p>b.) For Barangays</p> <p>i) The BAC shall be composed of at least five (5), but not more than seven (7) regular members of the Sangguniang Barangay, except the Punong Barangay.</p> <p>ii) The Punong Barangay, being the Local Chief Executive, shall designate the Chairperson, Vice-Chairperson, and members of the BAC.</p> <p>11.2.4. The HoPE may designate alternate BAC members, who shall have the same qualifications as as that of the members originally designated under Section 11.2.2 of this IRR. The alternate members shall attend meetings of the BAC and receive the proportionate honoraria, whenever the original members are absent. The alternate members shall have the same term as the original members.</p> <p>11.2.5. In no case shall the HoPE and/or the approving authority be the Chairperson or a member of the BAC.</p> <p>11.2.6. Unless sooner removed for a cause, the members of the BAC shall have a fixed term of one (1) year reckoned</p>

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<p>BAC shall have a fixed term of one (1) year reckoned from the date of appointment, renewable at the discretion of the Head of the Procuring Entity. Upon expiration of the terms of the current members, they shall continue to exercise their functions until new BAC members are designated. In case of resignation, retirement, separation, transfer, re-assignment, removal, or death, the replacement shall serve only for the unexpired term: Provided, however, That in case of leave or suspension, the replacement shall serve only for the duration of the leave or suspension. For justifiable causes, a member shall be suspended or removed by the Head of the Procuring Entity.</p>	<p>from the date of appointment, renewable at the discretion of the HoPE. Upon expiration of the terms of the current members, they shall continue to exercise their functions until new BAC members are designated. In case of resignation, retirement, separation, transfer, re-assignment, removal, or death, the replacement shall serve only for the unexpired term: Provided, however, That in case of leave or suspension, the replacement shall serve only for the duration of the leave or suspension. For justifiable causes, a member shall be suspended or removed by the HoPE.</p>
<p>Section 12. Functions of the BAC</p> <p>12.1. The BAC shall have the following functions: (a) advertise and/or post the invitation to bid/request for expressions of interest; (b) conduct pre-procurement and pre-bid conferences; (c) determine the eligibility of prospective bidders; (d) receive bids; (e) conduct the evaluation of bids; (f) undertake post-qualification proceedings; (g) resolve motions for reconsideration; (h) recommend award of contracts to the Head of the Procuring Entity or his duly authorized representative: (i) recommend the imposition of sanctions in accordance with Rule XXIII; (j) recommend to the Head of the Procuring Entity the use of Alternative Methods of Procurement as provided for in Rule XVI hereof; and (k) perform such other related functions as may be necessary, including the creation of a Technical Working Group (TWG) from a pool of technical, financial, and/or</p>	<p>Section 12. Functions of the BAC</p> <p>12.1. The BAC shall have the following functions: (a) advertise and/or post the invitation to bid/request for expressions of interest; (b) conduct pre-procurement and pre-bid conferences; (c) determine the eligibility of prospective bidders; (d) receive and open bids; (e) conduct the evaluation of bids; (f) undertake post-qualification proceedings; (g) resolve requests for reconsideration; (h) recommend award of contracts to the HoPE or his duly authorized representative: (i) recommend the imposition of sanctions in accordance with Rule XXIII; (j) recommend to the HoPE the use of Alternative Methods of Procurement as provided for in Rule XVI hereof; (k) conduct any of the Alternative Methods of Procurement; (l) conduct periodic assessment of the procurement processes and procedures to streamline procurement activities pursuant to Section 3(c)</p>

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<p>legal experts to assist in the procurement process, particularly in the eligibility screening, evaluation of bids, and post-qualification.</p> <p>12.2. The BAC shall be responsible for ensuring that the procuring entity abides by the standards set forth by the Act and this IRR, and it shall prepare a procurement monitoring report in the form prescribed by the GPPB. The procurement monitoring report shall cover all procurement activities specified in the APP, whether ongoing and completed, from the holding of the pre-procurement conference to the issuance of notice of award and the approval of the contract, including the standard and actual time for each major procurement activity. The procurement monitoring report shall be approved and submitted by the Head of the Procuring Entity to the GPPB in printed and</p>	<p>of this IRR; and (m) perform such other related functions as may be necessary, including the creation of a Technical Working Group (TWG) from a pool of technical, financial, and/or legal experts to assist in the following:</p> <ol style="list-style-type: none"> 1.) Review of the Technical Specifications, Scope of Work, and Terms of Reference; 2.) Review of Bidding Documents; 3.) Shortlisting of Consultants; 4.) Eligibility Screening; 5.) Evaluation of Bids; 6.) Post-Qualification; and 7.) Resolution of Request for Reconsideration. <p>To the extent possible, the BAC in central offices shall render necessary assistance to its regional or lower office BACs to facilitate the conduct of procurement from pre-procurement conference to the post-qualification stage.</p> <p>12.2. The BAC shall be responsible for ensuring that the Procuring Entity abides by the standards set forth by the Act and this IRR, and it shall prepare a Procurement Monitoring Report (PMR) in the form prescribed by the GPPB. The PMR shall cover all procurement activities specified in the APP, whether ongoing and completed, from the holding of the pre-procurement conference to the issuance of notice of award and the approval of the contract, including the standard and actual time for each major procurement activity. The PMR shall be approved and submitted by the HoPE to the GPPB in printed and electronic format within fourteen (14) calendar days after the end of each semester.</p>

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<p>electronic format within fourteen (14) calendar days after the end of each semester.</p> <p>12.3. Quorum</p> <p>A majority of the total BAC composition as designated by the Head of the Procuring Entity shall constitute a quorum for the transaction of business, provided that the presence of the Chairman or Vice-Chairman shall be required.</p> <p>12.4. Meetings</p> <p>The Chairman or, in his absence, the Vice-Chairman, shall preside at all meetings of the BAC. The decision of at least a majority of those present at a meeting at which there is quorum shall be valid and binding as an act of the BAC: Provided, however, That the Chairman or, in his absence, the Vice-Chairman, shall vote only in case of a tie.</p>	<p>The PMR shall likewise be posted in accordance with E.O. 662, s. 2007, as amended.</p> <p>12.3. Quorum</p> <p>A majority of the total BAC composition as designated by the HoPE shall constitute a quorum for the transaction of business, provided that the presence of the Chairperson or Vice- Chairperson shall be required.</p> <p>12.4. Meetings</p> <p>The Chairperson or, in his absence, the Vice- Chairperson, shall preside at all meetings of the BAC. The decision of at least a majority of those present at a meeting at which there is quorum shall be valid and binding as an act of the BAC: Provided, however, That the Chairperson or, in his absence, the Vice- Chairperson, shall vote only in case of a tie.</p>
<p>Section 13. Observers</p> <p>13.1. To enhance the transparency of the process, the BAC shall, in all stages of the procurement process, invite, in addition to the representative of the COA, at least two (2) observers, who shall not have the right to vote, to sit in its proceedings where:</p> <p>1. At least one (1) shall come from a duly recognized private group in a sector or discipline relevant to the procurement at hand, for example:</p>	<p>Section 13. Observers</p> <p>13.1. To enhance the transparency of the process, the BAC shall, during the eligibility checking, shortlisting, pre-bid conference, preliminary examination of bids, bid evaluation, and post-qualification, invite, in addition to the representative of the COA, at least two (2) observers, who shall not have the right to vote, to sit in its proceedings where:</p> <p>1. At least one (1) shall come from a duly recognized private group in a sector or discipline relevant to the procurement at hand, for example:</p>

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<p>a) For infrastructure projects, national associations of constructors duly recognized by the Construction Industry Authority of the Philippines (CIAP), such as, but not limited to the following:</p> <ul style="list-style-type: none"> (1) Philippine Constructors Association, Inc.; (2) National Constructors Association of the Philippines, Inc.; and (3) Philippine Institute of Civil Engineers (PICE). <p>b) For goods, a specific relevant chamber-member of the Philippine Chamber of Commerce and Industry.</p> <p>c) For consulting services, a project-related professional organization accredited or duly recognized by the Professional Regulation Commission or the Supreme Court, such as, but not limited to:</p> <ul style="list-style-type: none"> (1) PICE; (2) Philippine Institute of Certified Public Accountants (PICPA); and (3) Confederation of Filipino Consulting Organizations; and <p>2. The other observer shall come from a non-government organization (NGO).</p> <p>13.2. The observers shall come from an organization duly registered with the Securities and Exchange Commission</p>	<p>a) For Infrastructure Projects, national associations of constructors duly recognized by the Construction Industry Authority of the Philippines (CIAP), such as, but not limited to the following:</p> <ul style="list-style-type: none"> (1) Philippine Constructors Association, Inc.; or (2) National Constructors Association of the Philippines, Inc. <p>b) For Goods, a specific relevant chamber-member of the Philippine Chamber of Commerce and Industry.</p> <p>c) For Consulting Services, a project-related professional organization accredited or duly recognized by the Professional Regulation Commission or the Supreme Court, such as, but not limited to:</p> <ul style="list-style-type: none"> (1) Philippine Institute of Civil Engineers (PICE); (2) Philippine Institute of Certified Public Accountants (PICPA); and or (3) Confederation of Filipino Consulting Organizations; and <p>2. The other observer shall come from a non-government organization (NGO).</p> <p>13.2. The observers shall come from an organization duly registered with the Securities and Exchange Commission</p>

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<p>(SEC) or the Cooperative Development Authority (CDA), and should meet the following criteria:</p> <ul style="list-style-type: none"> a) Knowledge, experience or expertise in procurement or in the subject matter of the contract to be bid; b) Absence of actual or potential conflict of interest in the contract to be bid; and c) Any other relevant criteria that may be determined by the BAC. <p>13.3. Observers shall be invited at least three (3) calendar days before the date of the procurement stage/activity. The absence of observers will not nullify the BAC proceedings, provided that they have been duly invited in writing.(a)</p> <p>13.4. The observers shall have the following responsibilities:</p> <ul style="list-style-type: none"> a) To prepare the report either jointly or separately indicating their observations made on the procurement activities conducted by the BAC for submission to the Head of the Procuring Entity, copy furnished the BAC Chairman. The report shall assess the extent of the BAC’s compliance with the provisions of this IRR and areas of improvement in the BAC’s proceedings; b) To submit their report to the procuring entity and 	<p>(SEC) or the Cooperative Development Authority (CDA), and should meet the following criteria:</p> <ul style="list-style-type: none"> a) Knowledge, experience or expertise in procurement or in the subject matter of the contract to be bid; b) Absence of actual or potential conflict of interest in the contract to be bid; and c) Any other relevant criteria that may be determined by the BAC. <p>13.3. Observers shall be invited at least five (5) calendar days before the date of the procurement stage/activity. The absence of observers will not nullify the BAC proceedings: <i>Provided that</i>, they have been duly invited in writing. The Procuring Entities should ensure that the invitation is received at least five (5) calendar days before each procurement activity. In the event that a procurement activity has to be postponed, the observers shall be notified immediately of the change in schedule.</p> <p>13.4. The observers shall have the following responsibilities:</p> <ul style="list-style-type: none"> a) To prepare the report either jointly or separately indicating their observations made on the procurement activities conducted by the BAC for submission to the HoPE, copy furnished the BAC Chairperson. The report shall assess the extent of the BAC’s compliance with the provisions of this IRR and areas of improvement in the BAC’s proceedings; b) To submit their report to the Procuring Entity and

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<p>furnish a copy to the GPPB and Office of the Ombudsman/Resident Ombudsman. If no report is submitted by the observer, then it is understood that the bidding activity conducted by the BAC followed the correct procedure; and</p> <p>c) To immediately inhibit and notify in writing the procuring entity concerned of any actual or potential interest in the contract to be bid.</p> <p>13.5. Observers shall be allowed access to the following documents upon their request, subject to signing of a confidentiality agreement: (a) minutes of BAC meetings; (b) abstract of Bids; (c) post-qualification summary report; (d) APP and related PPMP; and (e) opened proposals.</p>	<p>furnish a copy to the GPPB and Office of the Ombudsman/Resident Ombudsman. If no report is submitted by the observer within seven (7) calendar days, then it is presumed that the bidding activity conducted by the BAC followed the correct procedure; and</p> <p>c) To immediately inhibit and notify in writing the Procuring Entity concerned of any actual or potential interest in the contract to be bid.</p> <p>13.5. Observers shall be allowed access to or be provided with the following documents free of charge upon their request, subject to signing of a confidentiality agreement: (a) minutes of BAC meetings; (b) abstract of Bids; (c) post-qualification summary report; (d) APP and related PPMP; and (e) opened proposals. In all instances, observers shall be required to enter into a confidentiality agreement with the concerned Procuring Entity in accordance with the form prescribed by the GPPB.</p>
<p>Section 14. BAC Secretariat</p> <p>14.1. The Head of the Procuring Entity shall create a Secretariat which will serve as the main support unit of the BAC. An existing organic office within the procuring entity may also be designated to serve as Secretariat. However, to strengthen and promote the professionalization of the organizations' procuring unit, the Head of the Procuring Entity may create procurement units that may serve concurrently as BAC Secretariat in accordance with the</p>	<p>Section 14. BAC Secretariat / Procurement Unit</p> <p>14.1. The HoPE shall create a Secretariat which will serve as the main support unit of the BAC. An existing organic office within the Procuring Entity may also be designated to serve as Secretariat. However, to strengthen and promote the professionalization of the organizations' procuring unit, the HoPE may create procurement units that may serve concurrently as BAC Secretariat in accordance with the guidelines issued by DBM. The Secretariat shall have the</p>

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<p>guidelines issued by DBM. The Secretariat shall have the following functions and responsibilities:</p> <ul style="list-style-type: none"> a) Provide administrative support to the BAC; b) Organize and make all necessary arrangements for BAC meetings and conferences; c) Prepare minutes of meetings and resolutions of the BAC; d) Take custody of procurement documents and other records; e) Manage the sale and distribution of Bidding Documents to interested bidders; f) Advertise and/or post bidding opportunities, including Bidding Documents, and notices of awards; g) Assist in managing the procurement processes; h) Monitor procurement activities and milestones for proper reporting to relevant agencies when required; i) Consolidate PPMPs from various units of the procuring entity to make them available for review as indicated in Section 7 of this IRR; and j) Act as the central channel of communications for the 	<p>following functions and responsibilities:</p> <ul style="list-style-type: none"> a) Provide administrative support to the BAC and the TWG; b) Organize and make all necessary arrangements for BAC and the TWG meetings and conferences; c) Prepare minutes of meetings and resolutions of the BAC; d) Take custody of procurement documents and other records and ensure that all procurements undertaken by the Procuring Entity are properly documented; e) Manage the sale and distribution of Bidding Documents to interested bidders; f) Advertise and/or post bidding opportunities, including Bidding Documents, and notices of awards; g) Assist in managing the procurement processes; h) Monitor procurement activities and milestones for proper reporting to relevant agencies when required; i) Consolidate PPMPs from various units of the Procuring Entity to make them available for review as indicated in Section 7 of this IRR and prepare the APP; and j) Act as the central channel of communications for the

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<p>BAC with end users, PMOs, other units of the line agency, other government agencies, providers of goods, infrastructure projects, and consulting services, observers, and the general public.</p> <p>14.2. The head of the Secretariat in central offices shall be at least a fifth ranking permanent employee or, if not available, a permanent official of the next lower rank; or shall be at least a third ranking permanent employee in bureaus, regional offices and sub-regional/ district offices, or if not available, a permanent employee of the next lower rank. In addition to integrity, Heads of Procuring Entities shall consider procurement proficiency as a factor in designating the head of the Secretariat and Procurement Unit.(a)</p> <p>14.3. To expedite the procurement process, the Head of the Procuring Entity shall ensure that the members of the BAC and TWG shall give utmost priority to BAC assignments over all other duties and responsibilities, until the requirements for the said assignments at hand are completed.</p>	<p>BAC with end users or implementing units, PMOs, other units of the line agency, other government agencies, providers of goods, infrastructure projects, and consulting services, observers, and the general public.</p> <p>14.2. In case of an existing ad hoc Secretariat, the HoPE shall assign full-time support staff to their BAC Secretariat. The head of the Secretariat in central offices shall be at least a fifth (5th) ranking permanent employee or, if not available, a permanent employee of lower rank; or shall be at least a third (3rd) ranking permanent employee in bureaus, regional offices and sub-regional/ district offices, or if not available, a permanent employee of lower rank. In addition to integrity, Heads of Procuring Entities shall consider procurement proficiency as a factor in designating the head of the Secretariat and Procurement Unit.</p> <p>14.3. To expedite the procurement process, the HoPE shall ensure that the members of the BAC, its Secretariat and TWG, shall give utmost priority to BAC assignments over all other duties and responsibilities, until the requirements for the said assignments at hand are completed.</p>
<p>Section 16. Professionalization of BAC, TWG Members and Procurement Units</p> <p>The GPPB shall establish a sustained training program to develop the capability of the BACs, BAC Secretariats, TWGs, and the Procurement Units of Procuring Entities, and professionalize the same.</p>	<p>Section 16. Professionalization of BAC, TWG Members and Procurement Units</p> <p>The GPPB shall establish a sustained training program to develop the capability of the BACs, BAC Secretariats, TWGs, and the Procurement Units of Procuring Entities, and professionalize the same.</p>

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	<p>The HoPE shall ensure that the BAC, its Secretariat and TWG members, including other relevant procurement personnel are sent to attend procurement training or capacity development program. Within six (6) months upon designation, the BAC, its Secretariat and TWG members should have satisfactorily completed such training or program conducted, authorized or accredited by the GPPB through its Technical Support Office.</p> <p>The HoPE is encouraged to attend similar procurement training and capacity development activities.</p>
<p>Section 17. Form and Contents of Bidding Documents</p> <p>17.1. The Bidding Documents xxx</p> <p>17.2. The specifications and other terms in the Bidding Documents shall reflect minimum requirements or specifications required to meet the needs of the procuring entity in clear and unambiguous terms.</p>	<p>Section 17. Form and Contents of Bidding Documents</p> <p>17.1. The Bidding Documents xxx</p> <p>17.2. The specifications and other terms in the Bidding Documents shall reflect the necessary specifications required to meet the needs of the Procuring Entity in clear and unambiguous terms.</p> <p>In mixed procurements, the Procuring Entity shall specify in the Bidding Documents the requirements, criteria and other conditions of the bidding procedures and of the ensuing contract as applicable to each component of the project. In the preparation of Bidding Documents, the Procuring Entity shall ensure compliance with existing laws, rules and regulations, especially those concerning licenses and permits required for the project, in accordance with Section 34.2 of this IRR.</p>

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<p>17.3. 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 for the contract to be bid available for the following period:</p> <p>a) For the procurement of goods and infrastructure projects, from the time the Invitation to Bid is first advertised/posted until the deadline for the submission and receipt of bids.</p> <p>b) For the procurement of consulting services, eligibility documents shall be made available from the time the Request for Expression of Interest is first advertised/posted until the deadline for the eligibility check, and the Bidding Documents, from the determination of the short list until the deadline for the submission and receipt of bids.</p> <p>17.4. Bidders may be asked to pay for the Bidding Documents to recover the cost of its preparation and development. The BAC shall issue the Bidding Documents upon payment of the corresponding cost thereof to the collecting/disbursing officer of the procuring entity concerned.</p>	<p>17.3. 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 from the time the Invitation to Bid / Request for Expression of Interest is first advertised/posted until the deadline for the submission and receipt of bids.</p> <p>17.4. 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. The Procuring Entity shall post the complete Bidding Documents at its website and the PhilGEPS website from the time the Invitation to Bid/Request for Expression of Interest is advertised. Bidding Documents may be downloaded from any of the said websites: Provided, That upon submission of their bids, the bidders shall pay the applicable fee, if required. The Bidding Documents may also be secured from the BAC Secretariat upon payment of the corresponding fee, if required.</p>

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<p>17.5. The procuring entity shall also post the Bidding Documents at its website and at the PhilGEPS website from the time that the Invitation to Bid/Request for Expression of Interest is advertised. Prospective bidders may download the Bidding Documents from any of the said websites; Provided that, bidders shall pay the fee for the Bidding Documents upon submission of their Bids.</p> <p>17.6. Detailed Engineering for the Procurement of Infrastructure Projects</p> <p>No bidding and award of contract for infrastructure projects shall be made unless the detailed engineering investigations, surveys and designs, including the acquisition of the ROW, for the project have been sufficiently carried out and duly approved in accordance with the standards and specifications prescribed by the Head of the Procuring Entity concerned or his duly authorized representative, and in accordance with the provisions of Annex “A” of this IRR.</p> <p>The exception is design and build scheme, wherein the bidders shall be allowed to submit its detailed engineering designs as part of its bid. The procedures for the procurement and contract implementation of infrastructure projects using a design and build scheme shall be in</p>	<p>17.5. Bidding Documents Fee may be refunded in accordance with the aforementioned Guidelines based on the grounds provided for under Section 41 of the Act and this IRR.</p> <p>17.6. Detailed Engineering for the Procurement of Infrastructure Projects</p> <p>No bidding and award of contract for Infrastructure Projects shall be made unless the detailed engineering investigations, surveys and designs, for the project have been sufficiently carried out and duly approved in accordance with the standards and specifications prescribed by the HoPE concerned or his duly authorized representative, and in accordance with the provisions of Annex “A” of this IRR. In case of projects with pending acquisition of right-of-way site or location, the procurement process may commence, but no award of contract shall be made until an authority or permit to enter is issued by the property owner; or a notarized deed of sale or deed of donation is executed in favor of the government; or a writ of possession is issued by a court of competent jurisdiction, as the case may be.</p> <p>The exception is in case of design and build scheme, wherein the bidders shall be allowed to submit its detailed engineering designs as part of its bid. The procedures for the procurement and contract implementation of infrastructure projects using a design and build scheme shall</p>

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accordance with the provisions of Annex “G” of this IRR.	be in accordance with the provisions of Annex “G” of this IRR.
<p>Section 18. Reference to Brand Names</p> <p>Specifications for the procurement of goods shall be based on relevant characteristics and/or performance requirements. Reference to brand names shall not be allowed.</p>	<p>Section 18. Reference to Brand Names</p> <p>Specifications for the procurement of goods shall be based on relevant characteristics, functionality and/or performance requirements. Reference to brand names shall not be allowed except for items or parts that are compatible with the existing fleet or equipment of the same make and brand, and to maintain the performance, functionality and useful life of the equipment.</p>
<p>Section 20. Pre-procurement Conference</p> <p>20.1. Prior to the advertisement or the issuance of the Invitation to Bid/Request for Expression of Interest for each procurement undertaken through a public bidding, the BAC, through its Secretariat, shall call for a pre-procurement conference. The pre-procurement conference shall be attended by the BAC, the Secretariat, the unit or officials, including consultants hired by the procuring entity, who prepared the Bidding Documents and the draft Invitation to Bid/Request for Expression of Interest for each procurement. During this conference, the participants, led by the BAC, shall:</p> <ul style="list-style-type: none"> a) Confirm the description and scope of the contract, the ABC, and contract duration. b) Ensure that the procurement is in accordance with the project and annual procurement plans; 	<p>Section 20. Pre-procurement Conference</p> <p>20.1. Prior to the advertisement or the issuance of the Invitation to Bid/Request for Expression of Interest for each procurement undertaken through a public bidding, the BAC, through its Secretariat, shall call for a pre-procurement conference. The pre-procurement conference shall be attended by the BAC, the Secretariat, the unit or officials, including consultants hired by the Procuring Entity, who prepared the Bidding Documents and the draft Invitation to Bid/Request for Expression of Interest for each procurement. During this conference, the participants, led by the BAC, shall:</p> <ul style="list-style-type: none"> 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;

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<p>c) Determine the readiness of the procurement at hand, including, among other aspects, the following:</p> <ul style="list-style-type: none"> i) availability of appropriations and programmed budget for contract; 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 ROW and the ownership of affected properties. <p>xxx</p>	<p>c) Determine the readiness of the procurement at hand, including, among other aspects, the following:</p> <ul style="list-style-type: none"> i) availability of appropriations and programmed budget for contract. For the purpose of pre-procurement conference, pending the approval or enactment of the GAA, corporate budget or appropriations ordinances, 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, the proposed corporate budget or executive budget, in accordance with Section 7.6 of this 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 this IRR. <p>xxx</p>
Section 21. Advertising and Contents of the Invitation to Bid/Request for Expression of Interest	Section 21. Advertising and Contents of the Invitation to Bid/Request for Expression of Interest

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<p data-bbox="232 277 1093 344">21.1. Contents of the Invitation to Bid/Request for Expression of Interest</p> <p data-bbox="329 389 1099 496">The Invitation to Bid/Request for Expression of Interest shall provide prospective bidders the following information, among others:</p> <p data-bbox="329 539 685 568">a) For the procurement of:</p> <p data-bbox="376 619 427 639">xxx</p> <p data-bbox="329 871 1099 1050">b) 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;</p> <p data-bbox="329 1094 1099 1235">c) 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;</p> <p data-bbox="329 1279 573 1308">d) ABC to be bid;</p> <p data-bbox="329 1353 667 1382">e) The source of funding;</p>	<p data-bbox="1178 277 2038 344">21.1. Contents of the Invitation to Bid/Request for Expression of Interest</p> <p data-bbox="1274 389 2045 496">The Invitation to Bid/Request for Expression of Interest shall provide prospective bidders the following information, among others:</p> <p data-bbox="1274 539 1630 568">a) For the procurement of:</p> <p data-bbox="1321 619 1373 639">xxx</p> <p data-bbox="1274 687 2045 828">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;</p> <p data-bbox="1274 871 2045 1050">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;</p> <p data-bbox="1274 1094 2045 1235">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;</p> <p data-bbox="1274 1279 1861 1308">e) ABC for the project, lot, or item to be bid;</p> <p data-bbox="1274 1353 1615 1382">f) The source of funding;</p>

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<p>f) The period of availability of the Bidding Documents, the place where the Bidding Documents may be secured, the website where the Bidding Documents may be downloaded, and, where applicable, the price of the Bidding Documents;</p> <p>g) The contract duration or delivery schedule;</p> <p>h) 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</p> <p>i) Such other necessary information deemed relevant by the procuring entity.</p> <p>21.2. Advertising and Posting of the Invitation to Bid/Request for Expression of Interest</p> <p>21.2.1. Except as otherwise provided in Sections 21.2.2 and 54.2 of this IRR and for the procurement of common-use goods and supplies, the Invitation to Bid/Request for Expression of Interest shall be:</p> <p>a) Advertised at least once in one (1) newspaper of general nationwide circulation which has been regularly published for at least two (2) years before the date of issue of the advertisement;</p>	<p>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 this IRR;</p> <p>h)The contract duration or delivery schedule;</p> <p>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</p> <p>j) Such other necessary information deemed relevant by the Procuring Entity.</p> <p>21.2. Advertising and Posting of the Invitation to Bid/Request for Expression of Interest</p> <p>21.2.1. Except as otherwise provided in Sections 54.2 of this IRR and for the procurement of common-use goods and supplies, the Invitation to Bid/Request for Expression of Interest shall be:</p> <p>c) Advertised at least once in one (1) newspaper of general nationwide circulation which has been regularly published for at least two (2) years before the date of issue of the advertisement; : Provided, That advertisement shall not be required for contracts to be bid</p>

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<p>b) Posted continuously in the PhilGEPS website, the website of the procuring entity concerned, if available, and the website prescribed by the foreign government/foreign or international financing institution, if applicable, for seven (7) calendar days starting on date of advertisement; and</p> <p>c) Posted at any conspicuous place reserved for this purpose in the premises of the procuring entity concerned for seven (7) calendar days, if applicable, as certified by the head of the BAC Secretariat of the procuring entity concerned.</p>	<p>with an ABC of Ten Million Pesos (₱10,000,000.00) and below for the procurement of goods, Fifteen Million Pesos (₱15,000,000.00) and below for the procurement of Infrastructure Projects, and Five Million Pesos (₱5,000,000.00) and below for the procurement of Consulting Services.</p> <p>b) Posted continuously in the PhilGEPS website, the website of the Procuring Entity concerned, if available, and the website prescribed by the foreign government/foreign or international financing institution, if applicable, for seven (7) calendar days starting on date of advertisement; and</p> <p>a) Posted at any conspicuous place reserved for this purpose in the premises of the Procuring Entity concerned for seven (7) calendar days, if applicable, as certified by the head of the BAC Secretariat of the Procuring Entity concerned-;</p> <p>Two (2) years after the effectivity of this IRR, advertisement in a newspaper of general nationwide circulation shall no longer be required. However, a Procuring Entity that cannot post its opportunities in the PhilGEPS for justifiable reasons shall continue to publish its advertisements in a newspaper of general nationwide circulation.</p>

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<p>21.2.2. Advertisement of the Invitation to Bid/Request for Expression of Interest in a newspaper of general nationwide circulation provided in Section 21.2.1(a) shall not be required for contracts to be bid with an approved budget of Two Million Pesos (P2,000,000.00) and below for the procurement of goods, Five Million Pesos (P5,000,000.00) and below for the procurement of infrastructure projects, and One Million Pesos (P1,000,000.00) and below or those whose duration is four (4) months or less for the procurement of consulting services.</p>	
<p>Section 22. Pre-bid Conference</p> <p>22.1. For contracts to be bid with xxx.</p> <p>22.2. The pre-bid conference shall be held at least twelve (12) calendar days before the deadline for the submission and receipt of bids. If the procuring entity determines that, by reason of the method, nature, or complexity of the contract to be bid or when international participation will be more advantageous to the GOP, a longer period for the preparation of bids is necessary, the pre-bid conference shall be held at least thirty (30) calendar days before the deadline for the submission and receipt of bids.</p>	<p>Section 22. Pre-bid Conference</p> <p>22.1. For contracts to be bid with xxx.</p> <p>22.2. 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 Invitation to Bid or Bidding Documents and in the case of Consulting Services, from the determination of the shortlisted consultants. If the procuring entity determines that, by reason of the method, nature, or complexity of the contract to be bid or when international participation will be more advantageous to the GoP, a longer period for the preparation of bids is necessary, the pre-bid conference shall be held at least thirty (30) calendar days before the deadline for the submission and receipt of bids.</p>

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<p>22.3. The pre-bid conference shall discuss, among other things, the eligibility requirements and the technical and financial components of the contract to be bid. Attendance of the bidders shall not be mandatory. However, at the option of the Procuring Entity, only those who have purchased the Bidding Documents shall be allowed to participate in the pre-bid conference and raise or submit written queries or clarifications.</p> <p>22.4. The minutes of the pre-bid conference shall be recorded and made available to all participants not later than three (3) calendar days after the pre-bid conference. Any statement made at the pre-bid conference shall not modify the terms of the Bidding Documents, unless such statement is specifically identified in writing as an amendment thereto and issued as a Supplemental/Bid Bulletin.</p> <p>22.5. Supplemental/Bid Bulletins</p> <p>22.5.1. Requests for clarification(s) on any part of the</p>	<p>22.3. The pre-bid conference shall discuss, 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.</p> <p>Pre-bid conference may be conducted in person or face-to-face through video conferencing, 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 video conferencing 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.</p> <p>22.4. 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.</p> <p>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.</p> <p>22.5. Supplemental/Bid Bulletins</p> <p>22.5.1. Requests for clarification(s) on any part of the</p>

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<p>Bidding Documents or for an interpretation must be in writing and submitted to the BAC of the procuring entity concerned at least ten (10) calendar days before the deadline set for the submission and receipt of bids. The BAC shall respond to the said request by issuing a Supplemental/Bid Bulletin, duly signed by the BAC chairman, to be made available to all those who have properly secured the Bidding Documents, at least seven (7) calendar days before the deadline for the submission and receipt of bids.</p> <p>22.5.2. Supplemental/Bid Bulletins may be issued upon the procuring entity’s initiative for purposes of clarifying or modifying any provision of the Bidding Documents at least seven (7) calendar days before the deadline for the submission and receipt of bids. Any modification to the Bidding Documents shall be identified as an amendment.</p> <p>22.5.3. Any Supplemental/Bid Bulletin issued by the BAC shall also be posted on the PhilGEPS and the website of the procuring entity concerned, if available. It shall be the responsibility of all those who have properly secured the Bidding Documents to inquire and secure Supplemental/Bid Bulletins that may be issued by the BAC. However, bidders who have submitted bids before the issuance of the Supplemental/Bid Bulletin must be informed and allowed to modify</p>	<p>Bidding Documents or for an interpretation must be in writing and submitted to the BAC of the Procuring Entity concerned at least ten (10) calendar days before the deadline set for the submission and receipt of bids. The BAC shall respond to the said request by issuing a Supplemental/Bid Bulletin, duly signed by the BAC Chairperson, to be made available to all those who have properly secured the Bidding Documents, at least seven (7) calendar days before the deadline for the submission and receipt of bids.</p> <p>22.5.2. For purposes of clarifying or modifying any provision of the Bidding Documents, Supplemental/Bid Bulletins may be issued upon the Procuring Entity’s initiative at least seven (7) calendar days before the deadline for the submission and receipt of bids. Any modification to the Bidding Documents shall be identified as an amendment.</p> <p>22.5.3. Any Supplemental/Bid Bulletin issued by the BAC shall also be posted on the PhilGEPS and the website of the Procuring Entity concerned, if available, and at any conspicuous place within the premises of the Procuring Entity. It shall be the responsibility of all those who have properly secured the Bidding Documents to inquire and secure Supplemental/Bid Bulletins that may be issued by the BAC. However, bidders who have submitted bids before the issuance of the</p>

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<p style="text-align: center;">or withdraw their bids in accordance with Section 26.1 of this IRR.</p>	<p style="text-align: center;">Supplemental/Bid Bulletin must be informed and allowed to modify or withdraw their bids in accordance with Section 26 of this IRR.</p>
<p>Section 23. Eligibility Requirements for the Procurement of Goods and Infrastructure Projects</p> <p>23.1. For purposes of determining the eligibility of bidders using the criteria stated in Section 23.5 of this IRR, only the following documents shall be required by the BAC, using the forms prescribed in the Bidding Documents:</p> <p>a) Class “A” Documents</p> <p style="padding-left: 40px;">Legal Documents</p> <p style="padding-left: 80px;">i) Registration certificate from SEC, Department of Trade and Industry (DTI) for sole proprietorship, or CDA for cooperatives, or any proof of such registration as stated in the Bidding Documents.</p> <p style="padding-left: 80px;">ii) Mayor’s permit issued by the city or municipality where the principal place of business of the prospective bidder is located.</p>	<p>Section 23. Eligibility Requirements for the Procurement of Goods and Infrastructure Projects</p> <p>23.1. For purposes of determining the eligibility of bidders using the criteria stated in Section 23.4 of this IRR, only the following documents shall be required by the BAC, using the forms prescribed in the Bidding Documents:</p> <p>a) Class “A” Documents</p> <p style="padding-left: 40px;">Legal Documents</p> <p style="padding-left: 80px;">i) Registration certificate from SEC, Department of Trade and Industry (DTI) for sole proprietorship, or CDA for cooperatives.</p> <p style="padding-left: 80px;">ii) Mayor’s/Business permit issued by the city or municipality where the principal place of business of the prospective bidder is located, or the equivalent document for Exclusive Economic Zones or Areas.</p> <p style="padding-left: 80px;">In cases of recently expired Mayor’s/Business permits, it shall be accepted together with the official receipt as proof that the bidder has applied for renewal within the period prescribed by the concerned local government unit, provided that the renewed permit shall be submitted as a post</p>

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<p>iii) Tax clearance per Executive Order 398, Series of 2005, as finally reviewed and approved by the BIR.</p> <p>Technical Documents</p> <p>iv) Statement of the prospective bidder of all its ongoing government and private contracts, including contracts awarded but not yet started, if any, whether similar or not similar in nature and complexity to the contract to be bid; and</p> <p>Statement identifying the bidder’s single largest completed contract similar to the contract to be bid, except under conditions provided for in Section 23.5.1.3 of this IRR, within the relevant period as provided in the Bidding Documents in the case of goods.</p> <p>All of the above statements shall include all information required in the PBDs prescribed by the GPPB.</p> <p>v) In the case of procurement of infrastructure projects, a valid Philippine Contractors Accreditation Board (PCAB) license and registration for the type and cost of the contract to be bid.</p>	<p>qualification requirement in accordance with Section 34.2 of this IRR.</p> <p>iii) Tax clearance per E.O. 398, 2005, as finally reviewed and approved by the Bureau of Internal Revenue (BIR).</p> <p>Technical Documents</p> <p>iv) Statement of the prospective bidder of all its ongoing government and private contracts, including contracts awarded but not yet started, if any, whether similar or not similar in nature and complexity to the contract to be bid</p> <p>v) Statement of the bidder’s Single Largest Completed Contract (SLCC) similar to the contract to be bid, except under conditions provided for in Section 23.4.1.3 and 23.4.2.4 of this IRR, within the relevant period as provided in the Bidding</p>

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<p data-bbox="376 244 651 268">Financial Documents</p> <p data-bbox="365 467 1106 826"> vi) The prospective bidder’s audited financial statements, showing, among others, the prospective bidder’s total and current assets and liabilities, stamped “received” by the BIR or its duly accredited and authorized institutions, for the preceding calendar year which should not be earlier than two (2) years from the date of bid submission. vii) The prospective bidder’s computation for its Net Financial Contracting Capacity (NFCC). </p> <p data-bbox="329 1318 647 1342">b) Class “B” Document</p>	<p data-bbox="1373 244 1794 268">Documents in the case of Goods.</p> <p data-bbox="1368 320 2024 416">All of the above statements shall include all information required in the PBDs prescribed by the GPPB.</p> <p data-bbox="1319 467 2047 639"> vi) In the case of procurement of Infrastructure Projects, a valid Philippine Contractors Accreditation Board (PCAB) License or Special PCAB License in case of Joint Ventures, and registration for the type and cost of the contract to be bid. </p> <p data-bbox="1319 691 1592 715">Financial Documents</p> <p data-bbox="1308 762 2047 1270"> vii) The prospective bidder’s audited financial statements, showing, among others, the prospective bidder’s total and current assets and liabilities, stamped “received” by the BIR or its duly accredited and authorized institutions, for the preceding calendar year which should not be earlier than two (2) years from the date of bid submission. viii) The prospective bidder’s computation of Net Financial Contracting Capacity (NFCC). However, in the case of procurement of Goods, a bidder may submit a committed Line of Credit from a Universal or Commercial Bank, in lieu of its NFCC computation. </p> <p data-bbox="1272 1318 1590 1342">b) Class “B” Document</p>

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<p>For goods, valid joint venture agreement (JVA), in case the joint venture is already in existence. In the absence of a JVA, duly notarized statements from all the potential joint venture partners stating that they will enter into and abide by the provisions of the JVA in the instance that the bid is successful shall be included in the bid. Failure to enter into a joint venture in the event of a contract award shall be ground for the forfeiture of the bid security. Each partner of the joint venture shall submit the legal eligibility documents. The submission of technical and financial eligibility documents by any of the joint venture partners constitutes compliance.</p> <p>For infrastructure projects, JV bidders shall submit a JVA in accordance with RA 4566 and its IRR.</p> <p>23.2. Subject to Section 37.1 of this IRR, in the case of foreign bidders, the foregoing eligibility requirements under Class “A” Documents may be substituted by the appropriate equivalent documents, if any, issued by the country of the foreign bidder concerned. The eligibility requirements or statements, the bids, and all other documents to be submitted to the BAC must be in English. If the eligibility</p>	<p>For Goods, valid joint venture agreement (JVA), in case the joint venture is already in existence. In the absence of a JVA, duly notarized statements from all the potential joint venture partners should be included in the bid, stating that they will enter into and abide by the provisions of the JVA in the instance that the bid is successful. Failure to enter into a joint venture in the event of a contract award shall be ground for the forfeiture of the bid security.</p> <p>For Infrastructure Projects, JV bidders shall submit a JVA in accordance with R.A. 4566 and its IRR.</p> <p>Each partner of the joint venture shall submit their respective PhilGEPS Certificates of Registration in accordance with Section 8.5.2 of this IRR. The submission of technical and financial eligibility documents by any of the joint venture partners constitutes compliance: Provided, That the partner responsible to submit the NFCC shall likewise submit the Statement of all of its ongoing contracts and Audited Financial Statements.</p> <p>23.2. Eligibility requirements or statements, the bids, and all other documents to be submitted to the BAC must be in English. If the eligibility requirements or statements, the bids, and all other documents submitted to the BAC are in foreign language other than English, it must be accompanied by a translation of the documents in English. The documents shall be translated by the relevant foreign government</p>

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<p>requirements or statements, the bids, and all other documents submitted to the BAC are in foreign language other than English, it must be accompanied by a translation of the documents in English. The documents shall be translated by the relevant foreign government agency, the foreign government agency authorized to translate documents, or a registered translator in the foreign bidder's country; and shall be authenticated by the appropriate Philippine foreign service establishment/post or the equivalent office having jurisdiction over the foreign bidder's affairs in the Philippines.</p> <p>23.3. A prospective bidder may be allowed to submit his eligibility requirements electronically in accordance with Section 8.5 of this IRR.</p> <p>23.4. To facilitate determination of eligibility, the BAC of a procuring entity may use the contents of the PhilGEPS electronic registry of manufacturers, suppliers, distributors, contractors, and/or consultants.</p> <p>23.4.1. The PhilGEPS registry system shall contain the foregoing Class "A" documents, which should be maintained current and updated by the bidder concerned at least once a year or more frequently as may be necessary.(a)</p> <p>23.4.2. A bidder who maintains a current and updated file of his Class "A" Documents may submit to the procuring entity, in lieu of the said documents, the Certificate of Registration and</p>	<p>agency, the foreign government agency authorized to translate documents, or a registered translator in the foreign bidder's country; and shall be authenticated by the appropriate Philippine foreign service establishment/post or the equivalent office having jurisdiction over the foreign bidder's affairs in the Philippines.</p> <p>23.3. To facilitate determination of eligibility, the BAC of a Procuring Entity shall use the contents of the PhilGEPS electronic registry of manufacturers, suppliers, distributors, contractors, and/or consultants, in accordance with Section 8.5.2 of this IRR.</p>

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<p style="text-align: center;">Membership issued by PhilGEPS pursuant to Section 8.5.2.(a)</p> <p>23.5. Eligibility Criteria</p> <p>23.5.1. For the procurement of goods:</p> <p>23.5.1.1. The following shall be eligible to participate in the bidding for the supply of goods:</p> <p style="padding-left: 40px;">a) Duly licensed Filipino citizens/sole proprietorships;</p> <p style="padding-left: 40px;">xxx</p> <p style="padding-left: 40px;">d) Cooperatives duly organized under the laws of the Philippines, and of which at least sixty percent (60%) belongs to citizens of the Philippines; or</p> <p style="padding-left: 40px;">e) Persons/entities forming themselves into a joint venture, xxx.</p> <p>23.5.1.2. Foreign bidders may be eligible to participate under any of the following circumstances:</p> <p style="padding-left: 40px;">a) When provided for under any Treaty or International or Executive</p>	<p>23.4. Eligibility Criteria</p> <p>23.4.1. For the procurement of Goods:</p> <p>23.4.1.1. The following shall be eligible to participate in the bidding for the supply of goods:</p> <p style="padding-left: 40px;">a) Duly licensed Filipino citizens/sole proprietorships;</p> <p style="padding-left: 40px;">xxx</p> <p style="padding-left: 40px;">d) Cooperatives duly organized under the laws of the Philippines; or</p> <p style="padding-left: 40px;">e) Persons/entities forming themselves into a joint venture, xxx.</p> <p>23.4.1.2. Foreign bidders may be eligible to participate under any of the following circumstances:</p> <p style="padding-left: 40px;">a) When provided for under any Treaty or International or Executive</p>

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<p data-bbox="640 244 1104 309">Agreement as provided in Section 4 of the Act and this IRR;</p> <p data-bbox="640 360 696 384">xxx</p> <p data-bbox="595 429 1104 531">d) When there is a need to prevent situations that defeat competition or restrain trade.</p> <p data-bbox="450 576 992 641">The GPPB shall promulgate the necessary guidelines for this provision.</p> <p data-bbox="450 686 1104 1123">23.5.1.3. The prospective bidder must have completed, within the period specified in the Invitation to Bid, a single contract that is similar to the contract to be bid, and whose value, adjusted to current prices using the National Statistics Office (NSO) consumer price indices, must be at least fifty percent (50%) of the ABC. However, in the case of Expendable Supplies, said single contract must be at least twenty five percent (25%) of the ABC.</p> <p data-bbox="595 1174 651 1198">xxx</p> <p data-bbox="450 1243 1077 1375">23.5.1.4. The computation of a prospective bidder's NFCC must be at least equal to the ABC to be bid, calculated as follows:</p>	<p data-bbox="1581 244 2045 309">Agreement as provided in Section 4 of the Act and this IRR;</p> <p data-bbox="1536 360 1592 384">xxx</p> <p data-bbox="1536 429 2045 531">d) When there is a need to prevent situations that defeat competition or restrain trade.</p> <p data-bbox="1391 686 2045 1123">23.4.1.3. The prospective bidder must have completed, within the period specified in the Invitation to Bid, an SLCC that is similar to the contract to be bid, and whose value, adjusted to current prices using the Philippine Statistics Authority (PSA) consumer price indices, must be at least fifty percent (50%) of the ABC. However, in the case of Expendable Supplies, said SLCC must be at least twenty five percent (25%) of the ABC.</p> <p data-bbox="1536 1174 1592 1198">xxx</p> <p data-bbox="1391 1243 2045 1375">23.4.1.4. The computation of a prospective bidder's NFCC must be at least equal to the ABC to be bid, calculated as follows:</p>

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<p>NFCC = [(Current assets minus current liabilities) (K)] minus the value of all outstanding or uncompleted portions of the projects under ongoing contracts, including awarded contracts yet to be started coinciding with the contract to be bid.</p> <p>Where:</p> <p>K = 10 for a contract duration of one year or less, 15 for a contract duration of more than one year up to two years, and 20 for a contract duration of more than two years.</p> <p>The values of the bidder's current assets and current liabilities shall be based on the data submitted to the BIR, through its Electronic Filing and Payment System (EFPS).</p> <p>23.5.2. For the procurement of infrastructure projects:</p> <p>23.5.2.1. The following persons/entities shall be allowed to participate in the bidding for infrastructure projects:</p> <p>a) Duly licensed Filipino citizens/sole</p>	<p>NFCC = [(Current assets minus current liabilities) (15)] minus the value of all outstanding or uncompleted portions of the projects under ongoing contracts, including awarded contracts yet to be started coinciding with the contract to be bid.</p> <p>The values of the domestic bidder's current assets and current liabilities shall be based on the latest Audited Financial Statements submitted to the BIR.</p> <p>23.4.1.5. If the prospective bidder submits a committed Line of Credit, it must be at least equal to ten percent (10%) of the ABC to be bid: Provided, That if the same is issued by a foreign Universal or Commercial Bank, it shall be confirmed or authenticated by a local Universal or Commercial Bank.</p> <p>23.4.2. For the procurement of Infrastructure Projects:</p> <p>23.4.2.1. The following persons/entities shall be allowed to participate in the bidding for Infrastructure Projects:</p> <p>a) Duly licensed Filipino citizens/sole</p>

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<p>proprietorships;</p> <p>xxx</p> <p>d) Cooperatives duly organized under the laws of the Philippines, and of which at least seventy-five percent (75%) belongs to citizens of the Philippines; or</p> <p>e) xxx</p> <p>23.5.2.2. Foreign bidders xxx</p> <p>23.5.2.3. In accordance with R.A. 4566, entitled “An Act Creating the Philippine Licensing Board for Contractors, Prescribing its Powers, Duties and Functions, Providing Funds Therefor, and for Other Purposes”, the persons/entities enumerated in Section 23.5.1.1 of this IRR may participate in public bidding if he has been issued a license by the PCAB to engage or act as a contractor.</p> <p>23.5.2.4. The Owner’s Certificate of Final Acceptance; or the Constructors Performance Evaluation Summary (CPES) Final Rating and/or the Certificate of Completion, must be</p>	<p>proprietorships;</p> <p>xxx</p> <p>d) Cooperatives duly organized under the laws of the Philippines or</p> <p>e) xxx</p> <p>23.4.2.2. Foreign bidders xxx</p> <p>23.4.2.3. In accordance with R.A. 4566, entitled “An Act Creating the Philippine Licensing Board for Contractors, Prescribing its Powers, Duties and Functions, Providing Funds Therefor, and for Other Purposes”, the persons/entities enumerated in Section 23.4.1.1 of this IRR may participate in public bidding if he has been issued a license by the PCAB to engage or act as a contractor.</p> <p>23.4.2.4 5. The SLCC shall be supported by an Owner’s Certificate of Final Acceptance issued by the project owner other than the contractor or a final rating of at least Satisfactory in the Constructors Performance Evaluation Summary (CPES). In case of contracts with the private sector, an equivalent</p>

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<p>satisfactory.</p> <p>23.5.2.5. The prospective bidder must have an experience of having completed at least one (1) contract that is similar to the contract to be bid, and whose value, adjusted to current prices using the NSO consumer price indices, must be at least fifty percent (50%) of the ABC to be bid: Provided, however, That contractors under Small A and Small B categories without similar experience on the contract to be bid may be allowed to bid if the cost of such contract is not more than fifty percent (50%) of the Allowable Range of Contract Cost (ARCC) of their registration based on the guidelines as prescribed by the PCAB.</p> <p>For Foreign-funded Procurement, the GOP and the foreign government/foreign or international financing institution may agree on another track record requirement.</p> <p>Moreover, a contract shall be considered “similar” to the contract to be bid if it has the same major categories of work.</p>	<p>document shall be submitted.</p> <p>23.4.2.4. The prospective bidder must have completed an SLCC that is similar to the contract to be bid, and whose value, adjusted to current prices using the PSA consumer price indices, must be at least fifty percent (50%) of the ABC to be bid: Provided, however, That contractors under Small A and Small B categories without similar experience on the contract to be bid may be allowed to bid if the cost of such contract is not more than the Allowable Range of Contract Cost (ARCC) of their registration based on the guidelines as prescribed by the PCAB.</p> <p>For Foreign-funded Procurement, the GoP and the foreign government/foreign or international financing institution may agree on another track record requirement.</p> <p>Moreover, a contract shall be considered “similar” to the contract to be bid if it has the same major categories of work. The Procuring Entity may clarify in the Bidding</p>

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<p data-bbox="436 352 1097 491">23.5.2.6. The computation of a prospective bidder's NFCC must be at least equal to the ABC to be bid, calculated as follows:</p> <p data-bbox="577 539 1106 788">NFCC = [(Current assets minus current liabilities) (K)] minus the value of all outstanding or uncompleted portions of the projects under ongoing contracts, including awarded contracts yet to be started coinciding with the contract to be bid.</p> <p data-bbox="577 831 678 863">Where:</p> <p data-bbox="577 906 1106 1086">K = 10 for a contract duration of one year or less, 15 for a contract duration of more than one year up to two years, and 20 for a contract duration of more than two years.</p> <p data-bbox="577 1129 1099 1310">The values of the bidder's current assets and current liabilities shall be based on the data submitted to the BIR, through its Electronic Filing and Payment System (EFPS).</p> <p data-bbox="232 1353 1014 1385">23.6. GOCCs may be eligible to participate in Competitive</p>	<p data-bbox="1534 240 2022 309">Documents what is regarded as major categories of work.</p> <p data-bbox="1377 352 2038 491">23.4.2.6. The computation of a prospective bidder's NFCC must be at least equal to the ABC to be bid, calculated as follows:</p> <p data-bbox="1518 539 2047 788">NFCC = [(Current assets minus current liabilities) (15)] minus the value of all outstanding or uncompleted portions of the projects under ongoing contracts, including awarded contracts yet to be started coinciding with the contract to be bid.</p> <p data-bbox="1518 831 2047 1230">The values of the domestic bidder's current assets and current liabilities shall be based on the latest Audited Financial Statements submitted to the BIR- For purposes of computing the foreign bidders' NFCC, the value of the current assets and current liabilities shall be based on their Audited Financial Statements prepared in accordance with international financial reporting standards.</p> <p data-bbox="1173 1353 1955 1385">23.5. GOCCs may be eligible to participate in Competitive</p>

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<p>Bidding only if they can establish that they (a) are legally and financially autonomous, (b) operate under commercial law, and (c) are not attached agencies of the procuring entity. The GPPB shall promulgate the necessary guidelines for this provision.(n)</p> <p>23.7. Notwithstanding the eligibility of a prospective bidder, the procuring entity concerned reserves the right to review the qualifications of the bidder at any stage of the procurement process if the procuring entity has reasonable grounds to believe that a misrepresentation has been made by the said prospective bidder, or that there has been a change in the prospective bidder's capability to undertake the project from the time it submitted its eligibility requirements. Should such review uncover any misrepresentation made in the eligibility requirements, statements or documents, or any changes in the situation of the prospective bidder which will affect the capability of the bidder to undertake the project so that it fails the eligibility criteria, the procuring entity shall consider the said prospective bidder as ineligible and shall disqualify it from obtaining an award or contract, in accordance with Rules XXI, XXII, and XXIII of this IRR.</p>	<p>Bidding only if they can establish that they (a) are legally and financially autonomous, (b) operate under commercial law, and (c) are not attached agencies of the Procuring Entity. The GPPB shall promulgate the necessary guidelines for this provision.</p> <p>23.6. Notwithstanding the eligibility of a prospective bidder, the Procuring Entity concerned reserves the right to review the qualifications of the bidder at any stage of the procurement process if the procuring entity has reasonable grounds to believe that a misrepresentation has been made by the said prospective bidder, or that there has been a change in the prospective bidder's capability to undertake the project from the time it submitted its eligibility requirements. Should such review uncover any misrepresentation made in the eligibility requirements, statements or documents, or any changes in the situation of the prospective bidder which will affect the capability of the bidder to undertake the project so that it fails the eligibility criteria, the Procuring Entity shall consider the said prospective bidder as ineligible and shall disqualify it from obtaining an award or contract, in accordance with Rules XXI, XXII, and XXIII of this IRR.</p>
<p>Section 24. Eligibility Requirements and Short Listing for Consulting Services</p> <p>24.1. For purposes of determining the eligibility and short list of bidders in accordance with Sections 24.4 and 24.5 of this IRR, only the following documents shall be required by the BAC, using the forms prescribed in the Bidding</p>	<p>Section 24. Eligibility Requirements and Short Listing for Consulting Services</p> <p>24.1. For purposes of determining the eligibility and short list of bidders in accordance with Sections 24.4 and 24.5 of this IRR, only the following documents shall be required by the BAC, using the forms prescribed in the Bidding</p>

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<p>Documents:</p> <p>a) Class “A” Documents</p> <p>Legal Documents</p> <p>i) Registration certificate from SEC, Department of Trade and Industry (DTI) for sole proprietorship, or CDA for cooperatives, or any proof of such registration as stated in the Bidding Documents;</p> <p>ii) Mayor’s permit issued by the city or municipality where the principal place of business of the prospective bidder is located; and</p> <p>iii) Tax clearance per Executive Order 398, Series of</p>	<p>Documents:</p> <p>a) Class “A” Documents</p> <p>Legal Documents</p> <p>i) Registration certificate from SEC, DTI for sole proprietorship, or CDA for cooperatives;</p> <p>ii) Mayor’s/Business permit issued by the city or municipality where the principal place of business of the prospective bidder is located, or the equivalent document for Exclusive Economic Zones or Areas.</p> <p>In cases of recently expired Mayor’s/Business permits, it shall be accepted together with the official receipt as proof that the bidder has applied for renewal within the period prescribed by the concerned local government unit: Provided , That the renewed permit shall be submitted as a post qualification requirement in accordance with Section 34.2 of this IRR.</p> <p>For individual consultants not registered under a sole proprietorship, a BIR Certificate of Registration shall be submitted, in lieu of DTI registration and Mayor’s/Business permit.</p> <p>iii) Tax clearance per E.O. 398, 2005, as finally</p>

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<p data-bbox="423 240 1088 272">2005, as finally reviewed and approved by the BIR.</p> <p data-bbox="376 316 658 347">Technical Documents</p> <p data-bbox="338 389 920 421">iv) Statement of the prospective bidder xxx.</p> <p data-bbox="353 464 815 496">v) Statement of the consultant xxx.</p> <p data-bbox="376 539 636 571">Financial Document</p> <p data-bbox="353 614 1050 646">vi) The consultant’s audited financial statements, xxx.</p> <p data-bbox="331 689 649 721">b) Class “B” Document</p> <p data-bbox="376 764 1099 975">Valid joint venture agreement (JVA), in case a joint venture is already in existence. xxx. Each partner of the joint venture shall submit the legal eligibility documents. The submission of technical and financial documents by any of the joint venture partners constitutes compliance.</p> <p data-bbox="232 1054 1095 1310">24.2. In the case of foreign consultants, the foregoing eligibility requirements under Class “A” Documents may be substituted by the appropriate equivalent documents, if any, issued by the foreign consultant’s country. The eligibility requirements or statements, the bids, and all other documents to be submitted to the BAC must be in English. If the eligibility requirements xxx.</p> <p data-bbox="232 1353 566 1385">24.3. Eligibility Criteria</p>	<p data-bbox="1364 240 1827 272">reviewed and approved by the BIR.</p> <p data-bbox="1317 316 1599 347">Technical Documents</p> <p data-bbox="1279 389 1861 421">iv) Statement of the prospective bidder xxx.</p> <p data-bbox="1294 464 1756 496">v) Statement of the consultant xxx.</p> <p data-bbox="1317 539 1576 571">Financial Document</p> <p data-bbox="1294 614 1991 646">vi) The consultant’s audited financial statements, xxx.</p> <p data-bbox="1272 689 1590 721">b) Class “B” Document</p> <p data-bbox="1317 764 2040 1019">Valid joint venture agreement (JVA), in case a joint venture is already in existence. xxx. Each partner of the joint venture shall submit the PhilGEPS Certificate of Registration in accordance with Section 8.5.2 of this IRR. The submission of technical and financial documents by any of the joint venture partners constitutes compliance.</p> <p data-bbox="1173 1054 2027 1198">24.2. In the case of foreign consultants, the eligibility requirements or statements, the bids, and all other documents to be submitted to the BAC must be in English. If the eligibility requirements xxx.</p> <p data-bbox="1173 1353 1507 1385">24.3. Eligibility Criteria</p>

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<p>24.3.1. The following persons/entities shall be allowed to participate in the bidding for consulting services:</p> <ul style="list-style-type: none"> a) xxx; b) xxx; c) xxx; d) Cooperatives duly organized under the laws of the Philippines, and of which at least sixty percent (60%) belongs to citizens of the Philippines; or e) Persons/entities forming themselves into a joint venture, xxx. <p>24.3.2. When the types and xxx.</p> <p>24.3.3. In order to manifest trust and confidence in and promote the development of Filipino consultancy, foreign consultants may be hired in the event Filipino consultants do not have the sufficient expertise and capability to render the services required under the project, as determined by the Head of the Procuring Entity. Foreign consultants may be eligible to participate in the procurement of consulting services, subject to the following qualifications:</p>	<p>24.3.1. The following persons/entities shall be allowed to participate in the bidding for Consulting Services:</p> <ul style="list-style-type: none"> a) xxx; b) xxx; c) xxx; d) Cooperatives duly organized under the laws of the Philippines; or e) Persons/entities forming themselves into a joint venture, xxx. <p>24.3.2. When the types and xxx.</p> <p>24.3.3. In order to manifest trust and confidence in and promote the development of Filipino consultancy, foreign consultants may be hired in the event Filipino consultants do not have the sufficient expertise and capability to render the services required under the project, as determined by the HoPE subject to the submission of documents in accordance with Section 37.1.4(a)(iv).</p>

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<p>a) must be registered with the SEC and/or any agency authorized by the laws of the Philippines; and</p> <p>b) when the types and fields of consulting services in which the foreign consultant wishes to engage involve the practice of regulated professions, the foreign consultant must be authorized by the appropriate GOP professional regulatory body to engage in the practice of those professions and allied professions: Provided, however, That the limits of such authority shall be strictly observed.(a)</p> <p>24.4. Eligibility Check of Prospective Bidders</p> <p>24.4.1. The eligibility envelopes of prospective bidders for procurement of consulting services shall be submitted on or before the deadline specified in the Request for Expression of Interest, and shall be opened before the dates of the pre-bid conference and bid opening to determine eligibility of prospective bidders, who shall then be allowed to acquire or purchase the relevant Bidding Documents from the procuring entity. A prospective bidder may be allowed to submit his eligibility requirements electronically in accordance with Section 8.5 of this IRR.</p> <p>24.4.2. Subject to the short listing of consultants as provided in this IRR, the determination of</p>	<p>24.4. Eligibility Check of Prospective Bidders</p> <p>24.4.1. The eligibility envelopes of prospective bidders for procurement of Consulting Services shall be submitted on or before the deadline specified in the Request for Expression of Interest, and shall be opened before the dates of the pre-bid conference and bid opening to determine eligibility of prospective bidders.</p> <p>24.4.2. Subject to the short listing of consultants as provided in this IRR, the determination of</p>

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<p>eligibility of consultants shall be based on the evaluation of the eligibility documents prescribed above in accordance with the procedures provided in Sections 30.1 of this IRR.</p> <p>24.4.3. To facilitate determination of eligibility, the BAC of a procuring entity may use the contents of the PhilGEPS electronic registry of manufacturers, suppliers, distributors, contractors, and/or consultants.</p> <p>24.4.3.1. The PhilGEPS registry system shall contain the foregoing Class “A” documents, which should be maintained current and updated by the bidder concerned at least once a year or more frequently as may be necessary.(a)</p> <p>24.4.3.2. A bidder who maintains a current and updated file of his Class “A” Documents may submit to the procuring entity, in lieu of the said documents, the</p>	<p>eligibility of consultants shall be based on the evaluation of the eligibility documents prescribed above in accordance with the procedures provided in Sections 30.1 of this IRR.</p> <p>24.4.3. To facilitate determination of eligibility, the BAC of a Procuring Entity shall use the contents of the PhilGEPS electronic registry of manufacturers, suppliers, distributors, contractors, and/or consultants, in accordance with Section 8.5.2 of this IRR. However, foreign consultants participating in the procurement by a Philippine Foreign Service Office or Post shall be allowed to submit their eligibility documents under Section 24.1 of this IRR, in lieu of the PhilGEPS Certificate of Registration: Provided, That the winning bidder should register with the PhilGEPS in accordance with Section 37.1.4 of this IRR.</p>

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<p style="text-align: center;">Certificate of Registration and Membership issued by PhilGEPS pursuant to Section 8.5.2.</p> <p>24.5. Short Listing of Prospective Bidders</p> <p>24.5.1. With respect to a particular contract for consulting services to be bid, the concerned procuring entity shall only consider for short listing those consultants whose contracts, as identified in the eligibility documents submitted for registration, are similar in nature and complexity to the contract to be bid, based on the Request for Expression of Interest.</p> <p>24.5.2. The BAC shall draw up the short list of consultants from those who have been determined as eligible in accordance with the provisions of this IRR. The number of short listed consultants, which shall be determined in the pre-procurement conference, shall consist of three (3) to seven (7) consultants, with five (5) as the preferable number. Should less than the required number apply for eligibility and short listing, pass the eligibility check, and/or pass the minimum score required in the short listing, the BAC shall consider the same.</p>	<p>24.5. Short Listing of Prospective Bidders</p> <p>24.5.1. With respect to a particular contract for Consulting Services to be bid, the concerned Procuring Entity shall only consider for short listing those consultants whose contracts, as identified in the eligibility documents submitted for registration, are similar in nature and complexity to the contract to be bid, based on the Request for Expression of Interest.</p> <p>24.5.2. The BAC shall draw up the short list of consultants from those who have been determined as eligible in accordance with the provisions of this IRR. The number of short listed consultants, which shall be determined in the pre-procurement conference, shall consist of three (3) to seven (7) consultants, with five (5) as the preferable number. Should only one (1) or less than the required number apply for eligibility and short listing, pass the eligibility check, and/or pass the minimum score required in the short listing, the BAC shall consider the same. The shortlisted bidders shall then be required to pay the fee for the Bidding Documents, if applicable, subject to the provisions of Section 17.4 of this IRR.</p>

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<p>24.5.3. The BAC shall specify in the xxx</p> <p>24.5.4. The BAC shall recommend the short list of consultants to the Head of the Procuring Entity for consideration and approval. The entire process of eligibility check and short listing shall not exceed twenty (20) calendar days.</p> <p>24.6. GOCCs may be eligible to xxx.</p> <p>24.7. Notwithstanding the eligibility of a xxx.</p>	<p>24.5.3. The BAC shall specify in the xxx</p> <p>24.5.4. The BAC shall recommend the short list of consultants to the HoPE for consideration and approval. The entire process of eligibility check and short listing shall not exceed twenty (20) calendar days.</p> <p>24.6. GOCCs may be eligible to xxx.</p> <p>24.7. Notwithstanding the eligibility of a xxx.</p>
<p>Section 25. Submission and Receipt of Bids</p> <p>25.1. Bidders shall submit their bids through their duly authorized representative using the forms specified in the Bidding Documents in two (2) separate sealed bid envelopes, and which shall be submitted simultaneously. The first shall contain the technical component of the bid, including the eligibility requirements under Section 23.1 of this IRR, and the second shall contain the financial component of the bid.</p> <p>25.2. The first envelope shall contain the following technical information/documents, at the least:</p> <p>a) For the procurement of goods:</p> <p>i) Eligibility requirements under Section 23.1 of this IRR;</p>	<p>Section 25. Submission and Receipt of Bids</p> <p>25.1. Bidders shall submit their bids through their duly authorized representative using the forms specified in the Bidding Documents in two (2) separate sealed bid envelopes, and which shall be submitted simultaneously. The first shall contain the technical component of the bid, including the eligibility requirements under Section 23.1 of this IRR for the procurement of Goods and Infrastructure Projects, and the second shall contain the financial component of the bid.</p> <p>25.2. The first envelope shall contain the following technical information/documents, at the least:</p> <p>a) For the procurement of Goods:</p> <p>i) PhilGEPS Certificate of Registration and membership in accordance with Section 8.5.2 of this IRR, except for foreign bidders participating in the</p>

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<p>ii) The bid security in the prescribed form, amount and validity period;</p> <p>iii) Technical specifications, which may include production/delivery schedule, manpower requirements, and/or after-sales service/parts, if applicable; and</p> <p>iv) Sworn statement by the prospective bidder or its duly authorized representative in the form prescribed by the GPPB as to the following:</p> <p>(1) It is not “blacklisted” or barred from bidding by the GOP or any of its agencies, offices, corporations, or LGUs, including foreign government/foreign or international financing institution whose blacklisting rules have been recognized by the GPPB;</p> <p>(2) Each of the documents submitted in satisfaction of the bidding requirements is an authentic copy of the original, complete, and all statements and information provided therein are true and</p>	<p>procurement by a Philippine Foreign Service Office or Post, which shall submit their eligibility documents under Section 23.1 of this IRR: Provided, That the winning bidder shall register with the PhilGEPS in accordance with Section 37.1.4 of this IRR;</p> <p>ii) Statement of all Ongoing Government and Private Contracts;</p> <p>iii) Statement of SLCC;</p> <p>iv) NFCC Computation or committed Line of Credit;</p> <p>v) JVA or the Duly Notarized Statement in accordance with Section 23.1(b) of this IRR, if applicable;</p> <p>vi) Bid security in the prescribed form, amount and validity period;</p> <p>vii) Technical Specifications, which may include production/delivery schedule, manpower requirements, and/or after-sales service/parts, if applicable;</p> <p>viii) Omnibus Sworn Statement in accordance with Section 25.3 of this IRR; and</p> <p>ix) For foreign bidders claiming eligibility by reason of their country’s extension of reciprocal rights to Filipinos, a certification from the relevant government</p>

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<p>correct;</p> <p>(3) It is authorizing the Head of the Procuring Entity or his duly authorized representative/s to verify all the documents submitted;</p> <p>(4) The signatory is the duly authorized representative of the prospective bidder, and granted full power and authority to do, execute and perform any and all acts necessary and/or to represent the prospective bidder in the bidding, with the duly notarized Secretary's Certificate attesting to such fact, if the prospective bidder is a corporation, partnership, cooperative, or joint venture;</p> <p>(5) It complies with the disclosure provision under Section 47 of the Act in relation to other provisions of R.A. 3019;</p> <p>(6) It complies with the responsibilities of a prospective or eligible bidder provided in the PBDs; and</p> <p>(7) It complies with existing labor laws and standards, in the case of procurement of services.</p> <p>(8) It did not give or pay, directly or indirectly, any commission, amount, fee, or any form of consideration, pecuniary or otherwise, to any person or official, personnel or representative of</p>	<p>office of their country stating that Filipinos are allowed to participate in their government procurement activities for the same item or product.</p>

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<p style="text-align: center;">the government in relation to any procurement project or activity.</p> <p>b) For the procurement of infrastructure projects:</p> <p>i) Eligibility requirements under Section 23.1 of this IRR;</p> <p>ii) The bid security in the prescribed form, amount and validity period;</p> <p>iii) Project Requirements, which shall include the following:</p> <p>(1) Organizational chart for the contract to be bid;</p> <p>(2) List of contractor’s personnel (viz, Project Manager, Project Engineers, Materials Engineers, and Foremen), to be assigned to the contract to be bid, with their complete qualification and experience data;</p> <p>(3) List of contractor’s equipment units, which are owned, leased, and/or under purchase agreements,</p>	<p>b) For the procurement of Infrastructure Projects:</p> <p>i) PhilGEPS Certificate of Registration and membership in accordance with Section 8.5.2 of this IRR, except for foreign bidders participating in the procurement by a Philippine Foreign Service Office or Post, which shall submit their eligibility documents under Section 23.1 of this IRR: Provided, That the winning bidder shall register with the PhilGEPS in accordance with Section 37.1.4 of this IRR;</p> <p>ii) PCAB License and Registration;</p> <p>iii) Statement of all Ongoing Government and Private Contracts;</p>

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<p>supported by certification of availability of equipment from the equipment lessor/vendor for the duration of the project; and</p> <p>iv) Sworn statement by the prospective bidder or its duly authorized representative in the form prescribed by the GPPB as to the following:</p> <p>(1) It is not “blacklisted” or barred from bidding by the GOP or any of its agencies, offices, corporations, or LGUs, including foreign government/foreign or international financing institution whose blacklisting rules have been recognized by the GPPB;</p> <p>(2) Each of the documents submitted in satisfaction of the bidding requirements is an authentic copy of the original, complete, and all statements and information provided therein are true and correct;</p> <p>(3) It is authorizing the Head of the Procuring Entity or his duly authorized representative/s to verify all the documents submitted;</p> <p>(4) The signatory is the duly authorized representative of the prospective bidder, and granted full power and authority to do, execute and perform any and all acts necessary and/or to represent the prospective bidder in the bidding, with the duly notarized Secretary’s Certificate attesting to such fact, if the prospective bidder is a corporation,</p>	<p>iv) Statement of SLCC;</p> <p>v) NFCC Computation</p> <p>vi) JVA, if applicable;</p> <p>vii) Bid security in the prescribed form, amount and validity period;</p> <p>viii) Project Requirements, which shall include the following:</p> <p>(1) Organizational chart for the contract to be bid;</p> <p>(2) List of contractor’s personnel (e.g., Project Manager, Project Engineers, Materials Engineers, and Foremen), to be assigned to the contract to be bid, with their complete qualification and experience data;</p> <p>(3) List of contractor’s major equipment units, which are owned, leased, and/or under purchase agreements, supported by proof of ownership or certification of availability of equipment from the equipment lessor/vendor for the duration of the project; and</p>

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<p>partnership or joint venture;</p> <p>(5) It complies with the disclosure provision under Section 47 of the Act in relation to other provisions of R.A. 3019;</p> <p>(6) It complies with the responsibilities of a prospective or eligible bidder provided in the PBDs; and</p> <p>(7) It complies with existing labor laws and standards.</p> <p>(8) It did not give or pay, directly or indirectly, any commission, amount, fee, or any form of consideration, pecuniary or otherwise, to any person or official, personnel or representative of the government in relation to any procurement project or activity.</p> <p>c) For the procurement of consulting services:</p> <p>i) The bid security in the prescribed form, amount and validity period;</p> <p>ii) Organizational chart for the contract to be bid;</p> <p>iii) List of completed and on-going projects;</p> <p>iv) Approach, work plan, and schedule: Provided, however, That for architectural design, submission of architectural plans and designs shall not be required</p>	<p>ix) Omnibus Sworn Statement in accordance with Section 25.3 of this IRR;</p> <p>c) For the procurement of Consulting Services:</p> <p>i) The bid security in the prescribed form, amount and validity period;</p> <p>ii) Organizational chart for the contract to be bid;</p> <p>iii) List of completed and on-going projects;</p> <p>iv) Approach, work plan, and schedule: Provided, however, That for architectural design, submission of architectural plans and designs shall not be required</p>

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<p>during the consultant’s selection process;</p> <p>v) List of key personnel to be assigned to the contract to be bid, with their complete qualification and experience data; and</p> <p>vi) Sworn statement by the prospective bidder or its duly authorized representative in the form prescribed by the GPPB as to the following:</p> <p>(1) It is not “blacklisted” or barred from bidding by the GOP or any of its agencies, offices, corporations, or LGUs, foreign government/foreign or international financing institution whose blacklisting rules have been recognized by the GPPB;</p> <p>(2) Each of the documents submitted in satisfaction of the bidding requirements is an authentic copy of the original, complete, and all statements and information provided therein are true and correct;</p> <p>(3) It is authorizing the Head of the Procuring Entity or his duly authorized representative/s to verify all the documents submitted;</p> <p>(4) The signatory is the duly authorized and designated representative of the prospective bidder, and granted full power and authority to do, execute and perform any and all acts necessary and/or to represent the prospective bidder in the</p>	<p>during the consultant’s selection process;</p> <p>v) List of key personnel to be assigned to the contract to be bid, with their complete qualification and experience data; and</p> <p>vi) Omnibus Sworn Statement in accordance with Section 25.3 of this IRR.</p>

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<p>bidding, with the duly notarized Secretary's Certificate attesting to such fact, if the prospective bidder is a corporation, partnership or joint venture;</p> <p>(5) It complies with the disclosure provision under Section 47 of the Act in relation to other provisions of R.A. 3019;</p> <p>(6) It complies with the responsibilities of a prospective or eligible bidder provided in the PBDs; and</p> <p>(7) It complies with existing labor laws and standards.</p> <p>(8) It did not give or pay, directly or indirectly, any commission, amount, fee, or any form of consideration, pecuniary or otherwise, to any person or official, personnel or representative of the government in relation to any procurement project or activity.</p> <p>25.3. From consolidated Sections 25.2(a)(vi), 25.2(b)(iv), and 25.2(c)(vi)</p>	<p>25.3. The Omnibus Sworn Statement executed by the bidder, or its duly authorized representative, shall contain the following:</p> <p>(b) It is not "blacklisted" or barred from bidding by the GoP or any of its agencies, offices, corporations, or LGUs, foreign government/foreign or international financing institution whose blacklisting rules have been</p>

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	<p>recognized by the GPPB;</p> <p>(c) Each of the documents submitted in satisfaction of the bidding requirements is an authentic copy of the original, complete, and all statements and information provided therein are true and correct;</p> <p>(d) It is authorizing the HoPE or his duly authorized representative/s to verify all the documents submitted;</p> <p>(a) The signatory is the duly authorized representative of the prospective bidder, and granted full power and authority to do, execute and perform any and all acts necessary to participate, submit the bid, and to sign and execute the ensuing contract accompanied by the duly notarized Special Power of Attorney, Board/Partnership Resolution, or Secretary's Certificate, whichever is applicable;</p> <p>(e) It complies with the disclosure provision under Section 47 of the Act and this IRR, in relation to other provisions of R.A. 3019;</p> <p>(g) It complies with the responsibilities of a prospective or eligible bidder provided in the PBDs;</p> <p>(f) It complies with existing labor laws and standards;</p> <p>(h) It did not give or pay, directly or indirectly, any</p>

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25.4. Bids shall be received by the BAC on the date, time, and place specified in the Invitation to Bid/Request for Expression of Interest. The following periods from the last day of posting of the Invitation to Bid/Request for Expression of Interest up to the submission and receipt of bids shall be observed:

- a) For Goods, a maximum period of forty-five (45) calendar days.
- b) For infrastructure projects, the following maximum periods:

ABC (In Philippine Currency)	Period
Fifty (50) million and below	50 calendar days
Above fifty (50) million	65 calendar days

- c) For consulting services, a maximum period of seventy five (75) calendar days.

commission, amount, fee, or any form of consideration, pecuniary or otherwise, to any person or official, personnel or representative of the government in relation to any procurement project or activity.

25.4. The second envelope shall contain the financial information/documents as specified in the PBDs.

25.5. Bids shall be received by the BAC on the date, time, and place specified in the Invitation to Bid/Request for Expression of Interest. The following periods from the last day of posting of the Invitation to Bid/Request for Expression of Interest up to the submission and receipt of bids shall be observed:

- a) For Goods, a maximum period of forty-five (45) calendar days.
- b) For Infrastructure Projects, the following maximum periods:

ABC (In Philippine Currency)	Period
Fifty (50) million and below	50 calendar days
Above fifty (50) million	65 calendar days

- c) For Consulting Services, a maximum period of seventy five (75) calendar days.

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<p>25.5. Bids, including the eligibility requirements under Section 23.1 of this IRR, submitted after the deadline shall not be accepted by the BAC.</p>	<p>25.6. Bids, including the eligibility requirements under Section 23.1 of this IRR, submitted after the deadline shall not be accepted by the BAC. 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.</p> <p>25.7. To ensure transparency and accurate representation of the bid submission, the BAC Secretariat shall notify in writing all bidders whose bids it has received through its PhilGEPS-registered physical address or official e-mail address. The notice shall be issued within seven (7) calendar days from the date of the bid opening.</p> <p>25.8. The original copy of the bid form shall be typed or written in ink and shall be signed by the bidder or its duly authorized representative.</p> <p>25.9. Unsealed or unmarked bid envelopes shall be rejected. However, bid envelopes that are not properly sealed and marked, as required in the Bidding Documents, shall be accepted, provided that the bidder or its duly authorized representative shall acknowledge such condition of the bid as submitted. The BAC shall assume no responsibility for the misplacement of the contents of the improperly sealed or marked bid, or for its premature opening.</p>
<p>Section 27. Bid Security</p> <p>27.1. All bids shall be accompanied by a bid security, payable to the procuring entity concerned as a guarantee that the</p>	<p>Section 27. Bid Security</p> <p>27.1. All bids shall be accompanied by a bid security, payable to the Procuring Entity concerned as a guarantee that the</p>

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successful bidder shall, within ten (10) calendar days or less, as indicated in the Instructions to Bidders, from receipt of the notice of award, enter into contract with the procuring entity and furnish the performance security required in Section 39 of this IRR, except when Section 37.1 of this IRR allows a longer period. Failure to enclose the required bid security in the form and amount prescribed herein shall automatically disqualify the bid concerned.

27.2. The procuring entity shall indicate in the Bidding Documents the acceptable forms of bid security that bidders may opt to use, which shall include the Bid Securing Declaration provided in Section 27.5 of this IRR and at least one (1) other form, the amount of which shall be equal to a percentage of the ABC in accordance with the following schedule:

Form of Bid Security	Amount of Bid Security (Equal to Percentage of the ABC)
a) Cash or cashier's/manager's check issued by a Universal or Commercial Bank.	

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successful bidder shall, within ten (10) calendar days from receipt of the notice of award, enter into contract with the Procuring Entity and furnish the performance security required in Section 39 of this IRR, except when Section 37.1 of this IRR allows a longer period. Failure to enclose the required bid security in the form and amount prescribed herein shall automatically disqualify the bid concerned.

27.2. The Bidders shall submit a Bid Securing Declaration, or any form of Bid Security, in an amount not less than the required percentage of the ABC in accordance with the following schedule:

Form of Bid Security	Amount of Bid Security (Not less than the required Percentage of the ABC)
a) Cash or cashier's/manager's check issued by a Universal or Commercial Bank. For biddings conducted by LGUs, the cashier's/manager's check may be issued by other banks	

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				certified by the BSP as authorized to issue such financial instrument.	
	b) Bank draft/guarantee or irrevocable letter of credit issued by a Universal or Commercial Bank: Provided, however, that it shall be confirmed or authenticated by a Universal or Commercial Bank, if issued by a foreign bank.	Two percent (2%)		b) Bank draft/guarantee or irrevocable letter of credit issued by a Universal or Commercial Bank: Provided, however, that it shall be confirmed or authenticated by a Universal or Commercial Bank, if issued by a foreign bank. For biddings conducted by LGUs, bank draft/guarantee, or irrevocable letter of credit may be issued by other banks certified by the BSP as authorized to issue such financial instrument.	Two percent (2%)
				c) Surety bond callable upon demand issued by a surety or insurance	

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c) Surety bond callable upon demand issued by a surety or insurance company duly certified by the Insurance Commission as authorized to issue such security.	Five percent (5%)	company duly certified by the Insurance Commission as authorized to issue such security.	Five percent (5%)
d) Any combination of the foregoing.	Proportionate to share of form with respect to total amount of security		
<p>For biddings conducted by LGUs, the procuring entity may also require bidders to submit bid securities in the form of cashier's/manager's check, bank draft/guarantee, or irrevocable letter of credit from other banks certified by the BSP as authorized to issue such financial instrument.</p>			
27.3. The bid security shall be denominated in Philippine Pesos and posted in favor of the procuring entity.		27.3. The bid security shall be denominated in Philippine Pesos and posted in favor of the Procuring Entity.	
27.4. Without prejudice to the provisions of the Act and this IRR on the forfeiture of bid securities, bid securities shall be returned only after the bidder with the Lowest Calculated Responsive Bid or Highest Rated Responsive Bid, as the case may be, has signed the contract and furnished the performance security, except to those declared by the BAC as failed or post-disqualified in accordance with this IRR, upon submission of a written waiver of their right to file a motion for reconsideration and/or protest.		27.4. Without prejudice to the provisions of the Act and this IRR on the forfeiture of bid securities, bid securities shall be returned only after the bidder with the Lowest Calculated Responsive Bid (LCRB) or Highest Rated Responsive Bid (HRRB), as the case may be, has signed the contract and furnished the performance security, except to those declared by the BAC as failed or post-disqualified in accordance with this IRR, upon submission of a written waiver of their right to file a motion for reconsideration and/or protest.	

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<p>27.5. A Bid Securing Declaration is an undertaking which states, among others, that the bidder shall enter into contract with the procuring entity and furnish the required performance security within ten (10) calendar days, or less, as indicated in the Bidding Documents, from receipt of the Notice of Award, and committing to pay the corresponding fine and be suspended for a period of time from being qualified to participate in any government procurement activity in the event it violates any of the conditions stated therein as required in the guidelines issued by the GPPB.</p> <p>27.6. In no case shall bid security or Bid Securing Declaration be returned later than the expiration of the bid validity period indicated in the Bidding Documents, unless it has been extended in accordance with Section 28.2 of this IRR.</p>	<p>27.5. A Bid Securing Declaration is an undertaking which states, among others, that the bidder shall enter into contract with the Procuring Entity and furnish the required performance security within ten (10) calendar days as indicated in the Bidding Documents, from receipt of the Notice of Award, and commits to pay the corresponding amount as fine and be suspended for a period of time from being qualified to participate in any government procurement activity in the event it violates any of the conditions stated therein as required in the guidelines issued by the GPPB.</p> <p>27.6. In no case shall bid security be returned later than the expiration of the bid validity period indicated in the Bidding Documents, unless it has been extended in accordance with Section 28.2 of this IRR.</p>
<p>Section 29. Bid Opening</p> <p>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. The bidders or their duly authorized representatives may attend the opening of bids. The BAC shall adopt a procedure for ensuring the integrity, security, and confidentiality of all submitted bids. 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.</p>	<p>Section 29. Bid Opening</p> <p>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.</p> <p>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</p>

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	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.
<p data-bbox="188 394 981 459">Section 32. Bid Evaluation for the Procurement of Goods and Infrastructure Projects</p> <p data-bbox="232 504 1104 794">32.1. Members of the BAC, including its staff and personnel, as well as its Secretariat and TWG, are prohibited from making or accepting any communication with any bidder regarding the evaluation of their bids until the issuance of the Notice of Award. However, the BAC, through its Secretariat, may ask in writing the bidder for a clarification of its bid. All responses to requests for clarification shall be in writing.</p> <p data-bbox="232 839 1061 938">32.2. For the procurement of goods and infrastructure projects, the purpose of bid evaluation is to determine the Lowest Calculated Bid using the following steps:</p> <p data-bbox="318 1023 1039 1121">32.2.1. The BAC shall immediately conduct a detailed evaluation of all bids using non-discretionary criteria in considering the following:</p> <p data-bbox="425 1169 1104 1383">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,</p>	<p data-bbox="1131 394 1924 459">Section 32. Bid Evaluation for the Procurement of Goods and Infrastructure Projects</p> <p data-bbox="1176 504 2018 794">32.1. Members of the BAC, including its staff and personnel, Secretariat and 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 Notice of Award. However, the BAC, through its Secretariat, may ask in writing the bidder for a clarification of its bid. All responses to requests for clarification shall be in writing.</p> <p data-bbox="1176 839 2033 975">32.2. 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:</p> <p data-bbox="1261 1023 1982 1121">32.2.1. The BAC shall immediately conduct a detailed evaluation of all bids using non-discretionary criteria in considering the following:</p> <p data-bbox="1368 1169 2047 1383">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,</p>

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<p>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 “0” (zero) for the said item would mean that it is being offered for free to the Government; and</p> <p>b) Arithmetical corrections. xxx.</p> <p>xxx</p> <p>32.4. 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. However, for infrastructure projects costing Fifty Million Pesos (₱ 50,000,000) and below, the entire evaluation process shall be completed in not more than five (5) calendar days from the deadline for receipt of proposals.</p>	<p>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 “0” (zero) or a dash (-) for the said item would mean that it is being offered for free to the Government; and</p> <p>b) Arithmetical corrections. xxx.</p> <p>xxx</p> <p>32.4. 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.</p>
<p>33.3. There should be no replacement of key personnel before the awarding of contract, except for justifiable reason, such as, illness, death, or resignation provided it is duly supported by relevant certificates, or any delay caused by the procuring entity. The procuring entity 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 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.</p>	<p>33.3. 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</p>

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	prescribed in the PBDs.
<p>Section 34. Objective and Process of Post-Qualification</p> <p>34.1. The Lowest Calculated Bid/Highest Rated Bid shall xxx.</p> <p>34.2. Within three (3) calendar days from receipt by the bidder of the notice from the BAC that the bidder has the Lowest Calculated Bid or Highest Rated Bid, the bidder shall submit the following documentary requirements to the BAC:</p> <ul style="list-style-type: none"> a) Latest income and business tax returns; b) Certificate of PhilGEPS Registration or PhilGEPS Registration Number if the procuring entity is a Philippine foreign office or post, provided that participating bidders should register with the PhilGEPS prior to bid opening ; and c) Other appropriate licenses and permits required by law and stated in the Bidding Documents. <p>Failure to submit the above requirements on time or a finding against the veracity of such shall be ground for the forfeiture of the bid security and disqualify the bidder for award.</p> <p>34.3. The post-qualification shall xxx:</p> <ul style="list-style-type: none"> a) Legal Requirements. To verify, xxx. 	<p>Section 34. Objective and Process of Post-Qualification</p> <p>34.1. The Lowest Calculated Bid/Highest Rated Bid shall xxx.</p> <p>34.2. Within five (5) calendar days from receipt by the bidder of the notice from the BAC that the bidder has the Lowest Calculated Bid or Highest Rated Bid, the bidder shall submit to the BAC: its latest income and business tax returns, and other appropriate licenses and permits required by law and stated in the Bidding Documents.</p> <p>Failure to submit any of the requirements on time, or a finding against the veracity thereof, shall disqualify the bidder for award: Provided, That 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 this IRR.</p> <p>34.3. The post-qualification shall xxx:</p> <ul style="list-style-type: none"> a) Legal Requirements. To verify, xxx.

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<p>b) Technical Requirements. To determine xxx:</p> <ul style="list-style-type: none"> i) Verification and validation of the bidder’s xxx, for the procurement of infrastructure projects and consulting services; ii) Verification of availability and commitment, and/or inspection and testing for the required capacities and operating conditions, of equipment units to be owned/leased/under purchase by the bidder for use in the contract under bidding, as well as checking the performance of the bidder in its ongoing government and private contracts (if any of these on-going contracts shows a reported negative slippage of at least fifteen percent (15%), or substandard quality of work as per contract plans and specifications, or unsatisfactory performance of the contractor’s obligations as per contract terms and conditions, at the time of inspection, and if the BAC verifies any of these deficiencies to be due to the contractor’s fault or negligence, the agency shall disqualify the contractor from the award), for the procurement of infrastructure projects; 	<p>b) Technical Requirements. To determine xxx:</p> <ul style="list-style-type: none"> i) Verification and validation of the bidder’s xxx, for the procurement of Infrastructure Projects and Consulting Services; ii) Verification of availability and commitment, and/or inspection and testing for the required capacities and operating conditions, of equipment units to be owned/leased/under purchase by the bidder for use in the contract under bidding, as well as checking the performance of the bidder in its ongoing government and private contracts if any of these on-going contracts shows: <ul style="list-style-type: none"> a. Negative slippage of at least fifteen percent (15%) in any one project or a negative slippage of at least ten percent (10%) in each of two (2) or more contracts; b. Failure of the contractor to commence repair works on ongoing contracts within seven (7) calendar days and to complete them within thirty (30) calendar days after receipt of the Procuring Entity's notice of defects and deficiencies; c. Failure of the contractor to commence repair works on contracts with pending certificates of acceptance within thirty (30) calendar days and complete them within ninety (90) days after

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<p>iii) Verification and/or inspection and testing of the goods/product, after-sales and/or maintenance capabilities, in applicable cases, for the procurement of goods; and</p>	<p>receipt of the Procuring Entity's notice of defects and failures; or</p> <p>d. Substandard quality of work as per contract plans and specifications, or unsatisfactory performance of the contractor's obligations as per contract terms and conditions, at the time of inspection.</p> <p>If the BAC verifies any of these deficiencies to be due to the contractor's fault or negligence, the agency shall disqualify the contractor from the award), for the procurement of Infrastructure Projects.</p> <p>iii) Verification and/or inspection and testing of the goods/product, after-sales and/or maintenance capabilities, in applicable cases, as well as checking the following:</p> <p>a. Delay in the partial delivery of goods amounting to ten percent (10%) of the contract price in its ongoing government and private contracts;</p> <p>b. If any of these contracts shows the bidder's failure to deliver or perform any or all of the goods or services within the period(s) specified in the contract or within any extension thereof granted by the Procuring Entity pursuant to a request made by the supplier prior to the delay, and such failure amounts to at least ten percent (10%) of the contract price; or</p>

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<p>iv) Ascertainment of the sufficiency of the bid security as to type, amount, form and wording, and validity period.</p> <p>c) Financial Requirements. To verify, validate and ascertain the bid price proposal of the bidder and, whenever applicable, the required CLC in the amount specified and over the period stipulated in the Bidding Documents, or the bidder's NFCC to ensure that the bidder can sustain the operating cash flow of the transaction.</p> <p>34.4. If the BAC determines that the bidder with the Lowest Calculated Bid/Highest Rated Bid passes all the criteria for post-qualification, it shall declare the said bid as the Lowest Calculated Responsive Bid/Highest Rated Responsive Bid, and recommend to the Head of the Procuring Entity the award of contract to the said bidder at its submitted bid price or its calculated bid price, whichever is lower or, in</p>	<p>c. Unsatisfactory performance of the supplier's obligations as per contract terms and conditions at the time of inspection.</p> <p>If the BAC verifies any of these deficiencies to be due to the bidder's fault or negligence, the BAC shall disqualify the bidder from the award, for the procurement of Goods.</p> <p>iv) Ascertainment of the authenticity of the bid security and its correctness as to type, amount, form and wording, and validity period as required in the Bidding Documents.</p> <p>c) Financial Requirements. To verify, validate and ascertain the bid price proposal of the bidder and, whenever applicable, the required committed Line of Credit in the amount specified and over the period stipulated in the Bidding Documents, or the bidder's NFCC to ensure that the bidder can sustain the operating cash flow of the transaction.</p> <p>34.4. If the BAC determines that the bidder with the Lowest Calculated Bid/Highest Rated Bid passes all the criteria for post-qualification, it shall declare the said bid as the LCRB or HRRB, and recommend to the HoPE the award of contract to the said bidder at its submitted bid price or its calculated bid price, whichever is lower or, in the case of quality-based evaluation procedure, submitted bid price or</p>

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<p>the case of quality-based evaluation procedure, submitted bid price or its negotiated price, whichever is lower.</p> <p>34.5. If, however, the BAC xxx.</p> <p>34.6. Immediately after the BAC has xxx. If the second bidder passes the post-qualification, and provided that the request for reconsideration of the first bidder has been denied, the second bidder shall be post-qualified as the bidder with the Lowest Calculated Responsive Bid/Highest Rated Responsive Bid.</p> <p>34.7. If the second bidder, however, fails the post-qualification, the procedure for post-qualification shall be repeated for the bidder with the next Lowest Calculated Bid/Highest Rated Bid, and so on until the Lowest Calculated Responsive Bid or Highest Rated Responsive Bid, as the case may be, is determined for award, subject to Section 37 of this IRR.</p> <p>34.8. The post-qualification process shall be completed in not more than seven (7) calendar days from the determination of the Lowest Calculated Bid/Highest Rated Bid. In exceptional cases, the post-qualification period may be extended by the Head of the Procuring Entity, but in no case shall the aggregate period exceed thirty (30) calendar days.</p>	<p>its negotiated price, whichever is lower.</p> <p>34.5. If, however, the BAC xxx.</p> <p>34.6. Immediately after the BAC has xxx. If the second bidder passes the post-qualification, and provided that the request for reconsideration of the first bidder has been denied, the second bidder shall be post-qualified as the bidder with the LCRB or HRRB.</p> <p>34.7. If the second bidder, however, fails the post-qualification, the procedure for post-qualification shall be repeated for the bidder with the next Lowest Calculated Bid/Highest Rated Bid, and so on until the LCRB or HRRB, as the case may be, is determined for award, subject to Section 37 of this IRR.</p> <p>34.8. The post-qualification process shall be completed in not more than twelve (12) calendar days from the determination of the Lowest Calculated Bid/Highest Rated Bid. In exceptional cases, the post-qualification period may be extended by the HoPE, but in no case shall the aggregate period exceed forty-five (45) calendar days for Goods and Infrastructure Projects, or thirty (30) calendar days in Consulting Services.</p> <p>In case of post-disqualification of the bidder with the lowest calculated bid/highest rated bid, the BAC shall be given the same fresh period to conduct the post qualification of the</p>

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	<p>next lowest calculated bid/highest rated bid until a bidder is post qualified or failure of bidding is declared based on Section 35.1(c) of this IRR.</p>
<p>Section 37. Notice and Execution of Award</p> <p>37.1. Contract Award</p> <p>37.1.1. The BAC shall recommend to the Head of the Procuring Entity the award of contract to the bidder with the Lowest Calculated Responsive Bid/Highest Rated Responsive Bid or the Single Calculated/Rated Responsive Bid after the post-qualification process has been completed.</p> <p>To facilitate the approval of the award, the BAC shall submit the following supporting documents to the Head of the Procuring Entity:</p> <ul style="list-style-type: none"> 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. 	<p>Section 37. Notice and Execution of Award</p> <p>37.1. Contract Award</p> <p>37.1.1. The BAC shall recommend to the HoPE the award of contract to the bidder with the LCRB, HRRB, SCRB, or SRRB after the post-qualification process has been completed.</p> <p>To facilitate the approval of the award, the BAC shall submit the following supporting documents to the HoPE:</p> <ul style="list-style-type: none"> 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.

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<p data-bbox="331 427 1102 903">37.1.2. Within a period not exceeding seven (7) calendar days from the date of receipt of the recommendation of the BAC, the Head of the Procuring Entity shall approve or disapprove the said recommendation. However, for infrastructure projects with an ABC of Fifty Million Pesos (₱ 50,000,000) and below, the Head of the Procuring Entity shall approve or disapprove the said recommendation within four (4) calendar days. In the case of GOCCs and GFIs, the period provided herein shall be fifteen (15) calendar days. Within the same period provided herein, the BAC shall notify all losing bidders of its decision.</p> <p data-bbox="331 946 1066 1086">37.1.3. In case of approval, the Head of the Procuring Entity shall immediately issue the Notice of Award to the bidder with the Lowest Calculated Responsive Bid/Highest Rated Responsive Bid.</p> <p data-bbox="450 1129 1102 1310">In the event the Head of the Procuring Entity shall disapprove such recommendation, such disapproval shall be based only on valid, reasonable, and justifiable grounds to be expressed in writing, copy furnished the BAC.</p>	<p data-bbox="1397 240 2042 384">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.</p> <p data-bbox="1272 427 2042 644">37.1.2. Within a period not exceeding fifteen (15) calendar days from the by the BAC of the bidder with the LCRB, HRRB, SCR, or SRRB, and the recommendation to award the contract, the HoPE or his duly authorized representative shall approve or disapprove the said recommendation.</p> <p data-bbox="1272 946 2013 1050">37.1.3. In case of approval, the HoPE shall immediately issue the Notice of Award to the bidder with the LCRB, HRRB, SCR, or SRRB.</p> <p data-bbox="1388 1093 2042 1273">In the event 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.</p> <p data-bbox="1388 1316 2007 1382">When applicable, the BAC shall conduct a post-qualification of the bidder with the next Lowest</p>

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<p data-bbox="331 794 1064 901">37.1.4. Notwithstanding the issuance of the Notice of Award, award of contract shall be subject to the following conditions:</p> <p data-bbox="450 946 1099 1013">a) Submission of the following documents within the prescribed period:</p> <p data-bbox="499 1054 1099 1273">i) Valid JVA, if applicable, within ten (10) calendar days from receipt by the bidder of the notice from the BAC that the bidder has the Lowest Calculated Responsive Bid or Highest Rated Responsive Bid, as the case may be; or</p> <p data-bbox="472 1315 1090 1382">ii) In the case of infrastructure projects, valid PCAB license and registration for the type</p>	<p data-bbox="1391 240 2029 308">Calculated Bid or Highest Rated Bid, as provided in Section 34.6 of this IRR.</p> <p data-bbox="1391 355 2047 751">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.</p> <p data-bbox="1272 794 2007 901">37.1.4. Notwithstanding the issuance of the Notice of Award, award of contract shall be subject to the following conditions:</p> <p data-bbox="1391 946 2040 1013">a) Submission of the following documents within ten (10) calendar days from Notice of Award:</p> <p data-bbox="1440 1054 1800 1086">i) Valid JVA, if applicable</p> <p data-bbox="1440 1315 2029 1382">ii) In the case of procurement by a Philippine Foreign Office or Post, the PhilGEPS</p>

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<p>and cost of the contract to be bid for foreign bidders, within thirty (30) calendar days from receipt by the bidder of the notice from the BAC that the bidder has the Lowest Calculated Responsive Bid, when the Treaty or International or Executive Agreement expressly allows submission of the PCAB license and registration for the type and cost of the contract to be as a pre-condition to the Notice of Award;</p> <p>b) Posting of performance security in accordance with Section 39 of this IRR;</p> <p>c) Signing of the contract as provided in Section 37.2 of this IRR; and</p> <p>d) Approval by higher authority, if required, as provided in Section 37.3 of this IRR.</p> <p>37.1.5. Contract award shall xxx.</p>	<p>Registration Number of the winning foreign bidder;</p> <p>iii) 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 such license and registration as a pre-condition to the Notice of Award;</p> <p>iv) 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.</p> <p>b) Posting of performance security in accordance with Section 39 of this IRR;</p> <p>c) Signing of the contract as provided in Section 37.2 of this IRR; and</p> <p>d) Approval by higher authority, if required, as provided in Section 37.3 of this IRR.</p> <p>37.1.5. Contract award shall be xxx.</p>

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<p>37.1.6. The BAC, through the Secretariat, xxx.</p> <p>37.2. Contract Signing</p> <p>37.2.1. The winning bidder shall xxx.</p> <p>37.2.2. The procuring entity shall xxx.</p> <p>37.2.3. The following documents shall form part of the contract:</p> <ul style="list-style-type: none"> 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) Credit line in accordance with the provisions of this IRR, if applicable; f) Notice of Award of Contract; and g) 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 for infrastructure projects. 	<p>37.1.6. The BAC, through the Secretariat, xxx.</p> <p>37.2. Contract Signing</p> <p>37.2.1. The winning bidder shall xxx.</p> <p>37.2.2. The procuring entity shall xxx.</p> <p>37.2.3. The following documents shall form part of the contract:</p> <ul style="list-style-type: none"> 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 for infrastructure projects.

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<p>37.3. Contract Approval by Higher Authority</p> <p>When further approval of higher authority is required, the approving authority for the contract or his duly authorized representative shall be given a maximum of fifteen (15) calendar days from receipt thereof to approve or disapprove it. However, for infrastructure projects with an ABC of Fifty Million Pesos (₱ 50,000,000) and below, the maximum period is five (5) calendar days. In the case of GOCCs, the concerned board or its duly authorized representative shall be given a maximum of twenty-five (25) calendar days from receipt thereof to approve or disapprove it.</p> <p>37.4. Notice to Proceed</p> <p>37.4.1. The procuring entity shall issue the Notice to Proceed together with a copy 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. However, for infrastructure projects with an ABC of Fifty Million Pesos (₱ 50,000,000) and below, the maximum period is two (2) calendar days. The contract effectivity date shall be provided in the Notice to Proceed by the procuring entity, which date shall not be later than seven (7) calendar days from its issuance.</p> <p>37.4.2. The procuring entity, through the BAC Secretariat, shall post a copy of the Notice to Proceed and the</p>	<p>37.3. Contract Approval by Higher Authority</p> <p>When further approval of higher authority is required, the approving authority for the contract or his duly authorized representative shall be given a maximum of twenty (20) calendar days from receipt thereof to approve or disapprove it. In the case of GOCCs, the concerned board or its duly authorized representative shall be given a maximum of thirty (30) calendar days from receipt thereof to approve or disapprove it.</p> <p>37.4. Notice to Proceed</p> <p>37.4.1. The Procuring Entity shall issue the Notice to Proceed together with a copy 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.</p> <p>37.4.2. The Procuring Entity, through the BAC Secretariat, shall post a copy of the Notice to</p>

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<p>approved contract in the PhilGEPS and the website of the procuring entity, if any, within fifteen (15) calendar days from the issuance of the Notice to Proceed.</p>	<p>Proceed and the approved contract in the PhilGEPS and the website of the Procuring Entity, if any, within fifteen (15) calendar days from the issuance of the Notice to Proceed.</p>
<p>Section 38. Period of Action on Procurement Activities</p> <p>38.1. The procurement process from the opening of bids up to the award of contract shall not exceed three (3) months, or a shorter period to be determined by the procuring entity concerned. All members of the BAC shall be on a “jury duty” type of assignment until the Notice of Award is issued by the Head of the Procuring Entity in order to complete the entire procurement process at the earliest possible time.</p> <p>For purposes of this section, the xxx.</p> <p>38.2. The maximum periods and earliest possible time for action on specific procurement activities are provided for in Annex “C” of this IRR. In case the xx.</p> <p>38.3. If no action on the contract is xxx.</p>	<p>Section 38. Period of Action on Procurement Activities</p> <p>38.1. The procurement process from the opening of bids up to the award of contract shall not exceed three (3) months, or a shorter period to be determined by the procuring entity concerned. All members of the BAC shall be on a “jury duty” type of assignment until the Notice of Award is issued by the HoPE in order to complete the entire procurement process at the earliest possible time.</p> <p>For purposes of this section, the xxx.</p> <p>38.2. The maximum periods and the recommended earliest possible time for action on specific procurement activities are provided for in Annex “C” of this IRR. In case the xxx.</p> <p>38.3. If no action on the contract is xxx.</p>
<p>Section 39. Performance Security</p> <p>39.1. To guarantee the faithful performance xxx.</p> <p>39.2. The procuring entity shall indicate in the Bidding Documents at least two (2) acceptable forms of performance security taken from two (2) categories below, that bidders may opt to use, the amount of which shall be equal to a</p>	<p>Section 39. Performance Security</p> <p>39.1. To guarantee the faithful performance xxx.</p> <p>39.2. The performance security shall be in an amount not less than the required percentage of the total contract price in accordance with the following schedule:</p>

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percentage of the total contract price in accordance with the following schedule:			
Form of Performance Security	Amount of Performance Security (Equal to Percentage of the Total Contract Price)	Form of Performance Security	Amount of Performance Security (Not less than the required Percentage of the Total Contract Price)
a) Cash or cashier's/manager's check issued by a Universal or Commercial Bank.	Goods and Consulting Services – Five percent (5%)	a) Cash or cashier's/manager's check issued by a Universal or Commercial Bank. For biddings conducted by LGUs, the cashier's/manager's check may be issued by other banks certified by the BSP as authorized to issue such financial instrument.	Goods and Consulting Services – Five percent (5%)
b) Bank draft/guarantee or irrevocable letter of credit issued by a Universal or Commercial Bank: Provided, however, that it shall be confirmed or authenticated by a Universal or Commercial Bank, if issued by a	Infrastructure Projects – Ten percent (10%)	b) Bank draft/guarantee or irrevocable letter of credit issued by a Universal or Commercial Bank: Provided, however, that it shall be confirmed or authenticated by a Universal or Commercial Bank, if issued by a	Infrastructure Projects – Ten percent (10%)

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	foreign bank.		foreign bank.
	c) Surety bond callable upon demand issued by a surety or insurance company duly certified by the Insurance Commission as authorized to issue such security.	Thirty percent (30%)	For biddings conducted by LGUs, bank draft/guarantee, or irrevocable letter of credit may be issued by other banks certified by the BSP as authorized to issue such financial instrument.
	d) Any combination of the foregoing.	Proportionate to share of form with respect to total amount of security	c) Surety bond callable upon demand issued by a surety or insurance company duly certified by the Insurance Commission as authorized to issue such security.
<p>For biddings conducted by LGUs, the procuring entity may also require bidders to submit performance securities in the form of cashier's/manager's check, bank draft/guarantee, or irrevocable letter of credit from other banks certified by the BSP as authorized to issue such financial instrument.</p>			Thirty percent (30%)
xxx			xxx

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<p>Section 42. Contract Implementation and Termination</p> <p>42.1. The contract implementation guidelines xxx.</p> <p>42.2. The contract implementation guidelines xxx.</p> <p>42.3. The contract implementation guidelines xxx.</p> <p>42.4. No incentive bonus, in whatever form or for whatever purpose, shall be allowed.</p> <p>42.5. Procuring Entities may issue a letter of credit in favor of a local or foreign suppliers; Provided, that, no payment on the letter of credit shall be made until delivery and acceptance of the goods as certified to by the procuring entity in accordance with the delivery schedule provided for in the contract have been concluded; Provided further, that, the cost for the opening of letter of credit shall be for the account of the local or foreign supplier and must be stated in the Bidding Documents.</p>	<p>Section 42. Contract Implementation and Termination</p> <p>42.1. The contract implementation guidelines xxx.</p> <p>42.2. The contract implementation guidelines xxx.</p> <p>42.3. The contract implementation guidelines xxx.</p> <p>42.4. The contract termination guidelines as provided for in Annex “I” of this IRR.</p> <p>42.5. No incentive bonus, in whatever form or for whatever purpose, shall be allowed.</p> <p>42.6. Procuring Entities may cause the issuance of the letter of credit in favor of a local or foreign suppliers; Provided, that, no payment on the letter of credit shall be made until delivery and acceptance of the goods as certified to by the Procuring Entity in accordance with the delivery schedule provided for in the contract have been concluded; Provided further, that, the cost for the opening of letter of credit shall be for the account of the local or foreign supplier and must be stated in the Bidding Documents.</p>
<p>Section 43. Procurement of Domestic and Foreign Goods</p> <p>43.1. Scope and Application</p> <p>43.1.1. Consistent with the GOP’s obligations under international treaties or agreements, goods may be</p>	<p>Section 43. Procurement of Domestic and Foreign Goods</p> <p>43.1. Scope and Application</p> <p>43.1.1. Consistent with the GoP’s obligations under international treaties or agreements, goods may be</p>

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<p>obtained from domestic or foreign sources: Provided, xxx.</p> <p>43.1.2. The procuring entity shall give preference to materials and supplies produced, made and manufactured in the Philippines and to Domestic Entities, subject to the conditions herein below specified. The award shall be made to the lowest Domestic Bidder or lowest Domestic Entity, provided his bid is not more than fifteen percent (15%) in excess of the lowest Foreign Bid.</p> <p>43.1.3. A Domestic Entity can only claim preference if it secures from the DTI a certification that it has all the qualifications required under this IRR, in case of sole proprietorships, SEC, in case of partnerships and corporations, or CDA, in case of cooperatives.</p> <p>43.1.4. A Domestic Bidder can only claim preference if it secures from the DTI a certification that the articles forming part of its bid are substantially composed of articles, materials, or supplies grown, produced, or manufactured in the Philippines.</p> <p>43.2. Procedures and Guidelines</p> <p>43.2.1. The preference shall be applied when (a) the lowest Foreign Bid is lower than the lowest bid offered by a Domestic Bidder, or (b) the lowest bid offered by a non-Philippine national is lower than the lowest bid offered by a Domestic Entity.</p>	<p>obtained from domestic or foreign sources: Provided, xxx.</p> <p>43.1.2. The Procuring Entity shall give preference to materials and supplies produced, made and manufactured in the Philippines, subject to the conditions herein below specified. The award shall be made to the lowest Domestic Bidder or lowest Domestic Entity, provided his bid is not more than fifteen percent (15%) in excess of the lowest Foreign Bid.</p> <p>43.1.3. A Domestic Bidder can only claim preference if it secures from the DTI a certification that the articles forming part of its bid are substantially composed of articles, materials, or supplies grown, produced, or manufactured in the Philippines.</p> <p>43.2. Procedures and Guidelines</p> <p>43.2.1. The preference shall be applied when (a) the lowest Foreign Bid is lower than the lowest bid offered by a Domestic Bidder, The procuring entity shall ensure that both bids are responsive to the minimum requirements as specified in the</p>

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<p>The procuring entity shall ensure that both bids are responsive to the minimum requirements as specified in the Bidding Documents.</p> <p>43.2.2. For evaluation purposes, the lowest Foreign Bid or the bid offered by a non-Philippine national shall be increased by fifteen percent (15%).</p> <p>43.2.3. In the event that (a) the lowest bid offered by a Domestic Bidder does not exceed the lowest Foreign Bid as increased, or (b) the lowest bid offered by a Domestic Entity does not exceed the lowest bid offered by a non-Philippine national as increased, then the procuring entity shall award the contract to the Domestic Bidder/Entity at the amount of the lowest Foreign Bid or bid offered by a non-Philippine national, as the case may be.</p> <p>43.2.4. If the Domestic Entity/Bidder refuses to accept the award of contract at the amount of the Foreign Bid or bid offered by a non-Philippine national within two (2) calendar days from receipt of written advice from the BAC, the procuring entity shall award to the bidder offering the Foreign Bid or the non-Philippine national, as the case may be, subject to post-qualification and submission of all the documentary requirements under this IRR.</p>	<p>Bidding Documents.</p> <p>43.2.2. For evaluation purposes, the lowest Foreign Bid shall be increased by fifteen percent (15%).</p> <p>43.2.3. In the event that the lowest bid offered by a Domestic Bidder does not exceed the lowest Foreign Bid as increased, the Procuring Entity shall award the contract to the Domestic Bidder/Entity at the amount of the lowest Foreign Bid.</p> <p>43.2.4. If the Domestic Bidder refuses to accept the award of contract at the amount of the Foreign Bid within two (2) calendar days from receipt of written advice from the BAC, the Procuring Entity shall award to the bidder offering the Foreign Bid</p> <p>43.2.5. The award of contract shall be subject to post-qualification and submission of all the documentary requirements under this IRR.</p>
<p>Section 47. Disclosure of Relations</p> <p>All bids shall be accompanied by a sworn affidavit of the bidder that it</p>	<p>Section 47. Disclosure of Relations</p> <p>47.1 All bids shall be accompanied by a sworn affidavit of the</p>

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<p>is not related to the Head of the Procuring Entity, members of the BAC, the TWG, and the BAC Secretariat, the head of the PMO or the end-user unit, and the project consultants, by consanguinity or affinity up to the third civil degree. Failure to comply with the aforementioned provision shall be a ground for the automatic disqualification of the bid in consonance with Section 30 of this IRR. For this reason, relation to the aforementioned persons within the third civil degree of consanguinity or affinity shall automatically disqualify the bidder from participating in the procurement of contracts of the procuring entity. On the part of the bidder, this provision shall apply to the following persons:</p> <ul style="list-style-type: none"> a) If the bidder is an individual or a sole proprietorship, to the bidder himself; b) If the bidder is a partnership, to all its officers and members; c) If the bidder is a corporation, to all its officers, directors, and controlling stockholders; and d) If the bidder is a joint venture, the provisions of items (a), (b), or (c) of this Section shall correspondingly apply to each of the members of the said joint venture, as may be appropriate. 	<p>bidder that it is not related to HoPE, members of the BAC, the TWG, and the BAC Secretariat, the head of the PMO or the end-user or implementing unit, and the project consultants, by consanguinity or affinity up to the third civil degree. Failure to comply with the aforementioned provision shall be a ground for the automatic disqualification of the bid in consonance with Section 30 of this IRR. For this reason, relation to the aforementioned persons within the third civil degree of consanguinity or affinity shall automatically disqualify the bidder from participating in the procurement of contracts of the Procuring Entity notwithstanding the act of such persons inhibiting themselves from the procurement process. On the part of the bidder, this provision shall apply to the following persons:</p> <ul style="list-style-type: none"> a) If the bidder is an individual or a sole proprietorship, to the bidder himself; b) If the bidder is a partnership, to all its officers and members; c) If the bidder is a corporation, to all its officers, directors, and controlling stockholders; d) If the bidder is a cooperative, to all its officers, directors, and controlling shareholders or members; and e) If the bidder is a joint venture, the provisions of items (a), (b), (c), or (d) of this Section shall correspondingly apply to each of the members of the said joint venture, as may be appropriate.

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	<p>47.2 All bidders also found to have conflicting interests with each other shall be disqualified to participate in the procurement at hand, without prejudice to the imposition of appropriate administrative, civil, and criminal sanctions. A bidder may be considered to have conflicting interests with another bidder in any of the events described in paragraphs (a) through (c) below and a general conflict of interest in any of the circumstances set out in paragraphs (d) through (j) below:</p> <ul style="list-style-type: none"> a) A bidder has controlling shareholders in common with another bidder; b) A bidder receives or has received any direct or indirect subsidy from any other bidder; c) A bidder has the same legal representative as that of another bidder for purposes of this bid; d) A bidder has a relationship, directly or through third parties, that puts them in a position to have access to information about or influence on the bid of another bidder or influence the decisions of the Procuring Entity regarding this bidding process. This will include a firm or an organization who lends, or temporarily seconds, its personnel to firms or organizations which are engaged in consulting services for the preparation related to procurement for or implementation of the project if the personnel would be involved in any capacity on the same project;

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	<ul style="list-style-type: none"> e) A bidder submits more than one bid in this bidding process. However, this does not limit the participation of subcontractors in more than one bid; f) A bidder who participated as a consultant in the preparation of the design or technical specifications of the Goods and related services that are the subject of the bid; g) A bidder who lends, or temporarily seconds, its personnel to firms or organizations which are engaged in consulting services for the preparation related to procurement for or implementation of the project, if the personnel would be involved in any capacity on the same project; h) If a consultant combines the function of consulting with those of contracting and/or supply of equipment; i) If a consultant is associated with, affiliated to, or owned by a contractor or a manufacturing firm with departments or design offices offering services as consultants unless such consultant includes relevant information on such relationships along with a statement in the technical proposal cover letter to the effect that the consultant shall limit its role to that of a consultant and disqualify itself and its associates from work in any other capacity that may emerge from the project (including bidding for any part of the future project). The contract with the consultant selected to undertake the project shall contain an appropriate provision to such effect; or j) If there is a conflict among consulting projects, the

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	<p>consultant (including its personnel and subcontractors) and any subsidiaries or entities controlled by such consultant shall not be recruited for the relevant project. The duties of the consultant depend on the circumstances of each case. While continuity of consulting services may be appropriate in particular situations where no conflict exists, a consultant cannot be recruited to carry out a project that, by its nature, shall result in conflict with a prior or current project of such consultant. Examples of the situations mentioned are when a consultant engaged to prepare engineering design for an infrastructure project shall not be recruited to prepare an independent environmental assessment for the same project; similarly, a consultant assisting a Procuring Entity in privatization of public assets shall not purchase, nor advise purchasers, of such assets; or a consultant hired to prepare terms of reference for a project shall not be recruited for the project in question.</p>
<p>Section 48. Alternative Methods</p> <p>48.1. Subject to the prior approval of the Head of the Procuring Entity, and whenever justified by the conditions provided in this Act, the procuring entity may, in order to promote economy and efficiency, resort to any of the alternative methods of procurement provided in this Rule. In all instances, the procuring entity shall ensure that the most advantageous price for the Government is obtained.</p> <p>48.2. In accordance with Section 10 of this IRR, xxx.</p>	<p>Section 48. Alternative Methods</p> <p>48.1. Subject to the prior approval of the HoPE, and whenever justified by the conditions provided in this Act, the Procuring Entity may, in order to promote economy and efficiency, resort to any of the alternative methods of procurement provided in this Rule. In all instances, the Procuring Entity shall ensure that the most advantageous price for the Government is obtained.</p> <p>48.2. In accordance with Section 10 of this IRR, xxx.</p>

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<p>48.3. 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 but cannot be ultimately pursued, 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.</p>	<p>48.3. 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 competitive bidding but cannot be ultimately pursued, the BAC, through a resolution, shall justify and recommend the change in the mode of procurement to be approved by HoPE. Such changes must be reflected in the APP to be submitted to the GPPB, pursuant to Section 7.4 of this IRR.</p>
<p>Section 51. Repeat Order</p> <p>Repeat Order, when provided for in the APP, is a method of procurement of goods from the previous winning bidder, whenever there is a need to replenish goods procured under a contract previously awarded through Competitive Bidding. Repeat orders shall likewise be subject to the following conditions:</p> <ul style="list-style-type: none"> a) Unit 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 GOP after price verification; b) The repeat order will xxx; c) Except in cases duly approved by the GPPB, the repeat order shall be availed of only within six (6) months from the contract effectivity date stated in the Notice to Proceed arising from the original contract; and d) The repeat order shall not exceed twenty-five percent (25%) of the quantity of each item in the original contract. 	<p>Section 51. Repeat Order</p> <p>Repeat Order, when provided for in the APP, is a method of procurement of Goods from the previous winning bidder, whenever there is a need to replenish goods procured under a contract previously awarded through Competitive Bidding. Repeat orders shall likewise be subject to the following conditions:</p> <ul style="list-style-type: none"> a) Unit 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 GoP after price verification; b) The repeat order will xxx; c) 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 Notice to Proceed arising from the original contract: Provided, That there has been a partial delivery, inspection and acceptance of the goods within the same 6-month period; and d) Repeat orders shall not exceed twenty-five percent (25%) of the quantity of each item in the original contract. In order not to

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	<p>exceed the 25% threshold, the goods under the original contract must be:</p> <ul style="list-style-type: none"> i. Quantifiable ii. Divisible; and iii. Consisting of at least four (4) units per item.
<p>Section 52. Shopping</p> <p>52.1. Shopping is a method of procurement xxx.</p> <p>52.2. The phrase “ordinary or regular office supplies” shall be understood to include those supplies, commodities, or materials which, depending on the procuring entity’s mandate and nature of operations, are necessary in the transaction of its official businesses, and consumed in the day-to-day operations of said procuring entity.</p> <p>However, office supplies shall not xxx.</p> <p>52.3. Under Section 52.1 (b) of this IRR, at least xxx.</p> <p>52.4. The thresholds prescribed in Annex “H” of xxx.</p>	<p>Section 52. Shopping</p> <p>52.1. Shopping is a method of procurement xxx.</p> <p>52.2. The phrase “ordinary or regular office supplies” shall be understood to include those supplies, commodities, or materials which are necessary in the transaction of its official businesses, and consumed in the day-to-day operations.</p> <p>However, office supplies shall not xxx.</p> <p>52.3. Under Section 52.1 (b) of this IRR, at least xxx.</p> <p>52.4. The thresholds prescribed in Annex “H” of xxx.</p>
<p>Section 53. Negotiated Procurement</p> <p>Negotiated Procurement is a method of procurement of goods, infrastructure projects and consulting services, whereby the procuring entity directly negotiates a contract with a technically, legally and financially capable supplier, contractor or consultant in any of the following cases:</p>	<p>Section 53. Negotiated Procurement</p> <p>Negotiated Procurement is a method of procurement of Goods, Infrastructure Projects and Consulting Services, whereby the Procuring Entity directly negotiates a contract with a technically, legally and financially capable supplier, contractor or consultant in any of the following cases:</p>

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<p>53.1. Two Failed Biddings. Where there has been failure of public bidding for the second time as provided in Section 35 of the Act and this IRR.</p> <p>53.1.1. After conduct of the mandatory review of the terms, conditions, specifications, and cost estimates, as prescribed in Section 35 of this IRR, the BAC shall revise and agree on the minimum technical specifications, and if necessary, adjust the ABC, subject to the required approvals. However, the ABC cannot be increased by more than twenty percent (20%) of the ABC for the last failed bidding.</p> <p>53.1.2. The BAC shall invite and engage in negotiations with a sufficient number of suppliers, contractors or consultants to ensure effective competition.</p> <p>53.1.2.1. In the case of infrastructure projects, bona fide contractors licensed with the CIAP whose eligibility documents are on file with the procuring entity concerned or the Department of Public Works and Highways (DPWH) Contractors' Registry, as the case may be, and who have been classified under the type of contract/project where the subject contract falls are eligible to be invited for negotiation. Other</p>	<p>53.1. Two Failed Biddings. Where there has been failure of competitive bidding or Limited Source Bidding for the second time as provided in Section 35 of the Act and this IRR.</p>

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<p>contractors not previously deemed eligible may also apply for eligibility.</p> <p>53.1.2.2. All Procuring Entities shall maintain a registry of suppliers, contractors, and consultants as basis for drawing up the short list and/or selecting the suppliers, contractors, and consultants for negotiations.</p> <p>53.1.3. Any requirements, guidelines, documents, clarifications, or other information relative to the negotiations that are communicated by the procuring entity to a supplier, contractor, or consultant shall be communicated on an equal basis to all other suppliers, contractors, or consultants engaging in negotiations with the procuring entity relative to the procurement.</p> <p>53.1.4. Following completion of the negotiations, the procuring entity shall request all suppliers, contractors, or consultants remaining in the proceedings to submit, on a specified date, a best and final offer with respect to all aspects of their proposals.</p> <p>53.1.5. The procuring entity shall select the successful offer on the basis of such best and final offers which should meet the procuring entity's minimum technical requirements and should not exceed the ABC.</p>	

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<p>53.1.6. In all stages of the negotiations, observers shall be invited.</p> <p>53.2. Emergency Cases. In case of imminent danger xxx. In the case of infrastructure projects, the procuring entity has the option to undertake the project through negotiated procurement or by administration or, in high security risk areas, through the AFP.</p> <p>53.3. Take-Over of Contracts. Take-over of contracts, which have been rescinded or terminated xxx.</p> <p>53.3.1. The contract may be negotiated starting with the second lowest calculated/highest rated bidder for the project under consideration at the bidder's original bid price.</p> <p>53.3.2. If negotiation fails, then negotiation shall be done with the third lowest calculated/highest rated bidder at his original price. If the negotiation fails again, a short list of at least three (3) eligible contractors shall be invited to submit their bids, and negotiation shall be made starting with the lowest calculated/highest rated bidder.</p> <p>53.3.3. Authority to negotiate contracts for projects under these exceptional cases shall be subject to prior approval by the Heads of the Procuring Entities concerned, within their respective limits of approving authority.</p>	<p>53.2. Emergency Cases. In case of imminent danger xxx. In the case of Infrastructure Projects, the Procuring Entity has the option to undertake the project through negotiated procurement or by administration or, in high security risk areas, through the AFP.</p> <p>53.3. Take-Over of Contracts. Take-over of contracts, which have been rescinded or terminated xxx.</p>

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<p>53.4. Adjacent or Contiguous. Where the subject contract is adjacent or contiguous to an on-going Infrastructure Project or Consulting Service where the consultants have unique experience and expertise to deliver the required service: Provided, however, That (a) the original contract is the result of a Competitive Bidding; (b) the subject contract to be negotiated has similar or related scopes of work; (c) it is within the contracting capacity of the contractor/consultant; (d) the contractor/consultant uses the same prices or lower unit prices as in the original contract less mobilization cost; (e) the amount involved does not exceed the amount of the ongoing project; and (f) the contractor/consultant has no negative slippage/delay: Provided, further, That negotiations for the procurement are commenced before the expiry of the original contract.</p>	<p>53.4. Adjacent or Contiguous. Where the subject contract is adjacent or contiguous to an on-going Infrastructure Project or Consulting Service where the consultants have unique experience and expertise to deliver the required service: Provided, however, That (a) the original contract is the result of a Competitive Bidding; (b) the subject contract to be negotiated has similar or related scopes of work; (c) it is within the contracting capacity of the contractor/consultant; (d) the contractor/consultant uses the same prices or lower unit prices as in the original contract less mobilization cost; (e) the amount of the contiguous or adjacent work involved does not exceed the amount of the ongoing project; and (f) the contractor/consultant has no negative slippage/delay: Provided, further, That negotiations for the procurement of the contiguous or adjacent work are commenced before the expiry of the original contract.</p>
<p>53.5. Agency-to-Agency. Procurement of infrastructure projects, consulting services, and goods from another agency of the GOP, such as the PS-DBM, which is tasked with a centralized procurement of Common-Use Supplies for the GOP in accordance with Letters of Instruction No. 755 and Executive Order No. 359, series of 1989.</p>	<p>53.5. Agency-to-Agency. Procurement of Goods, Infrastructure Projects, and Consulting Services from another agency of the GoP, such as the DBM-PS, which is tasked with a centralized procurement of Common-Use Supplies for the GoP in accordance with Letters of Instruction No. 755 and E.O. No. 359,. 1989.</p>
<p>53.6. Procurement Agent. In order to hasten project implementation, Procuring Entities which may not have the proficiency or capability to undertake a particular procurement, as determined by the Head of the Procuring Entity concerned, may request other GOP agencies to undertake such procurement for them, or at their option,</p>	<p>53.6. Scientific, Scholarly or Artistic Work, Exclusive Technology and Media Services. Where Goods, Infrastructure Projects and Consulting Services can be contracted to a particular supplier, contractor or consultant and as determined by the HoPE, for any of the following:</p>

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<p>recruit and hire consultants or procurement agents to assist them directly and/or train their staff in the management of the procurement function. The GPPB shall issue guidelines to implement this provision.</p> <p>53.7. Highly Technical Consultants. xxx: Provided, however, That the term of the individual consultants shall, at the most, be on a six month basis, renewable at the option of the appointing Head of the Procuring Entity, but in no case</p>	<p>1. The requirement is for:</p> <ul style="list-style-type: none"> 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. <p>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.</p> <p>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.</p> <p>53.7. Highly Technical Consultants. xxx: Provided, however, That 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</p>

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<p>shall exceed the term of the latter.</p> <p>53.8. Defense Cooperation Agreement. Upon prior approval by the President of the Philippines, xxx.</p> <p>53.9. Small Value Procurement. Where the procurement does not fall under Shopping in Section 52 of this IRR and the amount involved does not exceed the thresholds prescribed in Annex “H” of this IRR.</p> <p>53.9.1. The procuring entity shall draw up a list of at least three (3) suppliers, contractors, or consultants of known qualifications which will be invited to submit proposals, in the case of goods and infrastructure projects, or curriculum vitae, in the case of consulting services.</p> <p>53.9.2. The thresholds prescribed in Annex “H” of this IRR shall be subject to the periodic review by the GPPB. For this purpose, the GPPB shall be authorized to increase or decrease the said amount in order to reflect the changes in economic conditions and for other justifiable reasons.</p> <p>53.10. Lease of Real Property. Lease of privately owned real property and venue for official use, subject to guidelines to be issued by the GPPB.</p>	<p>latter.</p> <p>53.8. Defense Cooperation Agreement. Upon prior approval by the President of the Philippines, xxx.</p> <p>53.9. Small Value Procurement. Procurement of Goods, Infrastructure Projects and Consulting Services, Wwhere the amount involved does not exceed the thresholds prescribed in Annex “H” of this IRR: Provided, That in case of Goods, the procurement does not fall under shopping in Section 52 of this IRR.</p> <p>53.10. Lease of Real Property and Venue. Lease of real property and venue for official use, subject to Annex “H” of this IRR.</p> <p>53.11. NGO Participation. When an appropriation law or</p>

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<p>53.11. NGO Participation. When an appropriation law or ordinance earmarks an amount to be specifically contracted out to Non-Governmental Organizations (NGOs), the procuring entity may enter into a Memorandum of Agreement with an NGO, subject to guidelines to be issued by the GPPB.</p> <p>53.12. Community Participation. Where, in the interest of project sustainability or to achieve certain specific social objectives, it is desirable in selected projects, or its components, to call for participation of local communities in the delivery of goods, including non-consulting services, and simple infrastructure projects, subject to the guidelines to be issued by the GPPB.</p> <p>53.13. United Nations Agencies. Procurement from specialized agencies of the United Nations of any of the following: (a) small quantities of off-the-shelf goods, primarily in the fields of education and health; and (b) specialized products where the number of suppliers is limited, such as vaccines or drugs.</p>	<p>ordinance earmarks an amount to be specifically contracted out to Non-Governmental Organizations (NGOs), the Procuring Entity may enter into a Memorandum of Agreement with an NGO, subject to the guidelines to be issued by the GPPB for the purpose.</p> <p>53.12. Community Participation. Where, in the interest of project sustainability or to achieve certain specific social objectives, it is desirable in selected projects, or its components, to call for participation of local communities in the delivery of goods, including non-consulting services, and simple infrastructure projects, subject to the Community Participation Procurement Manual (CPPM) issued by the GPPB.</p> <p>53.13. United Nations Agencies, International Organizations or International Financing Institutions. Procurement from specialized agencies of the United Nations, International Organizations or International Financing Institutions of any of the following: (a) small quantities of off-the-shelf goods, primarily in the fields of education and health; and (b) specialized products where the number of suppliers is limited, such as vaccines or drugs; or (c) Goods, Infrastructure Projects and Consulting Services, involving advanced technologies, techniques and innovations not locally available as certified by the HoPE, when it is most advantageous to the government.</p>
Section 54. Terms and Conditions for the use of Alternative Methods	Section 54. Terms and Conditions for the use of Alternative Methods

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<p>54.1. Splitting of Government Contracts is not allowed. xxx.</p> <p>54.2. For alternative methods of procurement, advertisement and posting as prescribed in Section 21.2.1 of this IRR may be dispensed with: Provided, however, That</p> <p>the BAC, through its Secretariat, shall post the invitation or request for submission of price quotations for Shopping under Sections 52.1 (b) and Negotiated Procurement under Sections 53.1 (two-failed biddings), 53.9 (small value procurement); and 53.11 (NGO Participation) of this IRR in the PhilGEPS website, the website of the procuring entity concerned, if available, and at any conspicuous place reserved for this purpose in the premises of the procuring entity for a period of seven (7) calendar days.</p>	<p>54.1. Splitting of Government Contracts is not allowed. xxx.</p> <p>For Infrastructure Projects to be implemented by phases, the Procuring Entity shall ensure that there is a clear delineation of work for each phase, which must be usable and structurally sound. It shall also ensure the conduct of the detailed engineering activities for each phase as provided for in Annex “A” of this IRR.</p> <p>54.2. For alternative methods of procurement, the procuring Entity may dispense with the advertisement in the newspaper and posting requirement as prescribed in Section 21.2.1 of this IRR</p> <p>For the following modalities, however, the BAC, through its Secretariat, shall post the invitation or request for submission of price quotations/proposals in the PhilGEPS website, the website of the procuring entity concerned, if available, and at any conspicuous place reserved for this purpose in the premises of the Procuring Entity for a period of at least three (3) calendar days. :</p> <ol style="list-style-type: none"> 1. Section 49 Limited Source Bidding; 2. Section 52.1(b) Shopping for ordinary office supplies and equipment not available in DBM-PS (for ABC above Fifty Thousand Pesos (₱ 50,000.00)); 3. Section 53.1 Two Failed Biddings; 4. Section 53.9 Small Value Procurement (For ABC above Fifty Thousand Pesos (₱ 50,000.00)); and 5. Section 53.11 NGO Participation.

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<p>54.3. In all instances of alternative methods of procurement, the BAC, through the Secretariat, shall post, for information purposes, the notice of award in the PhilGEPS website, the website of the procuring entity concerned, if available, and at any conspicuous place reserved for this purpose in the premises of the procuring entity.</p> <p>54.4. Except for Limited Source Bidding under Section 49 of this IRR, submission of bid securities may be dispensed with.</p> <p>54.5. Performance and warranty securities, as prescribed in Sections 39 and 62 of this IRR, shall be submitted for contracts acquired through the alternative methods of procurement, except for Shopping under Section 52 and Negotiated Procurement under Sections 53.2 (emergency cases), 53.5 (agency-to-agency), 53.9 (small value procurement), 53.10 (lease of real property), 53.12 (community participation), and 53.13 (UN agencies).</p>	<p>54.3. In all instances of alternative methods of procurement, the BAC, through the Secretariat, shall post, for information purposes, the notice of award in the PhilGEPS website, the website of the Procuring Entity concerned, if available, and at any conspicuous place reserved for this purpose in the premises of the Procuring Entity, except for contracts with ABC of Fifty Thousand Pesos (₱ 50,000.00) and below..</p> <p>54.4. Except for Limited Source Bidding under Section 49 of this IRR, submission of bid securities may be dispensed with.</p> <p>54.5. Performance and Warranty Securities.</p> <p>Performance and/or warranty securities are required for the following alternative methods of procurement, in accordance with Sections 39 and 62 of this IRR:</p> <table border="1" data-bbox="1272 866 2033 1385"> <thead> <tr> <th data-bbox="1279 871 1525 978">Alternative Method of Procurement</th> <th data-bbox="1529 871 1776 978">Performance Security (PS)</th> <th data-bbox="1780 871 2027 978">Warranty Security</th> </tr> </thead> <tbody> <tr> <td data-bbox="1279 981 1525 1129">Limited Source Bidding</td> <td data-bbox="1529 981 1776 1129">✓</td> <td data-bbox="1780 981 2027 1129">For highly specialized types of goods, WS is required.</td> </tr> <tr> <td data-bbox="1279 1133 1525 1203">Direct Contracting</td> <td data-bbox="1529 1133 1776 1203">X</td> <td data-bbox="1780 1133 2027 1203">✓</td> </tr> <tr> <td data-bbox="1279 1206 1525 1244">Repeat Order</td> <td data-bbox="1529 1206 1776 1244">X</td> <td data-bbox="1780 1206 2027 1244">✓</td> </tr> <tr> <td data-bbox="1279 1248 1525 1385">Two Failed Biddings</td> <td data-bbox="1529 1248 1776 1385">✓</td> <td data-bbox="1780 1248 2027 1385">✓ In no case shall WS be required in the</td> </tr> </tbody> </table>	Alternative Method of Procurement	Performance Security (PS)	Warranty Security	Limited Source Bidding	✓	For highly specialized types of goods, WS is required.	Direct Contracting	X	✓	Repeat Order	X	✓	Two Failed Biddings	✓	✓ In no case shall WS be required in the
Alternative Method of Procurement	Performance Security (PS)	Warranty Security														
Limited Source Bidding	✓	For highly specialized types of goods, WS is required.														
Direct Contracting	X	✓														
Repeat Order	X	✓														
Two Failed Biddings	✓	✓ In no case shall WS be required in the														

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			procurement of Consulting Services.
	Emergency Cases	Procuring Entity may require PS depending on the nature of the procurement project. However, for Infrastructure Projects, PS is required.	Procuring Entity may require WS depending on the nature of the procurement project. In no case shall WS be required in the procurement of Consulting Services.
	Take-over Contracts	✓	✓
	Adjacent / Contiguous	✓	For Infrastructure Projects, WS is required.
	Small Value Procurement	Procuring Entity may require PS depending on the nature of the procurement project. However, for Infrastructure Projects, PS is	Procuring Entity may require WS depending on the nature of the procurement project. In no case shall WS be

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<p>54.6. Manufacturers, suppliers, distributors, contractors, and/or consultants are mandated to register with PhilGEPS and provide a PhilGEPS Registration number in the following alternative methods of procurement as a condition for award of the contract:</p> <ul style="list-style-type: none"> (a) Section 49 Limited Source Bidding (b) Section 50 Direct Contracting (c) Section 51 Repeat Order (d) Section 52.1 (b) Shopping for Ordinary Office Supplies and Equipment not available in the Procurement Service (e) Section 53.1 Two Failed Bidding (f) Section 53.3 Take Over of Contracts (g) Section 53.4 Adjacent and Contiguous (h) Section 53.9 Small Value Procurement (i) Section 53.10 Lease of Real Property (j) Section 53.11 NGO Participation <p>EXCEPT for the following:</p> <ul style="list-style-type: none"> (a) Section 52.1 (a) Shopping under Unforeseen Contingency (b) Section 53.2 Emergency Cases 		required.	required in the procurement of Consulting Services.
	<p>54.6. Manufacturers, suppliers, distributors, contractors, and/or consultants are mandated to register with PhilGEPS and provide a PhilGEPS Registration number in the following alternative methods of procurement as a condition for award of the contract:</p> <ul style="list-style-type: none"> (a) Section 50 Direct Contracting (b) Section 52.1 (b) Shopping for Ordinary Office Supplies and Equipment not available in the Procurement Service (c) Section 53.3 Take Over of Contracts (d) Section 53.6 Scientific, Scholarly, or Artistic Work, Exclusive Technology and Media Services (e) Section 53.7 Highly Technical Consultants (f) Section 53.9 Small Value Procurement (g) Section 53.4 10 Lease of Real Property and Venue (h) Section 53.11 NGO Participation <p>For purposes of Limited Source Bidding under Section 49 and Two Failed Biddings under Section 53.1, the BAC shall require the submission of a certificate of PhilGEPS registration in accordance with Section 8.5.2 of this IRR.</p> <p>54.7. The specific terms, conditions and documentary requirements, including the limitations and restrictions, for</p>		

Revised IRR of RA 9184 (2009)	2016 Revised IRR of RA 9184
<ul style="list-style-type: none"> (c) Section 53.5 Agency to Agency Agreements (d) Section 63.6 Procurement Agent (except private procurement agents) (e) Section 53.7 Highly Technical Consultants (f) Section 53.8 Defense Cooperation Agreement (g) Section 53.12 Community Participation (h) Section 53.13 United Nations Agency 	<p>the application of each of the alternative methods mentioned in this article shall be provided for in Annex "H" of this IRR and guidelines specifically issued for this purpose.</p>
<p>Section 55. Protests on Decisions of the BAC</p> <p>55.1. Decisions of the BAC at any stage of the procurement process may be questioned by filing a request for reconsideration within the three (3) calendar days upon receipt of written notice or upon verbal notification. The BAC shall decide on the request for reconsideration within seven (7) calendar days from receipt thereof.</p> <p>If a failed bidder signifies his intent to file a request for reconsideration, the BAC shall keep the bid envelopes of the said failed bidder unopened and/or duly sealed until such time that the request for reconsideration has been resolved.</p> <p>xxx</p>	<p>Section 55. Protests on Decisions of the BAC</p> <p>55.1. Decisions of the BAC at any stage of the procurement process may be questioned by filing a request for reconsideration within the three (3) calendar days upon receipt of written notice or upon verbal notification. The BAC shall decide on the request for reconsideration within seven (7) calendar days from receipt thereof. The bidder shall not be allowed to submit additional documents to correct any defects in the bid submitted.</p> <p>If a failed bidder signifies his intent to file a request for reconsideration, the BAC shall keep the bid envelopes of the said failed bidder unopened and/or duly sealed until such time that the request for reconsideration has been resolved.</p> <p>xxx</p>
<p>Section 56. Resolution of Protests</p> <p>The protests shall be resolved strictly on the basis of records of the BAC. The Head of the Procuring Entity shall resolve the protest</p>	<p>Section 56. Resolution of Protests</p> <p>The protests shall be resolved strictly on the basis of records of the BAC. The HoPE shall resolve the protest within seven (7) calendar</p>

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<p>within seven (7) calendar days from receipt thereof. Subject to the provisions of existing laws on the authority of Department Secretaries and the heads of agencies, branches, constitutional commissions, or instrumentalities of the GOP to approve contracts, the decisions of the Head of the Procuring Entity concerned shall be final up to the limit of his contract approving authority. With respect to LGUs, the decision of the local chief executive shall be final. The head of the BAC Secretariat shall furnish the GPPB a copy of the decision resolving the protest within seven (7) calendar days from receipt thereof.</p>	<p>days from receipt thereof. Subject to the provisions of existing laws on the authority of Department Secretaries and the heads of agencies, branches, constitutional commissions, or instrumentalities of the GoP to approve contracts, the decisions of the HoPE concerned shall be final up to the limit of his contract approving authority. With respect to LGUs, the decision of the local chief executive shall be final.</p>
<p>Section 62. Warranty</p> <p>62.1. For the procurement of goods, in order to assure that manufacturing defects shall be corrected by the supplier, a warranty security shall be required from the contract awardee for a minimum period of three (3) months, in the case of Expendable Supplies, or a minimum period of one (1) year, in the case of Non-expendable Supplies, after acceptance by the procuring entity of the delivered supplies.</p> <p>The obligation for the warranty shall be covered by either retention money in an amount equivalent to at least ten percent (10%) of every progress payment, or a special bank guarantee equivalent to at least ten percent (10%) of the total contract price. The said amounts shall only be released after the lapse of the warranty period or, in the case of Expendable Supplies, after consumption thereof: Provided, xxx.</p> <p>xxx</p>	<p>Section 62. Warranty</p> <p>62.1. For the procurement of Goods, in order to assure that manufacturing defects shall be corrected by the supplier, a warranty security shall be required from the contract awardee for a minimum period of three (3) months, in the case of Expendable Supplies, or a minimum period of one (1) year, in the case of Non-expendable Supplies, after acceptance by the procuring entity of the delivered supplies.</p> <p>The obligation for the warranty shall be covered by either retention money in an amount equivalent to at least one percent (1%) of every progress payment, or a special bank guarantee equivalent to at least one percent (1%) of the total contract price. The said amounts shall only be released after the lapse of the warranty period or, in the case of Expendable Supplies, after consumption thereof: Provided, xxx.</p> <p>xxx</p>

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<p data-bbox="188 240 757 272">63.2. The GPPB Technical Support Office</p> <p data-bbox="188 316 1077 419">The GPPB shall create a Technical Support Office (TSO) which shall provide support in the performance of its duties and responsibilities specified in the Act and this IRR.</p> <p data-bbox="188 576 1077 715">The GPPB shall determine the TSO's organizational structure and staffing, subject to DBM approval. The TSO shall be headed by an Executive Director of good moral character, unquestionable integrity, and known probity.</p>	<p data-bbox="1131 240 1700 272">63.2. The GPPB Technical Support Office</p> <p data-bbox="1131 316 2020 531">The GPPB shall create a Technical Support Office (TSO) which shall provide support in the performance of its duties and responsibilities specified in the Act and this IRR. The TSO shall be an attached agency of the DBM and shall be under its administrative supervision for general oversight and for budgeting purposes.</p> <p data-bbox="1131 576 2042 826">The GPPB shall determine the TSO's organizational structure and staffing, subject to DBM approval. The TSO shall be headed by an Executive Director of good moral character, unquestionable integrity, and known probity, to be appointed by the Secretary of the DBM as Chair of the GPPB. All other officials and employees of the TSO shall be appointed likewise by the Chair of the GPPB, upon favorable recommendation of the TSO's Executive Director.</p>
<p data-bbox="188 871 510 903">Section 64. Membership</p> <p data-bbox="188 946 1088 1372">The GPPB shall be composed of the Secretary of the Department of Budget and Management, as Chairman, the Director-General of NEDA, as Alternate Chairman, with the following as Members; the Secretaries of the Departments of Public Works and Highways, Finance, Trade and Industry, Health, National Defense, Education, Interior and Local Government, Science and Technology, Transportation and Communications, and Energy, or their duly authorized representatives and a representative from the private sector to be appointed by the President upon the recommendation of the GPPB. The GPPB may invite representatives from the COA or from relevant Government agencies and private sectors to serve as resource persons.</p>	<p data-bbox="1131 871 1453 903">Section 64. Membership</p> <p data-bbox="1131 946 2024 1372">The GPPB shall be composed of the Secretary of the Department of Budget and Management, as Chairperson, the Director-General of NEDA, as Alternate Chairperson, with the following as Members; the Secretaries of the Departments of Public Works and Highways, Finance, Trade and Industry, Health, National Defense, Education, Interior and Local Government, Science and Technology, Transportation, Information and Communications Technology, and Energy, or their duly authorized representatives and a representative from the private sector to be appointed by the President upon the recommendation of the GPPB. The GPPB may invite representatives from the COA or from relevant Government agencies and private sectors to serve as resource persons.</p>

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<p>Section 68. Liquidated Damages</p> <p>All contracts executed in accordance with the Act and this IRR shall contain a provision on liquidated damages which shall be payable by the contractor in case of breach thereof. For the procurement of goods, infrastructure projects and consulting services, the amount of the liquidated damages shall be at least equal to one-tenth of one percent (0.001) of the cost of the unperformed portion for every day of delay. Once the cumulative amount of liquidated damages reaches ten percent (10%) of the amount of the contract, the procuring entity shall rescind the contract, without prejudice to other courses of action and remedies open to it.</p>	<p>Section 68. Liquidated Damages</p> <p>All contracts executed in accordance with the Act and this IRR shall contain a provision on liquidated damages which shall be payable by the contractor in case of breach thereof. For the procurement of Goods, Infrastructure Projects, and Consulting Services, the amount of the liquidated damages shall be at least equal to one-tenth of one percent (0.001) of the cost of the unperformed portion for every day of delay. Once the cumulative amount of liquidated damages reaches ten percent (10%) of the amount of the contract, the Procuring Entity may rescind or terminate the contract, without prejudice to other courses of action and remedies open to it.</p>
<p><i>Annex A “Detailed Engineering for the Procurement of Infrastructure Projects</i></p>	
<p>2. A schedule of detailed engineering activities shall include the following:</p> <ul style="list-style-type: none"> a) Survey b) Site Investigation c) Soils and Foundation Investigation d) Construction Materials Investigation e) Preparation of Design Plans f) Preparation of Technical Specifications g) Preparation of Quantity and Cost Estimates h) Preparation of Program of Work i) Preparation of Proposed Construction Schedule (and estimated Cash Flow for projects with Schedule over Six (6) Months) j) Preparation of Site or Right-of-Way Plans including Schedule of Acquisition 	<p>2. A schedule of detailed engineering activities shall include the following:</p> <ul style="list-style-type: none"> a) Survey b) Site Investigation c) Soils and Foundation Investigation d) Construction Materials Investigation e) Preparation of Design Plans f) Preparation of Technical Specifications g) Preparation of Quantity and Cost Estimates h) Preparation of Program of Work i) Preparation of Proposed Construction Schedule (and estimated Cash Flow for projects with Schedule over Six (6) Months) j) Preparation of Site or Right-of-Way Plans including Schedule of Acquisition

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<ul style="list-style-type: none"> k) Preparation of Utility Relocation Plan l) Preparation and Submission of Design Report m) Environmental Impact Statement for critical project as defined by the Department of Environment and Natural Resources (DENR) n) Preparation of minimum requirements for a Construction Safety and Health Program for the project being considered o) Preparation of Bid/Tender Documents 	<ul style="list-style-type: none"> k) Preparation of Utility Relocation Plan l) Preparation and Submission of Design Report m) Environmental Impact Statement for critical project as defined by the Department of Environment and Natural Resources (DENR) n) Preparation of minimum requirements for a Construction Safety and Health Program for the project being considered o) Value Engineering Studies p) Preparation of Bid/Tender Documents
	<p>New Provision:</p> <p>4. For projects to be implemented by phases, the Procuring Entity shall ensure that there is a clear delineation of work for each phase, which must be usable, and structurally sound. It shall also ensure the conduct of the detailed engineering activities for each phase as provided for in Item 2 of this Guidelines</p>