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1.0 PURPOSE

The Bids and Awards Committee (BAC), with the administrative support of the BAC Secretariat, is in-charge of ensuring that the procurement of goods, infrastructure and consulting services is in accordance with government laws, rules and regulations as provided under Republic Act No. 9184, otherwise known as the Government Procurement Reform Act and its 2016 Revised Implementing Rules and Regulations (IRR).

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2.0 SCOPE


- 2.1. The BAC is primarily in-charge of undertaking the procurement of goods, infrastructure projects and consulting services pursuant to R.A. No. 9184 and its IRR.
- 2.2. The BAC Secretariat acts as the main support unit of the BAC and provides administrative support to the BAC and the Technical Working Group (TWG).
- 2.3. This document defines the actions and responsibilities of the BAC and the BAC Secretariat upon receipt of necessary documents from the Procurement Office in processing all requests for procurement, which covers procurement projects generally required by law to be procured through Competitive Bidding, or those with an Approved Budget for Contract (ABC) of more than One Million Pesos (Php1,000,000.00).
- 2.4. The BAC likewise undertakes procurement projects through the Alternative Methods of Procurement, with the assistance of the Procurement Office.

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3.0 DEFINITION OF TERMS

- 3.1 **Annual Procurement Plan (APP)** – the requisite document that an agency must prepare to reflect the necessary information on the entire procurement activities to be undertaken within the calendar year. The APP comprises the consolidated Project Procurement Management Plan (PPMP).
- 3.2 **Approved Budget for the Contract (ABC)** – refers to the budget for the contract duly approved by the Head of Procuring Entity (HoPE), as provided for in the General Appropriations Act (GAA) and/or continuing appropriations, and the agency's corporate funds.
- 3.3 **Bid** – refers to a signed offer or proposal to undertake a contract submitted by a bidder in response to and in consonance with the requirements of the Bidding Documents.

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3.4 Bidder – refers to a contractor, manufacturer, supplier, distributor and/or consultant who submits a bid in response to the requirements of the Bidding Documents.

3.5 Bidding Documents – refer to the documents issued by the Procuring Entity as the basis for bids, furnishing all information necessary for a prospective bidder to prepare a bid for the Goods, Infrastructure Projects and/or Consulting Services required by the Procuring Entity.

3.6 Bids and Awards Committee (BAC) – refers to the Committee established by the Procuring Entity in accordance with Rule V of the Revised IRR of RA No. 9184. The Bids and Awards Committee shall have the following functions:

- a) Advertise and/or post the invitation to bid/request for expression 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 of the IRR of RA No. 9184;
- j) Recommend to the HoPE the use of Alternative Methods of Procurement as provided in Rule XVI of the IRR of RA No. 9184;
- 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) of the IRR of RA No. 9184, 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 with the following requirements:
 - 1) Review of the Technical Specifications, Scope of Work, Program of Works, Detailed Estimates and Plans and Terms of Reference
 - 2) Review of Bidding Documents;
 - 3) Shortlisting of Consultants;
 - 4) Eligibility Screening;
 - 5) Evaluation of Bids;
 - 6) Post-Qualification; and

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7) Resolution of Request for Reconsideration.


3.7 Competitive Bidding – refers to a method of procurement which is open to participation by any interested party and which consists of the following processes: advertisement, pre-bid conference, eligibility screening of prospective bidders, receipt and opening of bids, evaluation of bids, post-qualification, and award of contract. For purposes of the IRR of RA No. 9184 and consequently, this PAWIM, the terms “Competitive Bidding” and “Public Bidding” have the same meaning and shall be used interchangeably.

3.8 Consulting Services – refer to services for infrastructure projects and other types of projects or activities of the GoP requiring adequate external technical and professional expertise that are beyond the capability and/or capacity of the GoP to undertake such as, but not limited to: (i) advisory and review services; (ii) pre-investment or feasibility studies; (iii) design; (iv) construction supervision; (v) management and related services; and (vi) other technical services or special studies.

3.9 End-User Unit/Project Management Office (PMO) – refers to the unit, department or office requesting the procurement of goods, infrastructure or consulting services.

3.10 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 is not limited to, lease of office space, media advertisements, health maintenance services, and other services essential to the operation of the Procuring Entity.

3.11 Head of the Procuring Entity (HoPE) – Refers to: (i) the head of the agency or body, or his duly authorized official, for NGAs and the constitutional commissions or offices, and other branches of government; (ii) the governing board or its duly authorized official, for GOCCs, GFIs and SUCs; or (iii) the local chief executive, for LGUs: Provided, however, That in an agency, department, or office where the procurement is decentralized, the head of each decentralized unit shall be considered as the HoPE, subject to the limitations and authority delegated by the head of the agency, department, or office. For purposes of this PAWIM and pursuant to Republic Act No. 6847,

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otherwise known as the Philippine Sports Commission Act, the HoPE refers to the Chairman of the Commission.

- 3.12 Infrastructure Projects** – include the construction, improvement, rehabilitation, demolition, repair, restoration or maintenance of roads and bridges, railways, airports seaports, communication facilities, civil works components of information technology projects, irrigation, flood control and drainage, water supply, sanitation, sewerage and solid waste management systems, shore protection, energy/power and electrification facilities, national buildings, school buildings, hospital buildings, and other related construction projects of the government.
- 3.13 IRR** – refers to the Implementing Rules and Regulations of Republic Act No. 9184 and its amendments.
- 3.14 Philippine Government Electronic Procurement System (PhilGEPS)** – refers to the electronic system as provided in Section 8 of the IRR of RA No. 9184.
- 3.15 Procurement** – refers to the acquisition of goods, consulting services, and the contracting for infrastructure projects by the Procuring Entity. In case of projects involving mixed procurements, the nature of the procurement, i.e., Goods, Infrastructure Projects or Consulting Services, shall be determined based on the primary purpose of the contract. Procurement shall also include the lease of goods and real estate. With respect to real property, its procurement shall be governed by the provisions of R.A. 10752 and other applicable laws, rules and regulations.
- 3.16 Procuring Entity** – refers to any branch, constitutional commission or office, agency, department, bureau, office, or instrumentality of the GoP (NGA), including GOCC, GFI, SUC and LGU procuring goods, infrastructure projects and consulting services.
- 3.17 Republic Act No. 9184** – refers to the Government Procurement Reform Act, an Act providing for the modernization, standardization and regulation of the procurement activities of the government and for other purposes.

4.0 REFERENCE DOCUMENTS

- 4.1** Republic Act No. 9184 (Government Procurement Reform Act) and its 2016 Revised Implementing Rules and Regulations.
- 4.2** Guidelines, Circulars and Resolutions issued by the Government Procurement Policy Board (GPPB).
- 4.3** Philippine Bidding Documents

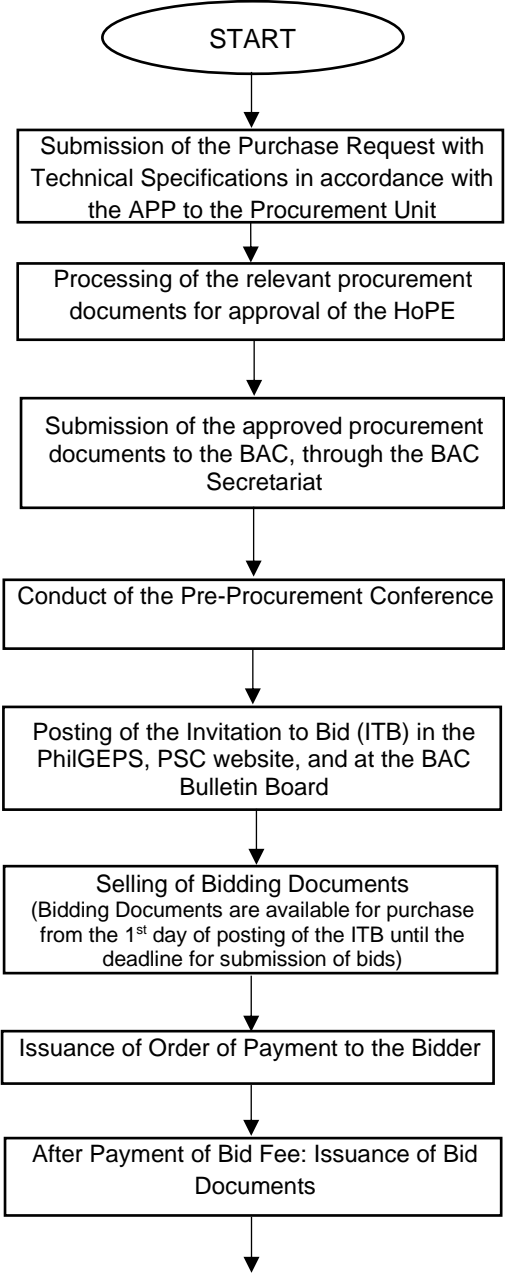
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4.4 Government Procurement Manual.

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5.0 PROCESS

5.1. Competitive Bidding

RESPONSIBLE	FLOW CHART	REFERENCES
<p>End User/PMO</p> <p>Procurement Unit</p> <p>Procurement Unit</p> <p>BAC, BAC Secretariat, TWG, End-User/PMO</p> <p>BAC through the BAC Secretariat</p> <p>BAC Secretariat</p> <p>BAC Secretariat</p> <p>BAC Secretariat</p>	 <pre> graph TD Start([START]) --> Step1[Submission of the Purchase Request with Technical Specifications in accordance with the APP to the Procurement Unit] Step1 --> Step2[Processing of the relevant procurement documents for approval of the HoPE] Step2 --> Step3[Submission of the approved procurement documents to the BAC, through the BAC Secretariat] Step3 --> Step4[Conduct of the Pre-Procurement Conference] Step4 --> Step5[Posting of the Invitation to Bid (ITB) in the PhilGEPS, PSC website, and at the BAC Bulletin Board] Step5 --> Step6[Selling of Bidding Documents (Bidding Documents are available for purchase from the 1st day of posting of the ITB until the deadline for submission of bids)] Step6 --> Step7[Issuance of Order of Payment to the Bidder] Step7 --> Step8[After Payment of Bid Fee: Issuance of Bid Documents] Step8 --> End[] </pre>	<p>Republic Act No. 9184 and its Implementing Rules and Regulations</p> <p>Relevant Issuances of the Government Procurement Policy Board (GPPB)</p>

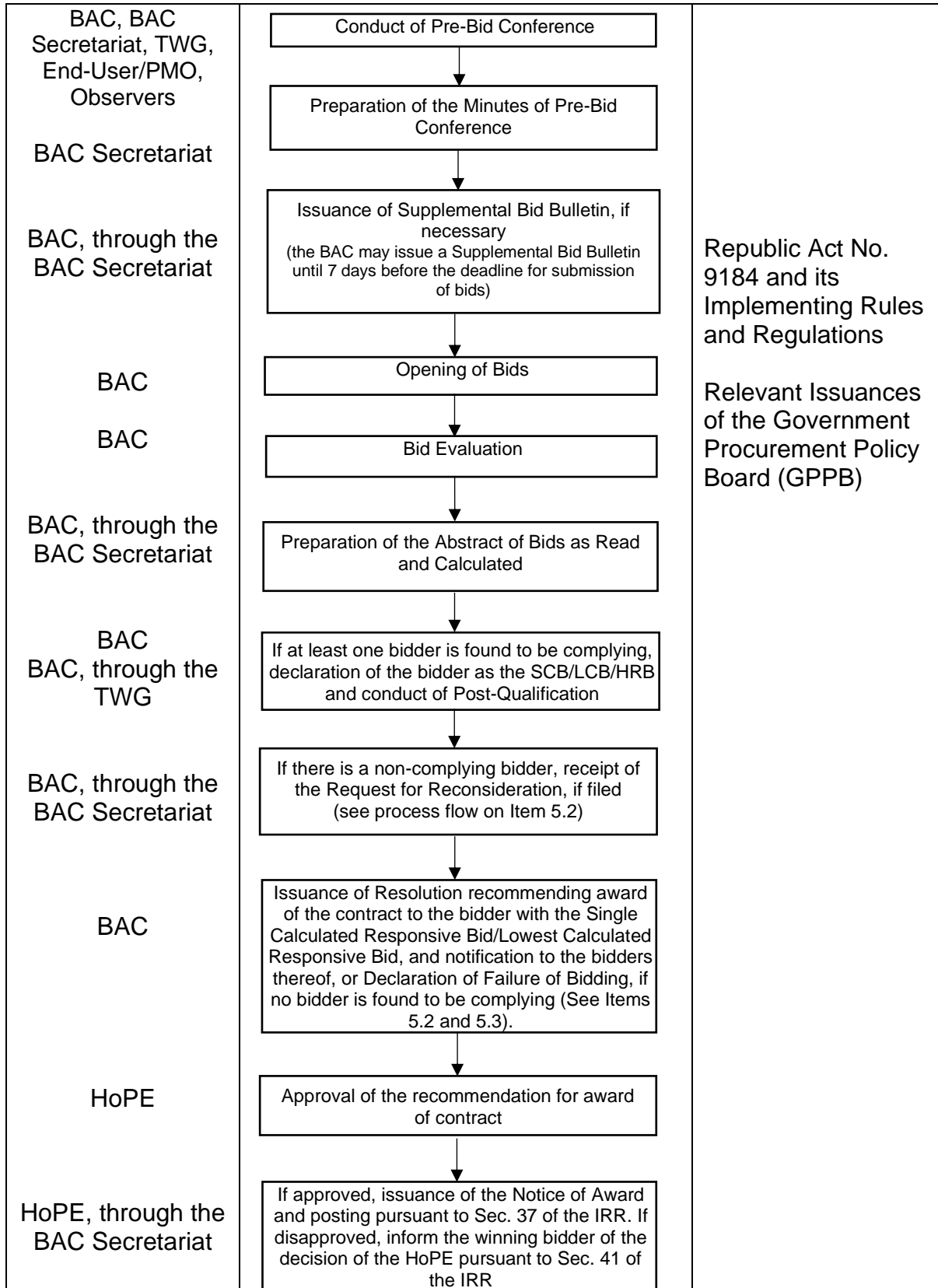


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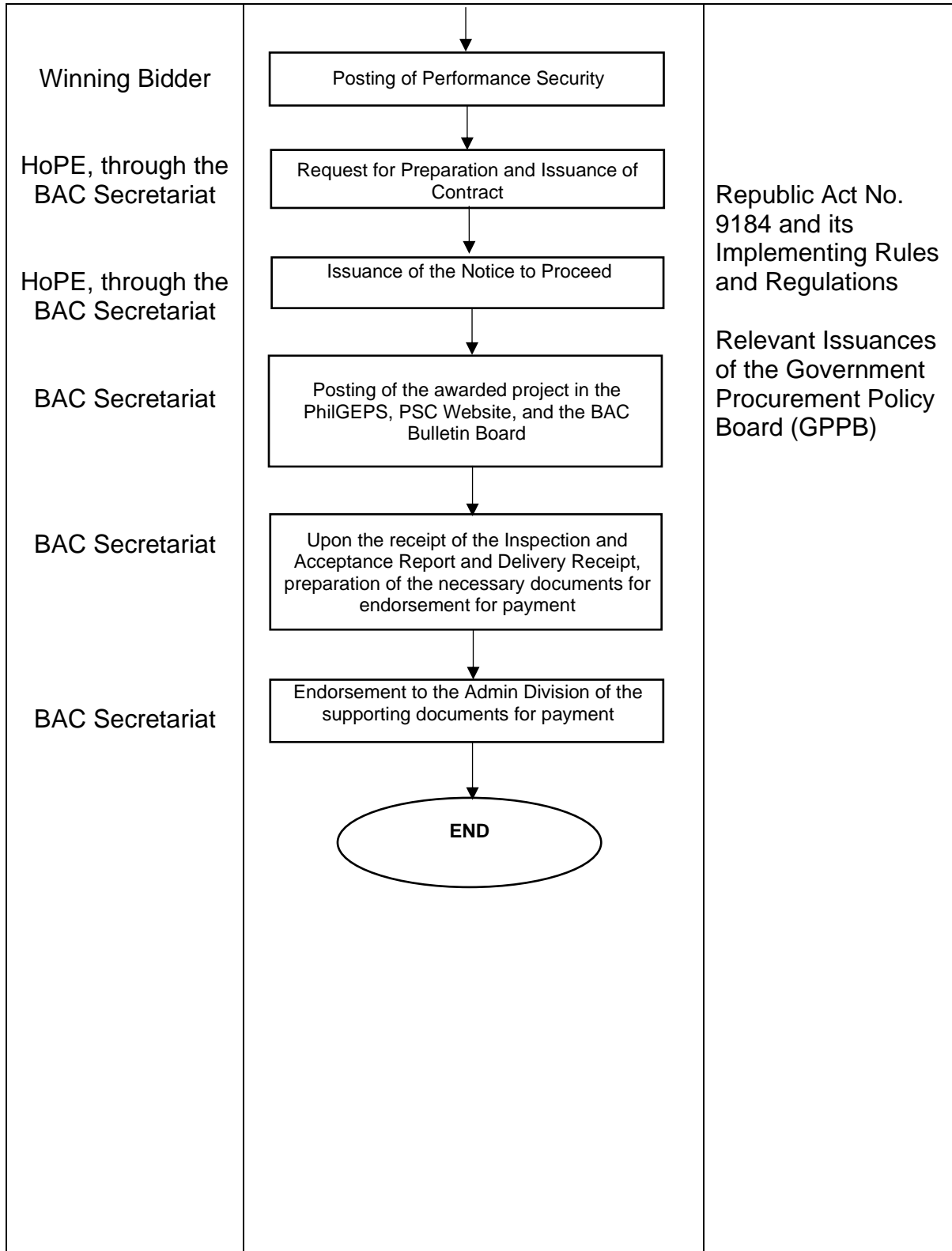
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5.2 Resolution of Requests for Reconsideration (RR)

RESPONSIBLE	FLOW CHART	REFERENCES
<p>BAC, through the BAC Secretariat</p> <p>BAC, with the TWG and BAC Secretariat</p> <p>BAC</p> <p>HoPE</p> <p>BAC, through the BAC Secretariat</p> <p>BAC</p> <p>BAC</p>	<pre> graph TD Start([START]) --> Step1[Receipt of the Request for Reconsideration] Step1 --> Step2[Deliberation of the Request for Reconsideration] Step2 --> Step3[Issuance of a BAC Resolution granting or denying the Request for Reconsideration] Step3 --> Step4[Approval of the Resolution granting or denying the Request for Reconsideration] Step4 --> Step5[Communication to the bidder of the decision of on the Request for Reconsideration] Step5 --> Step6[If the Request is granted, proceed with the Opening of Bids] Step6 --> Step7[If the Request is denied, the decision may be protested in writing to the HoPE pursuant to Section 55.2 of the IRR] Step7 --> End([END]) </pre>	<p>Republic Act No. 9184 and its Implementing Rules and Regulations</p> <p>Relevant Issuances of the Government Procurement Policy Board (GPPB)</p>



5.3 Failure of Bidding

RESPONSIBLE	FLOW CHART	REFERENCES
<p>BAC</p> <p>HoPE</p> <p>BAC, BAC Secretariat, End-User/PMO</p> <p>BAC</p>	<pre> graph TD Start([START]) --> Step1[If the conditions under Sec. 35.1 of the IRR are present during the Competitive Bidding process, issue a Resolution declaring the failure of bidding] Step1 --> Step2[Approval of the Resolution declaring the failure of bidding] Step2 --> Step3[Conduct of a mandatory review and evaluation of the terms, conditions and specifications in the Bidding Documents and revision thereof, if necessary] Step3 --> Step4[If upon mandatory review, the BAC finds that re-bidding is necessary, conduct re-bidding (see Item 5.1)] Step4 --> End([END]) </pre>	<p>Republic Act No. 9184 and its Implementing Rules and Regulations</p> <p>Relevant Issuances of the Government Procurement Policy Board (GPPB)</p>

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6. PROCEDURE

Under RA No. 9184 and its 2016 Revised IRR, the procurement of goods, infrastructure and consulting services shall primarily be done through competitive bidding, subject to the exceptions provided by law.

6.1. Competitive Bidding

- 6.1.1. All procurement to be undertaken by the Procuring Entity must be in accordance with its Annual Procurement Plan (APP).
- 6.1.2. The End-user Unit/Project Management Office (PMO) must have an approved Purchase Request for the Goods, Infrastructure and Consulting Services to be bid.
- 6.1.3. The End-user Unit/PMO shall prepare the Technical Specifications for Goods, Scope of Work for Infrastructure, and Terms of Reference for Consulting Services.
- 6.1.4. The approved Purchase Request with the Technical Specifications and other supporting documents shall be submitted to the Procurement Unit for preparation of the Approved Budget for the Contract (ABC) for the approval of the HoPE.
- 6.1.5. Once approved, the pertinent documents shall be submitted to the BAC Secretariat for the conduct by the BAC of the Pre-Procurement Conference.
- 6.1.6. In the Pre-Procurement Conference, the BAC shall determine the readiness of the Procuring Entity to undertake the procurement project, including, among other aspects: the availability of appropriations, completeness of the Bidding Documents, and completion of the detailed engineering according to the prescribed standards in case of Infrastructure Projects. The BAC shall also confirm the description and scope of the contract, the ABC and contract duration; ensure that the project is in accordance with the PPMP and the APP; review, modify and agree on the criteria for eligibility screening, evaluation and post-qualification; review and adopt the procurement schedule, and reiterate and emphasize the importance of confidentiality in accordance with Section 19 of the IRR of RA No. 9184.

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- 6.1.7. The Invitation to Bid shall be posted in PhilGEPS, PSC website, and at a conspicuous place in the premises of the Procuring Entity (BAC Bulletin Board).
- 6.1.8. The Bidding Documents shall be available for purchase by prospective bidders from the first day of posting of the Invitation to Bid until the deadline for submission of bids.
- 6.1.9. In purchasing the Bidding Documents, the BAC Secretariat shall issue the Order of Payment to the prospective bidder, for their payment of the bid fee at the Cashier's Office.
- 6.1.10. Upon payment, the BAC Secretariat shall issue to the bidder hard copies of the Bidding Documents and its attachments.
- 6.1.11. A Pre-Bid Conference shall be held at least 12 calendar days before the deadline for bid submission, but not earlier than seven calendar days from the PhilGEPS posting of the Invitation to Bid and the Bidding Documents, to discuss the requirements and Technical Specifications/Scope of Work/Terms of Reference and other aspects of the project. The Pre-Bid Conference shall discuss, clarify and explain, among others, the eligibility requirements and 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.
- 6.1.12. The Minutes of the Pre-Bid Conference shall be recorded and prepared not later than five (5) calendar days after the Pre-Bid Conference.
- 6.1.13. If necessary, the BAC shall issue a Supplemental Bid Bulletin to answer requests for clarification or interpretation, or to clarify or modify any provision of the Bidding Documents. The Supplemental Bid Bulletin shall be issued at least seven calendar days prior to the deadline for submission of bids, and shall be posted in PhilGEPS, the PSC website, and at a conspicuous place at the premises of the Procuring Entity (BAC Bulletin Board).
- 6.1.14. The bids shall be submitted to the BAC on the date, time and place specified in the Invitation to Bid. Bids submitted after the deadline should not be accepted. The BAC shall open the bids immediately after the deadline for submission and receipt of bids.
- 6.1.15. During the Opening of Bids, the BAC shall open the first bid envelopes in public to determine each bidder's compliance with the documents required to be submitted for eligibility and for the technical requirements.

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For this purpose, the BAC shall check the submitted documents of each bidder against a checklist of required documents to ascertain if they are all present, using a non-discretionary “pass/fail” criterion, as stated in the Instructions to Bidders. If a bidder submits the required document, it shall be rated “passed” for that particular requirement. In this regard, bids that fail to include any requirement or are incomplete or patently insufficient shall be considered as “failed.” Otherwise, the BAC shall rate the said first bid envelope as “passed.”


6.1.16. Immediately after determining compliance with the requirements in the first envelope, the BAC shall forthwith open the second bid envelope of each remaining eligible bidder whose first bid envelope was rated “passed.” The second envelope of each complying bidder shall be opened within the same day, except as provided under Section 33 of the IRR of RA No. 9184. In case any of the requirements in the second envelope of a particular bid is missing, incomplete or patently insufficient, and/or if the submitted total bid price exceeds the ABC, the BAC shall rate the bid concerned as “failed.” Only bids that are determined to contain all the bid requirements for both components shall be rated “passed” and shall immediately be considered for evaluation and comparison.

6.1.17. 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:

6.1.17.1. The BAC shall immediately conduct a detailed evaluation of all bids using non-discretionary criteria in considering the completeness of the bid and arithmetical corrections.

6.1.17.2. The BAC shall evaluate all bids on an equal footing to ensure fair and competitive bid comparison. For this purpose, all bidders shall be required to include the cost of all taxes, such as, but not limited to, value added tax (VAT), income tax, local taxes, and other fiscal levies and duties which shall be itemized in the bid form and reflected in the detailed estimates. Such bids, including said taxes, shall be the basis for bid evaluation and comparison.


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

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- 6.1.18. After all bids have been received, opened, examined, evaluated, and ranked, the BAC shall prepare the corresponding Abstract of Bids.
- 6.1.19. For the procurement of Consultancy Services, the BAC shall conduct a detailed evaluation of bids using either the Quality-Based Evaluation Procedure or Quality-Cost Based Evaluation Procedure as specified in the Bidding Documents.
- 6.1.20. The technical proposals of consultants shall be evaluated based on the criteria and using the corresponding numerical weights indicated in the Bidding Documents.
- 6.1.21. The Lowest Calculated Bid (LCB)/Highest Rated Bid (HRB) shall undergo post-qualification in order to determine whether the bidder concerned complied with and is responsive to all the requirements and conditions as specified in the Bidding Documents.
- 6.1.22. The post-qualification shall verify, validate, and ascertain all statements made and documents submitted by the bidder with the LCB/HRB, using non-discretionary criteria, as stated in the Bidding Documents.
- 6.1.23. If the BAC determines that the bidder with the LCB/HRB passes all the criteria for post-qualification, it shall declare the said bid as the Lowest Calculated Responsive Bid (LCRB) or Highest Rated Responsive Bid (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 its negotiated price, whichever is lower.
- 6.1.24. If, however, the BAC determines that the bidder with the Lowest Calculated Bid/Highest Rated Bid fails the criteria for post-qualification, it shall immediately notify the said bidder in writing of its post-disqualification and the grounds for it.
- 6.1.25. Immediately after the BAC has notified the first bidder of its post-disqualification, and notwithstanding any pending request for reconsideration thereof, the BAC shall initiate and complete the same post-qualification process on the bidder with the second Lowest Calculated Bid/Highest Rated Bid. 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.

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- 6.1.26. 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 the IRR.
- 6.1.27. 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.
- 6.1.28. Within three (3) calendar days from the issuance of the resolution recommending award of contract, the BAC shall notify all other bidders, in writing, of its recommendation.
- 6.1.29. Within a period not exceeding fifteen (15) calendar days from the determination by the BAC of the bidder with the LCRB, HRRB, SCRB, or SRRB, and the recommendation to award the contract, the HoPE or his duly authorized representative shall approve or disapprove the said recommendation.
- 6.1.30. In case of approval, the HoPE shall immediately issue the Notice of Award to the bidder with the LCRB, HRRB, SCRB or SRRB.
- 6.1.31. The BAC, through the Secretariat, shall post, within three (3) calendar days from its issuance, the Notice of Award in the PhilGEPS, the website of the Procuring Entity, and any conspicuous place in the premises of the Procuring Entity.
- 6.1.32. The winning bidder shall post the required Performance Security and enter into contract with the Procuring Entity within ten (10) calendar days from receipt by the winning bidder of the Notice of Award.
- 6.1.33. The Procuring Entity shall issue the Notice to Proceed together with a copy or copies of the approved contract to the successful bidder within seven (7) calendar days from the date of approval of the contract.
- 6.1.34. The Procuring Entity, through the BAC Secretariat, shall post a copy of the Notice to 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.

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6.1.35. Once the BAC Secretariat receive the necessary documents for Budget Utilization Request, the Secretariat shall prepare the necessary documents for the endorsement of the said request to the Admin Division.

6.2. Resolution of Requests for Reconsideration

- 6.2.1. Decisions of the BAC at any stage of the procurement process may be questioned by filing a request for reconsideration within three (3) calendar days upon receipt of written notice or upon verbal notification.
- 6.2.2. The BAC shall decide on the request for reconsideration within seven (7) calendar days from receipt hereof. The bidder shall not be allowed to submit additional documents to correct any defects in the bid submitted.
- 6.2.3. 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.
- 6.2.4. If the request for reconsideration is denied, decisions of the BAC may be protested in writing to the HoPE pursuant to Section 55.2 of the IRR.
- 6.2.5. If granted, the BAC shall reschedule the Opening of Bids. In no case shall any request for reconsideration or protest stay or delay the bidding process. Provided, however, that requests for reconsideration or protests must first be resolved before any award is made.

6.3. Failure of Bidding




- 6.3.1. The BAC shall declare the bidding a failure when: a) no bids are received; b) all prospective bidders are declared ineligible; c) all bids fail to comply with all the bid requirements or fail post-qualification, or, in the case of Consulting Services, there is no successful negotiation; or d) the bidder with the LCRB, HRRB, SCRB or SRRB refuses, without justifiable cause, to accept the award of contract, and no award is made in accordance with Section 40 of RA No. 9184 and the IRR.
- 6.3.2. In order to determine the reason for the failed bidding, the BAC shall conduct a mandatory review and evaluation of the terms, conditions, and specifications in the Bidding Documents, including its cost estimates.
- 6.3.3. Based on its findings, the BAC shall revise the terms, conditions, and specifications, and if necessary, adjust the ABC, subject to the required

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approvals, and conduct a re-bidding with re-advertisement and/or posting, as provided for in Section 21.2 of the IRR.

7. FORMS ATTACHED

- 7.1. Purchase Request
- 7.2. Approved Budget for Contract
- 7.3. Invitation to Bid
- 7.4. Bidding Documents
- 7.5. Abstract of Bids
- 7.6. Bids and Awards Committee Resolution
- 7.7. Notice of Award
- 7.8. Contract
- 7.9. Notice to Proceed

Prepared By/Date:	Reviewed By/Date:	Approved By/Date:
 ATTY. MICHELLE C. LABAJANAN Head, BAC Secretariat	 ANNA CHRISTINE S. ABELLANA QMS Management Representative	 ATTY. GUILLERMO B. IROY, JR. Acting Executive Director 15 April 2021