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INTERIM GUIDELINES IN THE PROCUREMENT PROCESS BASED ON THE REVISED IMPLEMENTING RULES AND REGULATIONS OF REPUBLIC ACT 9184

DPWH ORDER NO. 01, S. 2010, January 04, 2010

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In accordance with the provisions of the Revised Implementing Rules and Regulations (IRR) of Republic Act 9184, the following interim guidelines for procurement are hereby prescribed for all procuring entities of this Department until such time that manuals shall have been formulated.

A.Procurement Planning

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

B. Posting and Advertising

1. All invitations to Bid (IB)/Requests for Expression of Interest (REI) shall contain all the applicable information enumerated under Section 21 of the Revised IRR of RA 9184 and shall be posted and advertised, if applicable, in accordance with the attached formats. IBs/REIs shall adopt the standard format attached as Annex “A”[*] for infrastructure; Annex “B”* for goods; and Annex “C”* for consultancy services.

2. A copy of the IB/REI shall be submitted to the Procurement Office for Civil Works (POCW) for infrastructure and consulting services, and to the BAC Secretariat for Goods for goods, for posting in the DPWH website. A copy of the IB/REI shall be submitted in Microsoft format in a diskette/ed or thru email to pocw@dpwh.gov.ph or bac_goods@ dpwh.gov.ph at least one (1) calendar day before the first day of scheduled posting/ advertisement along with the corresponding Contract Profile. POCW shall encode the Contract Profile (for civil works projects).

3. Newspaper advertisements shall coincide with the website posting period.

4. Newspaper advertisements, posting at PHILGEPS website and in conspicuous places shall be the responsibility of the concerned procuring entity.

5. All Notices and Supplemental/Bid Bulletins shall likewise be submitted to the POCW or BAC Secretariat for Goods for posting in the DPWH website including Notices in the use of alternative mode of procurement.

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C. Eligibility Evaluation

1. Eligibility evaluation for goods and consultancy services shall be conducted manually according to their respective criteria as provided in the Revised IRR until such time that an electronic registry for each shall have been established.

2. All eligibility evaluation for the procurement of locally funded civil works contracts shall be conducted electronically using the Civil Works Registry (CWR) system regardless of the mode of procurement (public bidding or alternative mode).

3. For purposes of eligibility evaluation in the procurement of civil works contracts, the BAC of all procuring entities are hereby directed to establish an interconnection through Wide Area Network (WAN) with the Central Office by the end of January 2010. This shall include provisions for leased lines, dedicated computer units with original software's and trained personnel. For this purpose, concerned procuring entities are responsible in coordinating with the Monitoring and Information Service (MIS) and the POCW.

4. Interconnected Bids and Awards Committee (BAC) of the Regional Offices (ROs) and District Engineering Office (DEOs) are hereby authorized to conduct their respective eligibility evaluation of contractors using the CWR.

5. In cases wherein the Regional Office BAC is already interconnected, it is hereby authorized to conduct the electronic eligibility evaluation of projects of DEOs not yet interconnected within its area of jurisdiction.

6. Until such time that such interconnection is established, the POCW shall be authorized to conduct the electronic eligibility evaluation of contractors for the procuring entities concerned, including cases wherein WAN is unavailable for whatever reason.

7. In case of disruption/unavailability of the WAN of the Central Office (CO) at the time of the submission/opening of bids, the BAC of the procuring entities are authorized to conduct manual eligibility evaluation of contractors, subject to post qualification utilizing the eligibility result of the CWR; provided that the occurrence of such disruption shall be certified by the Director of the MIS. Post qualification using the CWR must be conducted within seven (7) cal. days from the opening of bids.

8. For purposes of eligibility evaluation by the POCW, the BAC of the procuring entity shall submit to the POCW, the LOIs, including JV agreement, credit line commitment, all updates of contractors information, etc., not later than five (5) calendar days prior to submission/opening of bids. The POCW shall conduct the eligibility evaluation only on the day of submission/opening of bids and shall appropriately inform the BAC of the concerned procuring entity of the results through email, fax or whatever means necessary. For this purpose, the BAC of the procuring entity is responsible for proper coordination with the POCW, particularly on the mode of communication of results.

9. For procurement of contracts wherein the BAC of the procuring entity itself undertakes the electronic eligibility evaluation thru the CWR, the LOIs shall be submitted along with the bid documents on the day of the submission/opening of bids.

D. Procurement Reports (Civil Works Projects)

1. The BAC of all procuring entities shall prepare procurement reports on civil works contracts awarded through public bidding or alternative methods of procurement, using the Awarded Contracts Format (DPWH-INFRA-71-09) attached.

2. Procurement reports of DEOs shall be submitted to their respective Regional Offices only if the latter is

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interconnected. Interconnected Regional Offices shall be authorized to encode their procurement reports and those of their DEOs to the CWR. ROs are respon- sible in monitoring compliance of DEOs with regard to accurate and timely submission of such reports provided for under D.O. No.32, series of 2008.

3. Regional Offices not yet connected to the CWR and their respective DEOs shall submit procurement reports to the POCW who shall encode the same to the CWR.

4. From the CWR, the POCW shall consolidate all procurement related reports and submit a monthly status report to the Assistant Secretary in charge of Procurement for appropriate action.

5. The BAC of ROs and DEOs shall monitor contractors' participation in the procurement activities within their Offices and shall likewise act diligently on issues concerning procurement related violations provided under Section 69 of the Revised IRR and Department Order No. 35, series of 2007. All actions taken on such issues shall be reported to the Assistant Secretary in charge of Procurement.

E. The Assistant Secretary in charge of Procurement shall be responsible in monitoring compliance to this Order and shall be the central channel for all procurement related issues and concerns.

F. Violations

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

1st Offense – Reprimand
2nd Offense – Suspension for 1-30 days
3rd Offense – Dismissal

This Order shall take effect immediately and supercedes and modifies, in whole and in part, all other issuances inconsistent herewith.

Adopted: 04 January 2010

(SGD.) VICTOR A. DOMINGO
Acting Secretary

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[*]Text Available at Office of the National Administrative Register, U.P. Law Complex, Diliman, Quezon City

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