



RESOLUTION NO. 23-2013

APPROVING AND ADOPTING THE GUIDELINES FOR ELECTRONIC BIDDING (E-BIDDING)

WHEREAS, Republic Act (RA) No. 9184, otherwise known as the “Government Procurement Reform Act” and its revised Implementing Rules and Regulations (IRR) took effect on 26 January 2003 and 2 September 2009, respectively;

WHEREAS, Section 63 of RA 9184 mandates the Government Procurement Policy Board (GPPB) to protect national interest in all matters affecting public procurement;

WHEREAS, Section 8.2.4.3 of the IRR of RA 9184 provides that “[t]he PhilGEPS may support the implementation of e-Bid submission processes, which includes the creation of electronic bid forms, creation of bid box, delivery of bid submissions, notification to supplier of receipt of bids, bid receiving and electronic bid evaluation”;

WHEREAS, the PhilGEPS is tasked to draft the Guidelines on Electronic Bidding to support its implementation and to promote transparency and efficiency, alongside use of information and communications technology in the conduct of procurement;

WHEREAS, in line with Section 8.2.4.3 of the IRR of RA 9184, the PhilGEPS’ presented its draft Guidelines on Electronic Bidding during the 2nd Inter-Agency Technical Working Group (IATWG) Meeting held on 9 July 2013;

WHEREAS, after due consideration and discussion, the IATWG resolved to recommend to the Government Procurement Policy Board (GPPB) the approval of the draft Guidelines on Electronic Bidding;

WHEREAS, during the 5th GPPB meeting held on 30 July 2013, the Board resolved to approve the IATWG recommendation after due consideration and deliberation;

NOW, THEREFORE, for and in view of all the foregoing, **WE**, the Members of the **GOVERNMENT PROCUREMENT POLICY BOARD**, by virtue of the powers vested on **US** by law and other executive issuances, hereby **RESOLVE** to confirm, adopt, and approve, as **WE** hereby confirm, adopt, and approve the Guidelines for Electronic Bidding, attached hereto as **Annex “A”**, and made an integral part hereof.

This Resolution shall take effect immediately.

APPROVED this 30th day of July 2013 at Pasig City, Philippines.

(Sgd.)

**DEPARTMENT OF BUDGET AND
MANAGEMENT**

**NATIONAL ECONOMIC AND
DEVELOPMENT AUTHORITY**

(Sgd.)

DEPARTMENT OF EDUCATION

(Sgd.)

DEPARTMENT OF ENERGY

DEPARTMENT OF FINANCE

DEPARTMENT OF HEALTH

(Sgd.)

**DEPARTMENT OF THE INTERIOR
AND LOCAL GOVERNMENT**

(Sgd.)

**DEPARTMENT OF NATIONAL
DEFENSE**

**DEPARTMENT OF PUBLIC WORKS
AND HIGHWAYS**

**DEPARTMENT OF SCIENCE AND
TECHNOLOGY**

**DEPARTMENT OF TRADE AND
INDUSTRY**

(Sgd.)

**DEPARTMENT OF TRANSPORTATION
AND COMMUNICATIONS**

(Sgd.)

PRIVATE SECTOR REPRESENTATIVE

Attested by:

(Sgd.)

DENNIS S. SANTIAGO
Board Secretary, GPPB
Executive Director, GPPB-TSO

GUIDELINES FOR ELECTRONIC BIDDING (E-BIDDING)

1. POLICY STATEMENT

To promote transparency and efficiency, information and communications technology shall be utilized in the conduct of procurement procedures. Pursuant to Section 8, Republic Act 9184 (RA 9184) in relation to Section 8.2.4.3 Rule III of the Revised Implementing Rules and Regulations (Revised IRR), the Philippine Government Electronic Procurement System (PhilGEPS) shall support the implementation of Electronic Bid (e-Bid) submission processes, which includes creation of electronic bid forms, creation of bid box, delivery of bid submissions, notification to supplier of receipt of bids, bid receiving and electronic bid evaluation. This facility shall cover all types of procurement for goods, infrastructure projects and consulting services.

2. SCOPE AND PURPOSE

These Guidelines are formulated to provide rules and procedures that shall apply to all branches, constitutional commissions and offices, agencies, departments, bureaus, offices, and instrumentalities of the Government, including government-owned and/or controlled corporations ("GOCCs"), government financial institutions ("GFIs"), state universities and colleges ("SUCs") and local government units ("LGUs") in the procurement of goods, infrastructure projects and consulting services through electronic means utilizing the PhilGEPS.

3. DEFINITION OF TERMS

- 3.1. For purposes of these Guidelines, the following terms, or words and phrases shall mean or be understood as follows:
 - 3.1.1. *Bidder's On-line Nominee* – refers to the person duly authorized by an On-Line Bidder to create and/or electronically submit electronic documents comprising the eligibility documentary requirements, and the technical and financial proposals, and who is issued a Pass Phrase as the digital signature.
 - 3.1.2. *Bid Notice Creator* – refers to a member of the Bids and Awards Committee (BAC) or its Secretariat specifically designated by the BAC to be responsible for creating the electronic Bid Notices/Supplements, or by the Head of the Procuring Entity in creating notices of award.

- 3.1.3. *Bid Notice Approver*– refers to a member of the BAC Secretariat specifically designated by the BAC to be responsible for reviewing the electronic Bid Notices/Supplements created by the Bid Notice Creator, and approving the uploading and electronic posting/transmittal of Bid Notices/Supplements in PhilGEPS.
- 3.1.4. *Bid Opener* – refers to a member of the BAC or its Secretariat specifically designated by the BAC to open and record all bid submissions, decrypt electronic bids, record or input the results of bid opening, evaluation and post-qualification in the PhilGEPS.
- 3.1.5. *Bid Payment Modality* – refers to the mode by which a Registered Merchant pays the bid document fee directly to the collecting/disbursing officer of the procuring entity until such time that the PhilGEPS electronic payment facility becomes available.
- 3.1.6. *Certified Member*– refers to a Registered Merchant granted a Certified Membership Status by PhilGEPS.
- 3.1.7. *Certified Membership Status* – refers to a privilege given to a Registered Merchant that has applied for and paid the annual administrative fee which enables the member, depending on the classification, to access and utilize certain functionalities of the PhilGEPS, such as, automatically receiving Bid Notifications, downloading of bid documents, electronic submission of bid proposals, among others.
- 3.1.8. *Document Library* – electronic repository of documents uploaded into PhilGEPS, with controlled accessibility.
- 3.1.9. *Electronic document* – refers to information or the representation of information, data, figures, symbols or other modes of written expression, described or however represented, by which a right is established or an obligation extinguished, or by which a fact may be proved and affirmed, which is received, recorded, transmitted, stored, processed, retrieved or produced electronically.
- 3.1.10. *On-line Bidder* – refers to a Certified Member participating electronically in bidding.
- 3.1.11. *Pass Phrase* – is the unique identifier exclusively provided by the Bidder’s Online Nominee, all registered users of the agencies, and all other users of PhilGEPS such as, but not limited to COA Auditors, NGOs, PhilGEPS Administrator, that is used in encrypting and decrypting bid submissions.
- 3.1.12. *Portable Document Format (PDF)* – refers to a file format that has

captured all the elements of a printed document as an electronic image that can be viewed, navigated, printed, copied but cannot be edited or changed.

- 3.1.13. *Registered Merchant* – refers to manufacturers, suppliers, distributors, contractors, and consultants already registered in the GOP-OMR, and who can access posted bid notices.
 - 3.1.14. *Response Forms* – refers to technical and financial forms that are editable and can be populated with information.
 - 3.1.15. *System Failure* – refers to the PhilGEPS hardware failure or server software issue such that the system is totally not accessible to users. It does not refer to the failure of the user's computer, internet access or any power interruption, which is beyond the control of the PhilGEPS.
- 3.2. Terms, words, and phrases used in these Guidelines shall have the same meaning as those that are defined in RA 9184 and RA 8792, otherwise known as the Electronic Commerce Act, and their respective Implementing Rules and Regulations, and the Guidelines for the Use of the Government of the Philippines – Official Merchants Registry (GOP-OMR).

4. GENERAL GUIDELINES

- 4.1. All Procuring Entities are mandated to fully use the PhilGEPS in accordance with RA 9184 and its IRR, and the policies, guidelines, and circulars issued by the GPPB.
- 4.2. All Procuring Entities shall register with the PhilGEPS and shall undertake measures to ensure their access to the on-line network in order to facilitate open, speedy and efficient on-line transmission, conveyance and use of electronic data messages or electronic documents. Further, the PhilGEPS shall assist procuring entities ensure their on-line connectivity and provide training for their personnel responsible for the operation of the system from their terminals.
- 4.3. The rules and regulations governing the manual method of procurement shall apply whenever the rules in these Guidelines are silent.
- 4.4. The Invitation to Bid, including the Bidding Documents shall clearly state whether Electronic Bidding is available for the procurement opportunity.
- 4.5. The provisions under Section 13 of the IRR on Observers shall apply without prejudice to full compliance with the requirement under Section 8.7 of the IRR.
- 4.6. Only bidders who pay the Bid Document Fee shall be allowed to participate in the e-bidding activities and submit a bid.

- 4.7. A procurement process or activity which is suitable for automatic evaluation by electronic means, without any intervention by the Procuring Entity, shall be the preferred modality.
- 4.8. PhilGEPS must establish a user help desk or a call center which offers centralized customer service (telephone- based service, live chat, e-mails) and support functions that will both cater to procuring entities and Registered Merchants to effectively and efficiently address issues and problems during their procurement operations.
- 4.9. PhilGEPS and/or the Procuring Entity must provide Online Bidders common access points to the Internet to enable them to submit electronic bids.
- 4.10. Prospective bidders, who submit their bids electronically, shall not be allowed to submit bids manually. Any bid modifications shall likewise be submitted electronically, provided that this is done before the deadline for submission and receipt of electronic bids.
- 4.11. These guidelines shall also apply when procuring entities resort to any of the Alternative Modes of Procurement specifically Shopping under Section 52.1(b) and Negotiated Procurement under Section 53.1 (two- failed biddings) and Section 53.9 (small value procurement), subject to the prior approval of the Head of the Procuring Entity in order to promote economy and efficiency, and whenever justified by the conditions provided in RA 9184 and its IRR.

5. INVITATION TO BID (IB)

- 5.1. Procuring Entities, through their respective Bid Notice Creators, shall create an electronic Invitation to Bid in accordance with the contents provided for under Section 21.1 of the IRR of RA 9184 to provide prospective bidders sufficient information for the contract to be bid (“Bid Notices”) using the electronic bid facility under PhilGEPS. Only Bid Notices that have been verified and approved by the Bid Notice Approver shall be posted in the PhilGEPS Electronic Bulletin Board.
- 5.2. Procuring Entities shall upload a complete set of bidding documents in the PhilGEPS website which will be available from the time the Bid Notice is posted, and which PDF version can be downloaded free of charge by Registered Merchants until the deadline for the submission and receipt of bids.
- 5.3. Registered Merchants who have set their bid-match profiles shall automatically be notified through electronic mail (e-mail) and/or through the Registered Merchant’s respective PhilGEPS “Pending Task” page of posted Bid Notices.
- 5.4. Only Registered Merchants who pay the Bid Document Fee through the Bid

Payment Modality shall be allowed to download complete bidding documents *and* bid response forms.

6. PRE-BID CONFERENCE

- 6.1. For contracts to be bid where the conduct of Pre-Bid Conference is required under Section 22 of the IRR, the same procedure governing the manual method will also apply.
- 6.2. Procuring Entities with videoconferencing capabilities may conduct their pre-bidding conferences electronically provided that their Registered Merchants shall also have similar capabilities and facilities.
- 6.3. During the conduct of the Pre-Bid Conference, Registered Merchants may send requests for clarification through the PhilGEPS online facility, which shall be read during the meeting and shall form part of the minutes, unless the Procuring Entity has previously decided that 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.
- 6.4. The minutes of the pre-bid conference shall be recorded as an electronic document made electronically available to all participating Registered Merchants through the PhilGEPS Electronic Bulletin Board not later than three (3) calendar days after the pre-bid conference.
- 6.5. Requests for clarification(s) on any part of the Bidding Documents or for an interpretation must be in writing and submitted to the BAC of the procuring entity concerned, either electronically through PhilGEPS or otherwise, at least ten (10) calendar days before the deadline set for the submission and receipt of bids.
- 6.6. Only Bid Bulletins/Supplements approved by the Bid Notice Approver shall be posted in the PhilGEPS at least seven (7) calendar days before the deadline for the submission and receipt of bids. PhilGEPS shall automatically notify through e-mail all Registered Merchants who have downloaded the bidding documents and paid the Bid Document Fee.

7. REGISTRY SYSTEM

- 7.1. To facilitate determination of eligibility, and subject to the GOP-OMR guidelines, procuring entities may use the registry system of PhilGEPS that allows submission and/or recording/entry of eligibility requirements simultaneously with registration.
- 7.2. Only a Certified Member with the appropriate classification can avail of the PhilGEPS advance eligibility submission by uploading their electronic documents to the PhilGEPS document library, which can be accessed for current or future procurements.

- 7.3. Submission of eligibility requirements to the PhilGEPS document library is not tantamount to a finding of eligibility.

8. SUBMISSION OF BIDS

- 8.1. On-line Bidders may submit their eligibility requirements to the Procuring Entity through the e-bidding facility of PhilGEPS.
- 8.2. Joint Ventures
 - 8.2.1. In case of joint venture, each partner of the joint venture must: (i) be registered in the PhilGEPS, (ii) secure Certified Membership Status, and (iii) electronically send their respective eligibility documents.
 - 8.2.2. The joint venture partners must identify and designate the Primary and Secondary Partner(s).
 - 8.2.3. Before the PhilGEPS will accept submissions of technical and financial proposals from the Primary Partner, there must be a confirmation from the Secondary Partner(s) as to existence of, or agreement to enter into, a joint venture.
 - 8.2.4. Upon Confirmation, the Primary Partner shall be required by PhilGEPS to upload the Joint Venture Agreement or a duly notarized statement.
- 8.3. On-line Bidders, or the Primary Partner in the case of Joint Ventures, shall electronically submit their bids through the Bidder's On-line Nominee, at any time before the closing date and time specified in the bidding documents.
- 8.4. The actual time of bid submission of an On-line Bidder shall be the time indicated on the PhilGEPS Server when the bidder clicks the "Submit" button which shall be automatically recorded by PhilGEPS. Upon receipt of a bid, the PhilGEPS shall automatically generate a bid receipt page that can be printed by the on-line bidder. This contains the recorded "submission time" which shall be considered as the Official Submission Time of the bidder.
- 8.5. An On-line Bidder may modify its bid at any time before the closing date and time for the submission and receipt of bids.
- 8.6. An On-line Bidder may withdraw its bid before the deadline for the submission and receipt of bids.
- 8.7. The PhilGEPS shall bar all incoming bids after the closing date and time.

9. BID SECURITY

- 9.1. On-line bidders may submit the bid security in cash through the PhilGEPS electronic payment facility.

- 9.2. In case of other forms of bid security, the on-line bidder shall prepare and submit a scanned copy of the bid security together with the electronic bid. However, the original bid security must be submitted to the BAC concerned before the end of business hours on the day of bid submission, a failure of which shall automatically render the bid submission as non-compliant.
- 9.3. If the on-line bidder sends the original bid security through registered mail or private courier, the indicated date of receipt by the postal service or private courier shall be considered as the date of submission to the BAC concerned, without prejudice to any verifications during post-qualification.

10. EXTENSION OF BID CLOSING DATE

- 10.1. In case of system failure, the rules provided for in Annex 1 shall automatically apply regarding extension of the bid closing date.

11. OPENING OF BIDS

- 11.1. Upon receipt of manually-filed bids, the Bid Opener, before the Bid Opening, but immediately after the deadline for submission of bids, shall record and input into PhilGEPS E-bidding module the date and time each of the bid was manually received, including the name of the bidder's authorized representative.
- 11.2. The BAC shall open the bids immediately after the deadline for submission and receipt of bids, and on the bid opening date.
- 11.3. Before the decryption of electronic bids, the Bid Opener must first login to PhilGEPS and only then can BAC members input their respective USER IDs and PASSWORDS, *provided however*, that PhilGEPS decryption will not take place unless all the members present and logging-in constitute quorum.
- 11.4. The Bid Opener shall publicly open the first bid envelopes of bidders who submitted bids manually to determine each bidder's compliance with the documents required to be submitted for eligibility, that is, legal, technical and financial eligibility documents; and for the technical requirements. 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. 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 bidder "passed" in relation to the eligibility and technical documents in the first envelope.
- 11.5. After all the manually submitted first envelopes of bidders were opened, and the results and findings were encoded in the PhilGEPS Preliminary

Examination Report facility, the Bid Opener shall thereafter proceed to decrypt the electronic First Bid Envelopes submitted by the On-line Bidders to determine each bidder's compliance with the required eligibility and technical documents following the steps and procedures outlined in Section 11.4 hereof. Thereafter, the Bid Opener shall input the findings and results into the PhilGEPS' Preliminary Examination Report facility.

- 11.6. Immediately after determining compliance with the requirements in the first envelope, the Bid Opener shall forthwith open the manually submitted second bid envelope of each eligible bidder whose first bid envelope was rated "passed." The second envelope of each complying bidder shall be opened within the same day.
- 11.7. After all the manually submitted second envelopes of bidders were opened, and the results and findings were encoded in the PhilGEPS Preliminary Examination Report facility, the Bid Opener shall thereafter proceed to decrypt the electronic Second Bid Envelopes of each On-line Bidders whose electronic first bid envelope was rated "passed" to determine each bidder's compliance with the required financial documents following the steps and procedures outlined in Section 11.6 hereof.
- 11.8. In case one or more 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". The Bid Opener shall then input the findings and results into the PhilGEPS' Preliminary Examination Report facility.

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.

- 11.9. PhilGEPS shall automatically send an electronic mail to all bidders who failed in the preliminary examination of the first and/or second envelope.

12. BID EVALUATION

Goods and Infrastructure

For the procurement of goods and infrastructure projects, the purpose of bid evaluation is to determine the Lowest Calculated Bid using the following steps:

- 12.1. The BAC shall immediately conduct a detailed evaluation of all bids using non-discretionary criteria in considering the following:
 - 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, 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 dash (-) for the said item would mean that it is being offered for free to the Government; and

- b) Arithmetical corrections. Correct computational errors and omissions to enable proper comparison of all eligible bids. It may also consider bid modifications if expressly allowed in the Bidding Documents. Any adjustment shall be calculated in monetary terms to determine the calculated prices.^(a)

12.2. 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.

12.3. In case of discrepancies between: (a) bid prices in figures and in words, the latter shall prevail; (b) total price of the item and unit price of the item as extended or multiplied by the quantity of that item, the latter shall prevail; (c) stated total price and the actual sum of prices of component items, the latter shall prevail; (d) unit cost in the detailed estimate and unit cost in the bill of quantities, the latter shall prevail.

12.4. 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.

12.5. After all bids have been received, opened, examined, evaluated, and ranked, the BAC shall prepare the corresponding Abstract of Bids. All members of the BAC shall sign the Abstract of Bids and attach thereto all the bids with their corresponding bid securities and the minutes or proceedings of the bidding. The Abstract of Bids shall contain the following:

- a) Name of the contract and its location, if applicable;
- b) Time, date and place of bid opening; and
- c) Names of bidders and their corresponding calculated bid prices arranged from lowest to highest, the amount of bid security and the name of the issuing entity.

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 (P50,000,000) and below, the entire evaluation process shall be completed in not more than five (5) calendar

days from the deadline for receipt of proposals.

- 12.6. After conducting the detailed evaluation of all bids using non-discretionary criterion, the Bid Opener shall input and record the results of the evaluation into the PhilGEPS' Evaluation Summary Report facility.
- 12.7. The PhilGEPS shall automatically rank the bidders in ascending order based on their total calculated bid prices to identify the LCB as evaluated and corrected for computational errors, and other bid modifications. Total calculated bid prices, as evaluated and corrected for computational errors, and other bid modifications, which exceed the ABC shall be disqualified. After all bids have been received, opened, examined, evaluated, and ranked, the system shall thereafter generate the Abstract of Bids in the form of PhilGEPS Evaluation Summary Report.
- 12.8. The BAC shall manually prepare a Resolution whether approving or denying the Abstract of Bids generated by the system. However, after the BAC Resolution approving the Abstract of Bids is uploaded in the PhilGEPS, an electronic message shall be automatically sent to all bidders who participated informing them that the Abstract of Bids is available for downloading.

Consulting Services

- 12.9. To determine the Highest Rated Bid (HRB), the BAC shall immediately conduct a detailed evaluation of all bids using the steps provided for under Section 33 of the IRR of RA 9184.
- 12.10. After conducting the detailed evaluation of all bids using non-discretionary criteria, the Bid Opener shall input and record the results of the evaluation into the PhilGEPS' Summary Report facility.
- 12.11. The PhilGEPS shall automatically rank the bidders in descending order based on their total score to identify the HRB. After all bids have been received, opened, examined, evaluated, and ranked, the system shall thereafter generate the Abstract of Bids.
- 12.12. The BAC shall manually prepare a Resolution whether approving or denying the Abstract of Bids generated by the system. However, after the BAC Resolution approving the Abstract of Bids is uploaded in the PhilGEPS, an electronic message shall be automatically sent to all bidders who participated informing them that the Abstract of Bids is available for downloading.

13. POST QUALIFICATION

- 13.1 The Lowest Calculated Bid ("LCB")/Highest Rated Bid ("HRB") shall undergo post-qualification pursuant to Rule X of the IRR in order to determine whether the bidder concerned complies with and is responsive to

all the requirements and conditions as specified in the Bidding Documents.

- 13.2 Within one (1) day after the approval of the Abstract of Bids, the bidder with the LCB/HRB should be notified through electronic mail that the bidder shall undergo post-qualification and submit the post-qualification requirements within three (3) calendar days as provided for under Section 34.2 of the IRR.
- 13.3. 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)/ Highest Rated Responsive Bid (HRRB), 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 the case of quality-based evaluation procedure, submitted bid price or its negotiated price, whichever is lower.
- 13.4. If, however, the BAC determines that the bidder with the LCB/HRB fails the criteria for post-qualification, it shall immediately notify the said bidder electronically in writing of its post-disqualification and the grounds for it.
- 13.5. Immediately after the BAC has electronically 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 LCB/HRB. 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/HRRB.
- 13.6. If the second bidder, however, fails the post-qualification, the procedure for post-qualification shall be repeated for the bidder with the next LCB/HRB, and so on until the LCRB or HRRB, as the case may be, is determined for award, subject to Section 37 of the IRR.
- 13.7. The post-qualification process shall be completed in not more than seven (7) calendar days from the determination of the LCB/HRB. 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.
- 13.8. The BAC or its Bid Opener shall record and encode the post-qualification results of manually submitted documents in the PhilGEPS. For electronic documents submitted online, the BAC or its Bid Opener shall decrypt the documents and the results recorded automatically.
- 13.9. After recording the post-qualification summary and uploading the BAC resolution declaring the bidder with the LCRB/HRRB in the PhilGEPS, an electronic message shall be automatically sent to all bidders who participated informing them that the Notice of LCRB/HRRB is available for downloading.

14. AWARD

- 14.1 The BAC shall recommend to the Head of the Procuring Entity the award of contract to the bidder with the LCRB/HRRB or the Single Calculated/Rated Responsive Bid after the post-qualification process has been completed.

To facilitate the approval of the award, the BAC shall submit the following supporting documents to the Head of the Procuring Entity:

- 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.
- 14.2 In case of approval, the Head of the Procuring Entity (HOPE) shall immediately issue the Notice of Award to the bidder with the LCRB/HRRB. 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.
- 14.3 Upon approval by the HOPE of the BAC recommendation to award the contract to the LCRB/HRRB, the Notice of Award (“NOA”) shall be created by the Bid Notice Creator in the PhilGEPS upon instruction of the HOPE, *provided however*, that the NOA shall only be created and issued to the LCRB/HRRB if no request for reconsideration or protest is received by, or inputted in PhilGEPS.
- 14.4 Upon issuance of the NOA to the LCRB/HRRB, an electronic message shall be automatically sent to all bidders who participated informing them of the results of the bidding process.
- 14.5 Notwithstanding the issuance of the Notice of Award, the award of the contract shall be subject to the following conditions:
- a) Submission of the following documents within the prescribed period:
 - 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 LCRB or HRRB, as the case may be; or
 - ii) In the case of infrastructure projects, valid PCAB license and registration for the type 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 LCRB, 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;

- b) Posting of performance security in accordance with Section 39 of this IRR;
- c) Signing of the contract as provided in Section 37.2 of the IRR; and
- d) Approval by higher authority, if required, as provided in Section 37.3 of the IRR.

14.6 Contract award shall be made within the bid validity period provided in Section 28 of the IRR.

14.7 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, if any, and any conspicuous place in the premises of the procuring entity.

14.8 After the contract signing and submission of the Performance Bond, the Bid Notice Creator shall update the “proceed date” and the “contract start and end dates” and upload a copy of the Notice to Proceed and approved Contract in the PhilGEPS.

15. APPLICATION OF RA 9184 AND ITS REVISED IRR

In case of silence, ambiguity, or vagueness of the provision embodied in this Guidelines, the procedures and processes contained in RA 9184 and its revised IRR shall suppletorily apply.

16. EFFECTIVITY

These Guidelines shall take effect fifteen (15) calendar days after its publication in the Official Gazette or in a newspaper of general nationwide circulation.

Annex 1

System Downtime Coverage	Extension	Automatic Extension of Bid Closing Time
less than 2 hours within 6 hours prior to bid closing time/date	No	None
Greater than 2 hours	Yes	24 Hours after the PhilGEPS system has been restored
Within 2 hours prior to bid closing time	Yes	24 hours after the PhilGEPS system has been restored
> 24 hours prior to bid closing time	Yes	48 hours after the PhilGEPS system has been restored
> 48 hours prior to bid closing time	Yes	72 Hours after the PhilGEPS system has been restored