



BEST PRACTICES GUIDE TO THE LAW AND IRR FOR PROCUREMENT OF INFRASTRUCTURE

**Wednesday, Thursday & Friday, August 24, 25 & 26, 2022
1:30PM to 4:45PM via ZOOM**

COURSE OUTLINE

Day 1:

1) Fundamental Principles of Public Procurement

2) Coverage of RA 9184 of Government Procurement Reform Act (GPRA)

- a) Scope and Application of GPRA
- b) Instances When GPRA Does Not Apply

3) Procurement Organizations (Composition, Roles, and Responsibilities)

- a) National Level Organizations (GPPB, GPPB-TSO, PS-DBM, and PhilGEPS)
- b) Agency-Level Organizations
 - i) Head of Procuring Entity (HoPE)
 - ii) Bids and Awards Committee (BAC): for National Government Agencies and Government Corporations and for Local Government Units
 - iii) Technical Working Group (TWG)
 - iv) BAC Secretariat
 - v) Observers
 - vi) End Users

4) Procurement Planning, Management, and Monitoring (PPMP, APP, PMR, and APCPI)

- a) Preparations of Technical Specifications (SOW)
- b) Determination of ABC
- c) Annual Cash Based and Multi-Year Budget (E.O. 91)
- d) Selection of Procurement Modality
- e) Consolidation, Revisions, and Approvals

5) Philippine Bidding Documents (PBDs) for Infrastructure

- a) Section I. Invitation to Bid (IB)
- b) Section II. Instructions to Bidders (ITB) *
- c) Section III. Bid Data Sheet (BDS)
- d) Section IV. General Conditions of Contract (GCC) *
- e) Section V. Special Conditions of Contract (SCC)
- f) Section VI. Specifications
- g) Section VII. Drawings
- h) Section VIII. Bill of Quantities (BoQ) or Bill of Materials (BoM)
- i) Section IX. Bidding Forms
- j) Section X. Foreign-Assisted Projects (when applicable)

6) Early Procurement Activities (EPA)

7) Standard and Electronic Bidding Procedures for Goods and Services

- a) Pre-procurement Conference

- b) Posting or Advertisement (when allowed)
- c) Pre-Bid Conference and Bid Bulletins
- d) Sealing and Marking of Bids
- e) Modification and Withdrawal of bids
- f) Bid Submission and Receipt
- g) Opening and Preliminary Examination of Bids
 - i) Platinum Certificate or Class "A" Legal, Technical, and Financial Eligibility Documents
 - ii) Bid Security
 - iii) Compliance with Technical Requirements
 - iv) Compliance with Financial Requirements and Bid
- h) Detailed Bid Evaluation
- i) Post-qualification
- j) Award of Contract
- k) Contract Execution
- l) Notice to Proceed

8) Request for Reconsideration and Protest Mechanism

9) Declaration of Failure of Bidding by the BAC

10) Reservation Clause or Declaration of Failure of Bidding by the HoPE

Day 2:

1) Alternative Modes of Procurement (AMP)

2) Limited Source Bidding (Section 49)

3) Direct Contracting (Section 50) (For goods only)

4) Repeat Order (Section 51) (For goods only)

5) Shopping (Section 52) (For goods only)

6) Negotiated Procurements (Section 53) (that are available to Infrastructure Projects)

- a) Two-Failed Biddings (Section 53.1)
- b) Emergency Cases (Section 53.2)
- c) Take-Over Contracts (Section 53.3)
- d) Adjacent and Contiguous Contract (Section 53.4)
- e) Agency to Agency (Section 53.5)
- f) Scientific, Scholarly, or Artistic Work, Exclusive Technology, and Media Services (Section 53.6)
- g) Small Value Procurement (SVP) (Section 53.9)
- h) NGO Participation (Section 53.11)
- i) Community Participation (Section 53.12)
- j) UN Agencies, International Organizations or International Financing Institutions (Section 53.13)

7) Liquidated Damages

8) Contract Termination Guidelines due to Negative Slippage

9) Criminal, Civil, & Administrative Provisions; and Blacklisting Guidelines

Reading/File References:

- ❑ Updated 2016 Revised IRR (as of 19 February 2020)
- ❑ **Issuances after the Declarations of Public Health Emergency and subsequently of Calamity:**
 - ✓ GPPB Resolution No. 03-2020, March 9, 2020
 - ✓ GPPB Resolution No. 05-2020, March 20, 2020
 - ✓ GPPB TSO NPM No. 003-2020, March 27, 2020
- ❑ **Issuances after the enactment of the “Bayanihan Heal as One Law”:**
 - ✓ GPPB Resolution No. 06-2020, April 6, 2020
 - ✓ GPPB Circular No. 01-2020, April 6, 2020
 - ✓ GPPB TSO NPM No. 004-2020, April 16, 2020
 - ✓ OP-MO No. 48, April 20, 2020
 - ✓ DBM NBC No. 580, April 22, 2020
 - ✓ GPPB TSO Advisory No. 04-2020, April 27, 2020
- ❑ **Issuances after the lapse of the “Bayanihan Heal As One Law”**
 - ✓ GPPB Resolution No. 09-2020, May 7, 2020
 - ✓ GPPB Resolution No. 11-2020, May 20, 2020
 - ✓ GPPB Circular No. 02-2020, May 20, 2020
 - ✓ GPPB Resolution No. 12-2020, May 20, 2020
 - ✓ GPPB TSO Advisory No. 05-2020, June 17, 2020
 - ✓ GPPB TSO Advisory No. 06-2020, July 1, 2020
 - ✓ GPPB TSO NPM No. 005-2020, July 8, 2020
 - ✓ GPPB Resolution 14-2020, June 25, 2020
- ❑ **Other Issuances on E-Proceedings and Digital Signatures**
 - ✓ GPPB Resolution No. 20-2018, October 18, 2018 on Virtual Store for APP-CSE and E-Wallet
 - ✓ GPPB Resolution No. 24-2018, December 4, 2018 on Videoconferencing and Webcasting
 - ✓ GPPB Resolution No. 16-2019, July 17, 2019 on Digital Signatures
 - ✓ DICT Department Circular No. 2020-06, April 2, 2020, on PNPKI Certificates (Digital Signatures).

Attendees from the government are exempted from the P2,000.00 limit set by COA for attending training provided by the private sector based on **Department of Budget and Management Circular No. 563** dated April 22, 2016.

Attending this training is not covered by Philippine Procurement Law or RA 9184 based on its Revised IRR’s Section 4.5-b. Enumerated as non-procurement activities are the following: Participation in local or foreign scholarships, trainings, continuing education, conferences, seminars or similar activities that shall be governed by applicable COA, CSC, and DBM rules.”

For query, consulting requirements or request for in-house training programs, please contact:

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