

## [ RESOLUTION NO. 03-2018, July 25, 2018 ]

### **APPROVING THE AMENDMENT TO SECTION 22.4 OF THE 2016 REVISED IMPLEMENTING RULES AND REGULATIONS OF REPUBLIC ACT NO. 9184 AND ISSUANCE OF CIRCULAR ON THE CONDUCT OF PRE-BID CONFERENCE**

Adopted: 09 March 2018

*Date Filed: 25 July 2018*

**WHEREAS**, Section 63.1(b) of Republic Act (R.A.) No. 9184 and its 2016 revised Implementing Rules and Regulations (IRR) authorize the Government Procurement Policy Board (GPPB) to formulate public procurement policies, rules and regulations, and amend, whenever necessary, the IRR;

**WHEREAS**, Section 22 of RA 9184 provides that at least one pre-bid conference shall be conducted for each procurement, unless otherwise provided in the IRR, which shall be held within a reasonable period before the deadline for receipt of bids to allow prospective bidders to adequately prepare their bids;

**WHEREAS**, Section 22.1 of the 2016 IRR of RA 9184 states, among others, that for contracts to be bid with an ABC of One Million Pesos (P1,000,000.00) or more, the BAC shall convene at least one (1) pre-bid conference to clarify and/or explain any of the requirements, terms, conditions, and specifications stipulated in the Bidding Documents; while for contracts to be bid with an ABC of less than One Million Pesos (P1,000,000), pre-bid conferences may be conducted at the discretion of the BAC;

**WHEREAS**, Section 22.3 of the 2016 IRR mandates that the pre-bid conference shall discuss, clarify and explain, 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 and it shall be open to prospective bidders, and in case of procurement of consulting services, the shortlisted bidder, but attendance shall not be mandatory;

**WHEREAS**, Section 22.4 of the 2016 IRR states that 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.

**WHEREAS**, during the course of the IRR Revision in 2015 to 2016, one of the identified issues/concerns, which causes failures of bidding, is the failure of the bidders to comply with the requirements of the Procuring Entities, as stated in the Bidding Documents, that led to the incorporation of the following various measures in the 2016 IRR of RA 9184, thus:

1. Mandatory use of the PhilGEPS Certificate of Registration and Membership under Platinum Category to minimize the documents to be submitted by the bidders;
2. Provision of alternative documents to the Eligibility Requirements, e.g, substitute to Mayor's Permit, substitute to computation of Net Financial Contracting Capacity, additional proof of SLCC;
3. Relaxing the eligibility requirements for foreign consultants;
4. Separate eligibility requirements for individual consultants; and
5. Less stringent rules in sealing and marking of bids;

**WHEREAS**, despite the new measures introduced in the 2016 IRR of RA 9184 aimed at addressing the frequent disqualification of bidders, still there are declarations of failure of bidding due to non-compliance of bidders with the bidding requirements that may have been avoided had the bidders carefully examined each and every page of the Bidding Documents, as required, and/or clarified during the Pre-bid Conference;

**WHEREAS**, during the 7th IATWG Meeting on 14 December 2017, the GPPB-TSO presented a proposal to maximize the Pre-bid Conference to further minimize the occasions of bidders' disqualification due to non-compliance with the bidding requirements, through the issuance of a Circular, which the IATWG agreed to recommend to the GPPB for approval;

**WHEREAS**, when the proposal was presented during the 6th GPPB and 8th IATWG Joint Meeting on 21 December 2017, the GPPB deferred decision on the matter and directed the GPPB-TSO to present in the next meeting the proposed Circular for approval;

**WHEREAS**, during the 1st IATWG Meeting on 27 February 2018, the GPPB-TSO presented the draft Circular for review of the IATWG and subsequently, the IATWG agreed to recommend to the GPPB the approval of the draft Circular subject to the clarification on Section 3.3 thereof;

**WHEREAS**, the draft Circular was presented to the GPPB during its 1st Regular Meeting on 9 March 2018 and after due deliberation and careful review, the GPPB approved the issuance of the proposed Circular on the Conduct of Pre-bid Conference to minimize the occasions of bidders' disqualification due to non-compliance with the bidding requirements;

**WHEREAS**, the GPPB further approved the amendment of Section 22.4 of the 2016 IRR of RA 9184 to mandate the posting of the Minutes of the Pre-bid Conference in the procuring entity's website for increased transparency in procurement.

**NOW, THEREFORE**, for and in consideration of the foregoing, WE, the Members of the **GOVERNMENT PROCUREMENT POLICY BOARD**, by virtue of the powers vested on US by law, hereby RESOLVE to confirm, adopt, and approve, as WE hereby confirm, adopt, and approve the following:

1. Amendment of Section 22.4 of the 2016 IRR of RA 9184 to read as:

“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. ***The minutes of the pre-bid conference shall likewise be posted in the website of procuring entities.***”

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.”

2. Issuance of a Circular on the Conduct of Pre-bid Conference, copy of which is hereto attached as Annex “A”.

This resolution shall take effect immediately

APPROVED this 9th day of March 2018 at Pasig City, Philippines.

Signed by the Representatives of the Following Agencies:

DEPARTMENT OF BUDGET AND MANAGEMENT  
DEPARTMENT OF ENERGY  
DEPARTMENT OF HEALTH  
DEPARTMENT OF THE INTERIOR AND LOCAL GOVERNMENT  
DEPARTMENT OF NATIONAL DEFENSE  
DEPARTMENT OF PUBLIC WORKS AND HIGHWAYS  
DEPARTMENT OF TRADE AND INDUSTRY  
PRIVATE SECTOR REPRESENTATIVE

Annex “A”

## **CIRCULAR 02-2018**

9 March 2018

### **Conduct of Pre-bid Conference**

#### **1.0 Purpose**

This Circular is being issued to maximize the conduct of Pre-bid Conference to minimize the occasions of bidders’ disqualification due to non-compliance with the bidding requirements.

#### **2.0 Coverage**

All Departments, Bureaus, Offices and Agencies of the National Government, including State Universities and Colleges, Government-Owned and/or Controlled