

GOVERNMENT PROCUREMENT POLICY BOARD

CIRCULAR NO. 04-2003

December 11, 2003

- TO:** Heads of Departments, Bureaus, Offices and Agencies of the National Government; Government-Owned or Controlled Corporations (GOCCs), Including State Universities and Colleges (SUCs); Local Government Units (LGUs); and All Others Concerned
- SUBJECT:** Issuance of Standard Public Bidding Checklists for the proper guidance of the Bids and Awards Committee (BAC), BAC Secretariat and observers in government procurement, pursuant to the provisions of Republic Act No. 9184 (R.A. 9184), otherwise known as “Government Procurement Reform Act” and its Implementing Rules and Regulations Part A (IRR-A).
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1.0 Purpose and Coverage

This circular is issued to disseminate Standard Public Bidding Checklists for procurement of goods, supplies and materials; infrastructure projects; and consulting services, to properly guide the Bids and Awards Committee (BAC), BAC Secretariat and observers in their undertaking of the stages of government procurement process, to ensure compliance with the legal requirements of R.A. 9184 and its IRR-A pending the issuance of the generic procurement manuals.

2.0 Functions of the BAC

2.1 Section 12 of R.A. 9184 enumerates the functions of the BAC, among which is to guarantee that the procuring entity observes the provisions of R.A. 9184 and its IRR-A in the procurement process, thus:

“The BAC shall be responsible for ensuring that the Procuring Entity abides by the standards set forth by this Act and the IRR, and it shall prepare a procurement monitoring report that shall be approved and submitted by the Head of the Procuring Entity to the GPPB on a semestral basis. The contents and the coverage of this report shall be provided in the IRR.”

3.0 Invitation of Observers

- 3.1 To further enhance transparency of the procurement process, Section 13 of R.A. 9184 explicitly requires the Bids and Awards Committee (BAC) to invite at least two (2) observers to sit in its proceedings, in addition to the representative of the Commission on Audit, to wit:

“[O]ne (1) from a duly recognized private group in a sector or discipline relevant to the procurement at hand, and the other from a non-government organization: *Provided however*; That they do not have any direct or indirect interest in the contract to be bid out. The observers should be duly registered with the Securities and Exchange Commission and should meet the criteria for observers set forth in the IRR.”

Section 13.4 of IRR-A of R.A. 9184 specifically lays down the responsibilities of observers, viz:

1. Preparation of the report either jointly or separately indicating their observations made on the bidding activity conducted by the BAC for submission to the Head of the Procuring entity, copy furnished the BAC Chairman. The report shall assess the extent of the BAC’s compliance with the provisions of this IRR-A and areas of improvement in the BAC’s proceedings.
2. To sign the abstract of bids if, in their independent observation, the bidding activity conducted by the BAC followed the correct procedure as indicted in this IRR-A; and
3. To sign the post-qualification summary report if, in their independent observation, the BAC followed the procedure as indicated in this IRR-A and that the observer is amenable to the results of the post-qualification.

4.0 Standard Public Bidding Checklist

- 4.1 In view of the foregoing express mandate of R.A. 9184 and its IRR-A and pending the issuance of the generic procurement manuals by the GPPB as provided for in Section 6 of the IRR-A of R.A. 9184, these Standard Public Bidding Checklists are issued to outline the intricate procedures and legal requirements in the government procurement process as set by law, for the proper guidance of the BAC, the BAC Secretariat and observers, to enable the latter to give a more accurate report on their assessment of the procurement proceedings.

4.2 Attached herewith are the Public Bidding Checklists for:

1. Procurement of Goods, Supplies and Materials;
2. Procurement of Infrastructure Projects;
3. Procurement of Consulting Services.

5.0 This circular shall take effect immediately.

(Sgd)

EMILIA T. BONCODIN

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Secretary, Department of Budget and Management