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CIRCULAR NO. 06-2005
August 05, 2005

TO: Heads of Departments, Bureaus, Offices and Agencies of the National Government; Government-Owned or Controlled Corporations (GOCCs), including State Universities and Colleges (SUCs); and Local Government Units (LGUs)

SUBJECT: Guidelines on the Use of Non-Discretionary/Non-Discriminatory Selection criteria as Tie-Breaking Method in Case of Two or More Bidders are Determined and Declared as the Lowest Calculated and Responsive Bidder (LCRB) or Highest Rated and Responsive Bidder (HRRB)

1.0 Purpose

This circular is issued to advise government agencies on how to resolve cases where an occurrence of a tie among bidders takes place, i.e., two or more of the bidders are determined and declared as the Lowest Calculated and Responsive Bidder (LCRB), for the procurement of goods and infrastructure projects, or the Highest Rated and Responsive Bidder (HRRB) for the procurement of consulting services. .

2.0 Coverage

All Departments, Bureaus, Offices and Agencies of the National Government, Government-Owned or Controlled Corporations (GOCCs), State Universities and Colleges (SUCs), and Local Government Units (LGUs).

3.0 Rules and Regulations

3.1 In accordance with the considerations advanced/maintained in Policy Matter No. 02-2005, issued by the Government Procurement Policy Board, procuring entities are hereby given guidance on how to resolve cases involving a tie, after post-qualification, among bidders determined and declared as LCRB or HRRB.

- 3.2 Procuring entities are hereby required to identify at the onset of the bidding process, and thereafter include in the bidding documents as instruction or a matter of information to prospective bidders, a ready and clear measure to be used in the event two or more of the bidders have been post-qualified as LCRB or HRRB. In all cases, the measure determined by the procuring entity shall be non-discretionary and non-discriminatory such that the same is based on sheer luck or chance. The procuring entity may use “draw lots” or similar methods of chance.
- 3.3 However, in lieu of the pre-determined criteria set and declared in the bidding documents, the procuring entity may opt to bring the concerned bidders to agree on a better selection criteria which should also be non-discretionary/non-discriminatory and is similarly based on sheer luck or chance.

4.0 For compliance.

SGD.

ROMULO L. NERI

Chairperson, Government Procurement Policy Board
Secretary, Department of Budget and Management