

GUIDELINES FOR THE PROCUREMENT OF GOODS AND SERVICES, INFRASTRUCTURE PROJECTS, AND CONSULTING SERVICES TO BE PROCURED AND PERFORMED OVERSEAS

1. PURPOSE

The Guidelines is formulated to provide rules and procedures for the procurement of Goods and Services, Infrastructure Projects, and Consulting Services to be procured and performed overseas; and to ensure transparency, efficiency, competition, and accountability in the procurement process.

2. SCOPE AND APPLICATION

The Guidelines shall apply to the national government, its branches, constitutional offices, departments, bureaus, offices and agencies, including state universities and colleges, government-owned and/or -controlled corporations, government financial institutions, and local government units, in the procurement of Goods and Services, Infrastructure Projects, and Consulting Services to be procured and performed overseas. Consequently, if the project will be performed within the Philippines, the relevant provisions of the 2016 Revised Implementing Rules and Regulations (IRR) of Republic Act (RA) No. 9184 on Competitive Bidding or Alternative Modes of Procurement shall apply.

3. GENERAL GUIDELINES

- a. **Annual Procurement Plan (APP).** In accordance with Section 7.2 of the IRR, no procurement shall be undertaken unless it is in accordance with the approved APP of the Procuring Entity.
- b. **Advertisement and Posting of Procurement Opportunity.** The Procuring Entity may dispense with the advertisement in the newspaper as prescribed in Section 21.2.1 of the IRR of R.A. 9184. Accordingly, the Procuring Entity shall post the Request for Quotation (RFQ) or Request for Proposal (RFP) in the 1.) PhilGEPS website, once the facility for the procurement of Goods and Services, Infrastructure Projects, and Consulting Services to be procured and performed overseas becomes available; 2.) The official website of the Procuring Entity; and 3.) In a conspicuous place reserved for this purpose in the premises of the Procuring Entity.
- c. **Documentary Requirements.** The Procuring Entity shall validate whether it is entering into a contract with a technically, legally and financially capable supplier, contractor or consultant by requiring the submission of relevant documents or through other means, taking into consideration the usual trade and business practices being observed in the host country. In all cases, the

Procuring Entity shall base its award on the quotations received in accordance with the corresponding RFQ/RFP and Abstract of Quotations.

- d. **Delegation of Authority.** For purposes of efficiency, expediency, and economy, the conduct of procurement and/or award of contract under the Guidelines may be delegated to a specific personnel or committee, other than the Bids and Awards Committee (BAC), duly authorized by the HOPE.

For record and monitoring purposes, all awards shall be immediately reported with all supporting documents to the HOPE, to ensure compliance with the guidelines.

- e. **Posting of Notice of Award, Contract and Notice to Proceed.** Unless the contract involves and affects national security as determined by the HOPE, the BAC, through its Secretariat, or the authorized personnel or committee shall post the relevant information of the contract in the PhilGEPS website once the facility becomes available, the website of the Procuring Entity, and at any conspicuous place reserved for this purpose in the premises of the Procuring Entity within ten (10) calendar days from their issuance.
- f. **Bid, Performance and Warranty Securities.** If deemed necessary, the Procuring Entity may require the submission of a Bid, Performance, or Warranty Securities or its equivalent.

4. SPECIFIC GUIDELINES

- a. The End-User shall submit to the BAC or to the authorized personnel or committee a purchase/job request, which indicates the technical specifications, scope of work, terms of reference, ABC and other terms and conditions relevant to the Goods and Services, Infrastructure Projects and Consulting Services to be procured.
- b. The BAC or the authorized personnel or committee shall determine the technical, legal, and financial eligibility requirements to be submitted by the prospective bidders or any other means to verify the technical, legal and financial capability of the supplier, contractor or consultant.
- c. The BAC or the authorized personnel or committee shall prepare and send the Request for Quotations (RFQ) or Request for Proposals (RFP) to at least three (3) suppliers, contractors or consultants of known qualifications. This, notwithstanding, those who responded through any of the required postings shall be allowed to participate. Receipt of at least one (1) quotation on the deadline for submission of quotations shall be sufficient to proceed with the evaluation thereof. In no instance shall Procuring Entities be required to pay any sum of money for the purpose of obtaining RFQs/RFPs.

For the procurement of requirements, *i.e.*, space, booth design, booth construction, in case of participation to international exhibits, duly approved by authorized officials under existing laws, rules and regulation, Procuring

Entities may not be required to send RFQs/RFPs to at least three (3) suppliers, contractors or consultants of known qualifications.

- d. The BAC or the authorized personnel or committee may meet with all prospective bidders, depending on the nature and complexity of the project, in order to clarify and/or explain any of the requirements, terms, conditions, and specifications stipulated in the RFQ/RFP.
- e. After the deadline for submission of quotations/proposals, an Abstract of Quotations/Ratings shall be prepared setting forth the names of those who responded to the RFQ/RFP, and their corresponding price quotations/ratings.
- f. The BAC or the authorized personnel or committee shall recommend to the HOPE the award of contract in favor of the supplier or contractor with the Single or Lowest Calculated and Responsive Quotation (for goods or infrastructure projects), or consultant with the Single or Highest Rated and Responsive Proposal (for consulting services). In case of approval, the HOPE shall immediately enter into contract with the winning supplier, contractor or consultant. If permitted by the HOPE, the authorized personnel or committee may award the contract in accordance with this paragraph.

5. EFFECTIVITY CLAUSE

This Guidelines shall take effect fifteen (15) calendar days after its publication in the Official Gazette or in a newspaper of general nationwide circulation and upon filing with the University of the Philippines Law Center.