

GUIDELINES ON THE SALE OF BIDDING DOCUMENTS

1. POLICY STATEMENT

As provided in Section 17.4 of the Implementing Rules and Regulations (IRR) of Republic Act 9184, bidders may be asked to pay for bidding documents to recover the cost of their preparation and development. The BAC shall issue the bidding documents to the prospective bidders upon payment of the corresponding cost thereof to the collecting/disbursing officer of the procuring entity concerned.

2. PURPOSE

These guidelines are formulated to provide standard rates for the sale of bidding documents to rationalize the fees primarily to regulate its price and to lessen the exercise of discretion of procuring entities so as not to discourage market participation and competition.

3. SCOPE AND APPLICATION

These 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.

4. GENERAL GUIDELINES

- 4.1. Procuring entities shall make the bidding documents available on the same date the advertisement and/or posting of the Invitation to Bid was made pursuant to Section 17.3 of the IRR of RA 9184.
- 4.2. As required in Section 21.1(f) of the IRR of RA 9184, the price of the bidding documents must be included in the Invitation to Bid/Request for Expression of Interest in order to inform all prospective bidders of the cost of its acquisition.
- 4.3. The BAC shall issue the bidding documents to any prospective bidder upon payment of the standard rate of the bidding documents.
- 4.4. The standard rate for the sale of bidding documents shall be based on the fixed rate on a fixed range approach and shall be applicable in the procurement of goods, consulting services, and the contracting for infrastructure projects by the procuring entity, whether procured by way of public bidding or any of the

alternative methods of procurement that utilize processes and procedures in competitive bidding.

- 4.5. Procuring entities are proscribed to adopt any internal rule or practice that establish fees that are inconsistent or beyond the standard rate for the sale of bidding documents set forth in these guidelines.
- 4.6. The proceeds from the sale of the bidding documents shall continue to be used for the payment of honoraria as provided for in Budget Circular No. 2004-5A, dated 7 October 2005, or to augment the funds for the procuring entity's legal assistance and indemnification package as provided in the Guidelines for Legal Assistance and Indemnification of Bids and Awards Committee Members and its Support Staff.

5. STANDARD RATES

The cost of bidding documents shall correspond to the ABC range as indicated in the table below. This shall be the maximum amount of fee that procuring entities can set for the acquisition of bidding documents.

| Approved Budget for the Contract | Maximum Cost of Bidding Documents (in Philippine Peso) |
|---|---|
| 500,000 and below | 500.00 |
| More than 500,000 up to 1 Million | 1,000.00 |
| More than 1 Million up to 5 Million | 5,000.00 |
| More than 5 Million up to 10 Million | 10,000.00 |
| More than 10 Million up to 50 Million | 25,000.00 |
| More than 50 Million up to 500 Million | 50,000.00 |
| More than 500 Million | 75,000.00 |

6. REPEALING CLAUSE

Any other guidelines, administrative order, office order, rule or regulation and/or parts thereof contrary to or inconsistent with the provisions of these Guidelines is hereby repealed, modified, or amended accordingly.

7. EFFECTIVITY

These guidelines shall take effect fifteen (15) days after publication in the Official Gazette or in a newspaper of general nationwide circulation and upon filing with the University of the Philippines Law Center of three (3) certified copies of these guidelines.