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**CIRCULAR 02-2018**

9 March 2018

**TO : Heads of Departments, Bureaus, Offices and Agencies of the National Government, including State Universities and Colleges, Government Owned and/or Controlled Corporations, Government Financial Institutions, and Local Government Units**

**SUBJECT : Conduct of Pre-bid Conference**

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**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 Corporations, Government Financial Institutions, and Local Government Units.

**3.0 Nature of Pre-bid Conference**

- 3.1 Pre-bid Conference is a forum where the Bids and Awards Committee (BAC) and prospective bidders meet to discuss all the aspects of the procurement at hand.
- 3.2 Under Section 22.1 of the 2016 revised Implementing Rules and Regulations (IRR) of Republic Act (RA) No. 9184, for contracts to be bid with an ABC of One Million Pesos (₱1,000,000.00) 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. For contracts to be bid with an ABC of less than One Million Pesos (₱1,000,000), pre-bid conferences may be conducted at the discretion of the BAC. Subject to the approval of the BAC, a pre-bid conference may also be conducted upon written request of any prospective bidder.

- 3.3 Section 22.3 of the 2016 IRR of RA 9184 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. It likewise provides that the Pre-Bid Conference is open to prospective bidders, and in case of procurement of consulting services, the shortlisted bidder, but attendance shall not be mandatory.
- 3.4 For the procurement of consulting services, apart from the pre-bid conference, procuring entities may conduct a clarificatory meeting before the conduct of eligibility checking and shortlisting to discuss the eligibility requirements and the technical and financial components of the contract to be bid.

While a clarificatory meeting is not considered part of the standardized bidding procedures for the procurement of consulting services, a procuring entity, who wishes to conduct such clarificatory meeting before eligibility checking, shall ensure that all interested bidders are properly notified and given equal opportunity to participate; the mandatory processes and procedures, including the timelines under RA 9184 and its IRR are not disregarded; and, what has been discussed during the clarificatory meeting shall be binding to both the procuring entity and the bidders, and must be fully recorded through the minutes of the meeting, and made available to the bidders. To address transparency, the procuring entity shall also issue a bid bulletin, containing the details as to the date, time and place of the clarificatory meeting, which must be posted in the PhilGEPS and in the website of the procuring entity.<sup>1</sup>

#### **4.0 Maximizing the Conduct of Pre-bid Conference**

- 4.1 Despite the new measures introduced in the 2016 IRR of RA 9184 that aimed at addressing the frequent disqualification of bidders, still there are declarations of failures of bidding due to non-compliance of bidders with the bidding requirements. Such non-compliance of bidders with the bidding requirements may have been avoided had the bidders carefully examined each and every page of the Bidding Documents and/or made clarifications before or during the Pre-Bid Conference.
- 4.2 BAC to Have a Proactive Role during the Conduct of Pre-bid Conference
- 4.2.1 The Bids and Awards Committee (BAC) shall proactively discuss the requirements for a particular procurement project, as stated in the Bidding Documents. The BAC shall not merely rely on the questions propounded by the prospective bidders, but must initiate the discussions on the requirements of the project.

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<sup>1</sup> NPM No. 031-2015, dated 8 October 2015.

- 4.2.2 The BAC shall likewise discuss the common reasons of bidders' disqualifications based on its experiences in previous procurement projects. Accordingly, the BAC shall present and explain the ways to prevent similar occasions of disqualification.
  - 4.2.3 The BAC shall entertain questions of bidders, regardless of whether they have purchased the bidding documents for the procurement project or not.
  - 4.2.4 The BAC shall issue Supplemental/Bid Bulletin at its own initiative or in response to requests for clarifications made by the prospective bidders before, during and after the conduct of Pre-bid Conference. The issuance of Supplemental/Bid Bulletin shall be in accordance to Section 22.5 of the 2016 IRR of RA 9184.
  - 4.2.5 The BAC shall post the Minutes of the Pre-bid Conference in the procuring entity's website.
- 4.3 Prospective Bidders to Actively Participate during Pre-bid Conference
- 4.3.1 The prospective bidder shall ensure that it complies with the responsibilities of a bidder, as stated in the Philippine Bidding Documents (PBDs)<sup>2</sup>, which include careful examination of the entire Bidding Documents, including the instructions, forms, terms and specifications, before attending the Pre-bid Conference.
  - 4.3.2 During the Pre-bid Conference, prospective bidders shall raise all relevant and appropriate questions and requests for clarifications relative to the instructions, data sheets, conditions and requirements embodied in the Bidding Documents that would affect their participation in the procurement at hand and the actual implementation of the project so that they can prepare and submit responsive bids.
  - 4.3.3 To minimize errors in the preparation of bids, bidders are strongly enjoined to send the person or representative actually preparing their bids to attend the Pre-bid Conference. The bidders' representatives shall carefully consider all the discussions during the pre-bid conference and be guided by them in the preparation of bids.
  - 4.3.4 Pursuant to Section 22.5 of the 2016 IRR of RA 9184, after the conduct of Pre-bid Conference, the prospective bidders shall inquire and secure from the BAC, or through the PhilGEPS, or website of the procuring entity, any Supplemental/Bid Bulletin issued to explain, clarify or modify the Bidding Documents, or any matter relative to the conduct of the procurement activity.

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<sup>2</sup> Clause 6 of PBDs for Goods and Infrastructure Projects and Clause 4 of PBDs for Consulting Services.

The contents of the Supplemental/Bid Bulletin shall be carefully examined by the prospective bidders in preparing or modifying their responsive bids.

**5.0** For the step-by-step methodology on the conduct of Pre-bid Conference and issuance of Supplemental/Bid Bulletin, procuring entities and prospective bidders may refer to the Generic Procurement Manuals for more detailed discussion.

**6.0** This Circular shall take effect immediately.

**7.0** For guidance and compliance.

**SGD**  
**BENJAMIN E. DIOKNO**  
*Chairperson*