

NPM No. 046-2017

20 December 2017

MS. JENNIFER MALDO

BAC Secretariat

NATIONAL IRRIGATION ADMINISTRATION-

BUKIDNON INTEGRATED MANAGEMENT OFFICE (NIA-BIMO)

Bagontaas, Valencia City, Bukidnon

Re: Philippine Bidding Documents for Infrastructure Projects -

Dear Ms. Maldo:

This refers to your electronic mail seeking guidance on the crafting of Specifications in the Philippine Bidding Documents (PBDs) for the Procurement of Infrastructure Projects.

Under Section 37.2.3 of the 2016 revised Implementing Rules and Regulations (IRR) of Republic Act (RA) No. 9184, the Government Procurement Reform Act, as well as Clause 31.4 of the Instructions to Bidders (ITB), Fifth Edition (5th Ed.) of the PBDs for Infrastructure Projects, the following documents shall form part of the contract:

- a) Contract Agreement;
- b) **Bidding Documents;**
- c) **Winning bidder's bid, including the Eligibility requirements, Technical and Financial Proposals, and all other documents/statements submitted;**
- d) Performance Security;
- e) Notice of Award of Contract; and
- f) Other contract documents that may be required by existing laws and/or the Procuring Entity concerned in the Bidding Documents, such as the construction schedule and S-curve, manpower schedule, construction methods, equipment utilization schedule, construction safety and health program approved by the Department of Labor and Employment, and PERT/CPM or other acceptable tools of project scheduling for infrastructure projects. (*Emphasis ours*)

It bears stressing that Section 17.2 of the 2016 IRR of RA 9184 provides that the specifications and other terms in the Bidding Documents shall reflect the necessary specifications required to meet the needs of the Procuring Entity in clear and unambiguous terms. Moreover, for the procurement of Infrastructure Projects, the Bidders shall submit their bids in two (2) separate sealed bid envelopes simultaneously, and the first envelope shall contain the Project Requirements pursuant to Section 25.2(b) of the 2016 IRR of RA 9184.

Please note that the Specifications under Section VI of the PBDs for Infrastructure Projects, is defined as description of Works to be done and the qualities of materials to be used, the equipment to be installed and the mode of construction per General Conditions of the Contract (GCC) Clause 1.27 of the PBDs for Infrastructure Projects (5th ed.) As regards Feasibility Study, if one is necessary, the Detailed Engineering and Design, including the Bill of Quantities needed for the infrastructure project, if the procuring entity has no capability to prepare these documents, it may engage the services of a consultant pursuant to RA 9184 and its associated 2016 IRR.

We hope that this opinion issued by the GPPB-TSO provided sufficient guidance on the matter. Note that this opinion is being issued on the basis of facts and particular situations presented, and may not be applicable given a different set of facts and circumstances. Should there be other concerns, please do not hesitate to contact us.

[Signature]
(sgd.)

Executive Director V *[Signature]*

MR
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