



**APPROVING THE REQUEST OF THE DEPARTMENT OF PUBLIC WORKS
AND HIGHWAYS TO USE THE CUSTOMIZED BIDDING DOCUMENTS FOR THE
PANGLAO-TAGBILARAN CITY OFFSHORE BRIDGES CONNECTOR PROJECT**

WHEREAS, Republic Act (RA) No. 12009, or the “New Government Procurement Act,” took effect on 13 August 2024, while its Implementing Rules and Regulations (IRR) took effect on 25 February 2025;

WHEREAS, Section 91 of RA No. 12009 mandates that the Government Procurement Policy Board (GPPB) shall be the central body that sets strategic direction and makes policy decisions regarding all matters affecting public procurement, having due regard to the country’s regional and international obligations, and is tasked to lead the nation’s efforts in advancing public procurement reforms in accordance with the Act;

WHEREAS, Section 91.1 (c) of the IRR of RA No. 12009 further authorizes the GPPB to formulate and amend, whenever necessary, the IRR of the Act, associated issuances and government procurement manuals, Philippine Bidding Documents (PBDs) and standard forms for procurement, and issue policy papers to ensure that the procurement process is streamlined and responsive to the needs of the government;

WHEREAS, Section 6 of RA No. 12009 provides that the GPPB shall pursue the development of generic procurement manuals and standard bidding forms, the use of which, once issued shall be mandatory upon all Procuring Entities (PEs). However, whenever necessary, to suit the particular needs of the PE, modifications may be made particularly for major and specialized procurement, subject to the approval of the GPPB;

WHEREAS, the GPPB, through Resolution No. 03-2025,¹ approved the new Standard Procurement Forms, which include the PBDs;

WHEREAS, the Department of Public Works and Highways (DPWH) in its letter dated 15 August 2025, requested the approval of the use of customized bidding documents in the Panglao-Tagbilaran City Offshore Bridges Connector (PTCOBC) Project which incorporates design and build provisions from Annex “G” of the 2016 IRR of RA No. 9184 to fully mitigate risks in procurement process failures and issues during contract execution;

WHEREAS, in the same letter, the DPWH explained that the PTCOBC Project shall be financed through an Official Development Assistance (ODA) from the Government of the French Republic (GFR), in line with Note Verbale No. 24-1905 which referred to the “Agreement on Financial and Development Cooperation (AFDC) between Government of the Philippine (GPH) and GFR;”

¹ Dated 14 May 2025, entitled “Approving the Standard Forms for Procurement in accordance with Republic Act No. 12009 and its Implementing Rules and Regulations.”

WHEREAS, the AFDC, as referred to in the Note Verbale No. 24-1905, provides, among others, that:

- The Philippine Government, through the Department of Finance (DOF), shall communicate to the French Government, through the French Embassy in Manila, the approval of priority projects, activities, or programs (PAP/s) to be financed and request financing of each such selected PAP. The French Government shall respond to such a request for financing within ten (10) working days from its receipt of the request, unless another period is agreed between the parties in writing.
- The French Government shall conduct its own review process for the PAP/s and the Philippine Government's request for financing. Should the PAP and request for financing be favorably considered, the French Government shall assist Philippine authorities to identify qualified, legitimate, and reputable French Contractors and submit the same to the Philippine Government, through the DOF, within ten (10) working days from the French Government's receipt of the Philippine Government's request, unless another period is agreed between the parties in writing.
- Upon receipt of the name of the Contractors proposed by France, the Philippine Government, through the DOF, shall forward them to the Implementing Agency (IA) concerned, which shall commence its own verification process on the capacity, qualification and track record of each Contractor, adhering to the principles of transparency, accountability, equity, and economy under RA No. 9184 or the Government Procurement Reform Act and its IRR (collectively, "Philippine Procurement Law").
- Should the IA find any concern with respect to the capacity, qualification or track record of any or all of the Contractors, the IA shall notify the DOF with its specific reasons and concerns. The DOF shall express their concerns in a substantiated manner to the French Government which may present alternative options to address such, including the replacement of a given Contractor with another qualified, legitimate and in good standing Contractor.
- The IA shall commence the procurement process among the said eligible Contractors for the PAP/s and undertake Limited Source Bidding under the Philippine Procurement Law, to the extent possible.

WHEREAS, in order to streamline and standardize the procurement of Design and Build Projects, the DPWH also requested the GPPB's approval to use the same customized Bidding Documents for future Design and Build contracts;

WHEREAS, item 5.2.1 of the GPPB Circular No. 01-2025² provides that the PEs shall continue to use the guidelines and forms issued under RA No. 9184 and its IRR until the necessary guidelines, forms and requirements under the relevant provisions of RA No. 12009 and its IRR have been issued by the GPPB. The PEs may revise said forms to conform to the relevant provisions of RA No. 12009 and its IRR;

² Dated 18 September 2025 on the Policy Guidance on Section 113 (Transitory Provision) in Relation to Section 115 (Repealing Clause) of Republic Act No. 12009 and its Implementing Rules and Regulations.

WHEREAS, the guidelines for the Procurement and Implementation of Contracts for Design and Build Infrastructure Projects under RA No. 12009 and its IRR are yet to be issued, thus, Annex “G”³ of the 2016 IRR of RA No. 9184 remains effective until the updated guidelines have been issued;

WHEREAS, the GPPB-TSO and the DPWH conducted a line-by-line review of the customized documents and agreed to update the draft to incorporate recommended changes;

WHEREAS, upon the recommendation of the GPPB-TSO, the matter was submitted to the GPPB for approval ad referendum;

NOW, THEREFORE, for and in consideration of the foregoing, **WE**, the Members of the **GOVERNMENT PROCUREMENT POLICY BOARD**, by virtue of the powers vested on **US** by law and other executive issuances, hereby **RESOLVE** to confirm, adopt, and approve, as **WE** hereby confirm, adopt, and approve ad referendum the following:

1. **APPROVE** the DPWH’s request for use of the customized Bidding Documents for the PTCOBC Project, as revised, subject to the following conditions:
 - 1.1 The DPWH shall commence its own verification process on the capacity, qualification, and track record of each Contractor in the shortlist to be provided by the GFR, adhering to the principles of transparency, accountability, equity and economy under the Philippine Procurement Law, to the extent possible.
 - 1.2 The pre-selection procedure in Section 28.3 of the IRR of RA No. 12009 shall not be applied in the PTCOBC Project’s procurement procedure.
 - 1.3 While the DPWH shall be provided with a shortlist of Contractors by the GFR, the processes under Section 27.1 (b) to (g), the pre-selection characteristics enumerated in Section 28.4, and applicable provisions under Rules VI to XI of the IRR of RA No. 12009 shall be observed.
2. **DIRECT** the DPWH to submit to the GPPB a Certification prior to posting of the customized Bidding Documents:
 - a. Indicating that the provisions in the proposed customized bidding documents for the PTCOBC Project are not inconsistent with the provisions of RA No. 12009 and its IRR, and other applicable laws, rules and regulations.
 - b. Confirming that such bidding documents shall not be used for projects other than the PTCOBC, and that any other design and build customized bidding documents shall be submitted to the GPPB for its approval.
 - c. Identifying the source of funding of the PTCOBC Project and attesting that the foregoing is a valid source of funding for the Project.

³ Or the “Guidelines for the Procurement and Implementation of Contracts for Design and Build Infrastructure Projects.”

3. **CONFIRM** that the GPPB's approval of the use by the DPWH of the customized bidding documents does not, in any way, serve as confirmation, approval, of endorsement of the veracity of any information provided to it, including validity of the source of funding; and
4. **DISAPPROVE** the DPWH's request to adopt the same customized bidding documents for all future Design and Build contracts, considering that as provided under Section 6 of RA No. 12009, modifications on the standard bidding forms, which includes the PBDs may be made only when necessary, to suit the particular needs of the PE, in case of major and specialized procurement. Hence, the approval of the use customized bidding documents should be on a case-by-case basis, depending on the particular circumstances of each case.

APPROVED this 2nd day of February 2026 at Quezon City, Philippines.

 SGD
GPPB, Chairperson
DEPARTMENT OF BUDGET AND MANAGEMENT

**DEPARTMENT OF ECONOMY, PLANNING
 AND DEVELOPMENT**

 SGD
DEPARTMENT OF EDUCATION

**DEPARTMENT OF THE INTERIOR AND
 LOCAL GOVERNMENT**

 SGD
DEPARTMENT OF NATIONAL DEFENSE

 SGD
**DEPARTMENT OF PUBLIC WORKS AND
 HIGHWAYS**

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DEPARTMENT OF TRANSPORTATION

 SGD
PROCUREMENT SERVICE – DBM

 SGD
PRIVATE SECTOR REPRESENTATIVE