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## **Guide to Procurement of Civil Works / Infrastructure Projects under the Government Procurement Reform Act (RA 9184) and its IRR and the New Government Procurement Act (RA 12009)**

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**WEDNESDAY, THURSDAY & FRIDAY, SEPTEMBER 4, 5 & 6, 2024  
1:00PM to 5:00PM via ZOOM**

### **COURSE OUTLINE**

#### **1) Context of Lecture (Transition Provisions)**

##### **The New Government Procurement Act or RA 12009 that took effect on August 13, 2024 in comparison with RA 9184 and its IRR**

In the absence of the implementing rules and regulation of RA 12009, RA 9184 will continue to be in effect.

The IRR for the new law will only be available 180 days or 6 months after the promulgation of the new law. According to Article XXIII, Section 113 of RA 12009 in its Transitory Provision:

*"Prior to the effectivity of the IRR of this Act (RA 12009), the provisions of Republic Act 9184 and its IRR shall remain in force and effect in order to ensure the continued implementation of programs, activities, and projects."*

#### **2) Fundamental Principles in Government Procurement under NGPA and GPRA**

#### **3) Procurement Organizations (Composition, Roles, and Responsibilities)**

- a) National Level Organizations (GPPB, GPPB-TSO, PS-DBM, and PhilGEPS)
- b) Agency-Level Organizations
  - i) Head of Procuring Entity (HoPE)
  - ii) Bids and Awards Committee (BAC): for National Government Agencies, Government Corporations, and for Local Government Units
  - iii) Technical Working Group (TWG)
  - iv) BAC Secretariat
  - v) Observers
  - vi) End Users

#### **4) Procurement Planning, Management, and Monitoring (PPMP, APP, PMR, and APCPI)**

- a) Preparations of Technical Specifications (SOW)
- b) Determination of ABC
- c) Annual Cash Based and Multi-Year Budget (E.O. 91)
- d) Determination of **Winning Bid Parameter under GPRA and under NGPA**
- e) Selection of Procurement Modality **under GPRA and under NGPA**
- f) Consolidation, Revisions, and Approvals

**5) Philippine Bidding Documents (PBDs) for Infrastructure**

- a) Section I. Invitation to Bid (IB)
- b) Section II. Instructions to Bidders (ITB) \*
- c) Section III. Bid Data Sheet (BDS)
- d) Section IV. General Conditions of Contract (GCC) \*
- e) Section V. Special Conditions of Contract (SCC)
- f) Section VI. Specifications
- g) Section VII. Drawings
- h) Section VIII. Bill of Quantities (BoQ) or Bill of Materials (BoM)
- i) Section IX. Bidding Forms
- j) Section X. Foreign-Assisted Projects (when applicable)

**6) Early Procurement Activities (EPA)**

**7) Standard and Electronic Bidding Procedures for Infrastructure Projects**

- a) Pre-procurement Conference
- b) Posting or Advertisement (when allowed)
- c) Pre-Bid Conference and Bid Bulletins
- d) Sealing and Marking of Bids
- e) Modification and Withdrawal of bids
- f) Bid Submission and Receipt
- g) Opening and Preliminary Examination of Bids
  - i) Platinum Certificate
  - ii) Bid Security
  - iii) Compliance with Technical Requirements
  - iv) Compliance with Financial Requirements and Bid
- h) Detailed Bid Evaluation
- i) Post-qualification
- j) Award of Contract
- k) Contract Execution
- l) Notice to Proceed

**8) Request for Reconsideration and Protest Mechanism**

**9) Declaration of Failure of Bidding by the BAC**

**10) Reservation Clause or Declaration of Failure of Bidding by the HoPE**

**11) Procurement of Design-Build Infrastructure Projects**

**12) Alternative Modes of Procurement (AMP) under NGPA vs. GPRA**

**13) Limited Source Bidding (Section 49)**

**14) Direct Contracting (Section 50) (For goods only)**

**15) Repeat Order (Section 51) (For goods only)**

**16) Shopping (Section 52) (For goods only)**

**17) Negotiated Procurements (Section 53) (that are available to Infrastructure Projects)**

- a) Two-Failed Biddings (Section 53.1)
- b) Emergency Cases (Section 53.2)
- c) Take-Over Contracts (Section 53.3)
- d) Adjacent and Contiguous Contract (Section 53.4)
- e) Agency to Agency (Section 53.5)
- f) Scientific, Scholarly, or Artistic Work, Exclusive Technology, and Media Services (Section 53.6)
- g) Small Value Procurement (SVP) (Section 53.9)
- h) NGO Participation (Section 53.11)
- i) Community Participation (Section 53.12)
- j) UN Agencies, International Organizations or International Financing Institutions (Section 53.13)

**18) Liquidated Damages**

**19) Contract Termination Guidelines due to Negative Slippage**

**20) Criminal, Civil, & Administrative Provisions**

**21) Blacklisting Guidelines**

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**Reading/File References:**

- Updated GPRA 2016 Revised IRR (as of 19 July 2024)**
- RA 12009 or the New Government Procurement Act**

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