



REPUBLIC OF THE PHILIPPINES
PRESIDENTIAL COMMUNICATIONS OPERATIONS OFFICE
Tanggapang Pampanguluhan sa Operasyong Pangkomunikasyon
Malacañang, Manila

BIDS AND AWARDS COMMITTEE

BAC RESOLUTION NO. 2020-0018-A

SUBJECT : RESOLUTION RECOMMENDING THE AMENDMENTS TO THE GUIDELINES FOR THE ELECTRONIC SUBMISSION OF BIDS IN ACCORDANCE WITH GPPB RESOLUTION 09-2020 (PROCUREMENT GUIDELINES ON ONLINE BIDDING) VERSION 2

DATE : 19 NOVEMBER 2020

WHEREAS, on 16 March 2020, the President signed Proclamation No. 929 declaring a State of Calamity throughout the Philippines for a period of six (6) months or up to 12 September 2020, and further providing for the implementation of "Enhanced Community Quarantine (ECQ)" over the entire Luzon;

WHEREAS, a Memorandum from the Executive Secretary dated 16 March 2020 with the subject "Further guidelines for the management of the Coronavirus disease 2019" implemented among others, work from home arrangement for the Executive Branch and the suspension of mass public transport services and other businesses that do not render critical services;

WHEREAS, given the exceptional circumstances brought about by the COVID-19 pandemic, particularly the ECQ and the suspension of mass public transport services, the procurement activities set by this Committee were indefinitely suspended;

WHEREAS, on 15 May 2020 the Government Procurement Policy Board (GPPB) published Resolution No. 09-2020 entitled "**Approving Measures For The Efficient Conduct Of Procurement Activities During A State Of Calamity Or Implementation Of Community Quarantine Or Similar Restrictions**" which confirms, adopt, and approve measures, as recommended by the GPPB-TSO, for the efficient conduct of all procurement activities, regardless of procurement modality, during the State of Calamity;

WHEREAS, in the aforementioned resolution, the GPPB allowed the (i) submission of procurement related documents, except for the submission and receipt of bids, through electronic mail or facsimile subject to the submission of the printed copies as soon as practicable, as determined by the Bids and Awards Committee (BAC); and (ii) use of other forms of digital or electronic signature in all procurement related documents. For this purpose, Procuring Entities shall establish their **respective internal rules** to ensure the security,

integrity and authenticity of the documents electronically submitted and the use of digital or electronic signature.

WHEREAS, on 19 November 2020, this Committee issued BAC Resolution No. 2020 – 0018-A recommending the adoption of guidelines for the electronic submission of bids (the “Guidelines”), which was subsequently approved by the Authorized Representative of the Head of Procuring Entity (“HoPE”);

WHEREAS, there is a need to amend the Guidelines to allow the use of other video teleconferencing software as the need arises, and to allow suppliers to submit their bids in separate emails if necessitated by the file size limitations for email attachments;

NOW, THEREFORE, for and in consideration of the foregoing, this Committee RESOLVES, as it is HEREBY RESOLVED, to recommend to the HoPE the adoption of the following amended guidelines on electronic submission of bids, wherein for ease of reference, the amendments have been highlighted:

I. ADVERTISEMENT/POSTING OF INVITATION TO BID:

For Prospective Bidders or Suppliers:

For pending procurement activities, the Secretariat will prepare a Bid Bulletin for approval of the BAC and for issuance to the suppliers to inform them of the following:

- a. Resumption of procurement activities through electronic means in accordance with GPPB Resolution No. 09-2020;
- b. The requirement of pre-registration via Google Forms for those interested to join the PCOO procurement activities such as the pre-bid conference and the submission of bids.
- c. Other relevant details such as the manner and procedure for pre-registration.

The Secretariat shall post the Bid Bulletin on the 1) PhilGEPS Website, 2) PCOO Website and 3) PCOO Bulletin board.

II. NOTICES

For BAC members/Observers/End-users:

The Secretariat will send notices to the BAC Members and End-user representative via the official e-mail of the Secretariat. The Secretariat will send Notice to Observers via the official e-mail of the Secretariat at least five (5) Calendar days before the date of the scheduled procurement

activity. This is required, otherwise, the proceeding shall be considered null and void.¹

III. PROCEDURE IN THE PRE-REGISTRATION OF SUPPLIERS:

1. Interested suppliers must register through **Google Forms** at least three (3) calendar days before the date of the pre-bid conference by disclosing the following information:
 - a. Name of the Company;
 - b. E-mail address;
 - c. Title of the procurement project;
 - d. name of owner/representative²;
 - e. PhilGEPs registered office/company address;
 - f. Landline and mobile number/s;
 - g. Authority to represent the company (special power of attorney [SPA] or secretary's certificate).
2. Once registration is complete and filled in, the Secretariat will send to the email address provided by the prospective bidder an acknowledgement of receipt and an invitation to join the meeting in the prescribed video teleconference ("VTC") platform indicating the date and time of the pre-bid conference. The pre-registration is required for the Secretariat to monitor the persons allowed to enter in the video teleconference and for records purposes.

Only those-suppliers duly registered shall be allowed to attend. In case there will be more than one (1) representative for each prospective bidder, each representative shall fill out the pre-registration form.

3. The Secretariat shall also provide the Bidder's kit to the prospective bidders to inform them of the house rules to be observed and the step-to-step process during the online bidding.

IV. PRE-BID CONFERENCE PROPER:

1. The BAC, with the assistance of the Secretariat, shall conduct the pre-bid conference through video conferencing using **the prescribed VTC platform**.
2. The Secretariat will be the sole administrator in the prescribed VTC platform and only the appointed person from the Secretariat can allow the entry of the participants in the pre-bid conference and in the subsequent bidding activities. The video conference via the

¹ Section 13.3, Rule V of the 2016 IRR of RA 9184

² The company representative must submit a scanned copy of SPA or Secretary's Certificate

prescribed VTC platform will be recorded and minutes of the meeting will also be prepared.

3. Decisions of the BAC amending any provision of the Bidding Documents shall be issued in writing through a Supplemental/Bid Bulletin posted at least seven (7) CD before the bid opening and e-mailed to all suppliers who registered for the pre-bid conference. **(Section 22.4 of the RIRR of 2016)**

V. PROCEDURE FOR THE DEADLINE FOR SUBMISSION OF BIDS, OPENING AND EVALUATION OF BIDS:

Per **GPPB Resolution 09-2020**, the GPPB-TSO, for the efficient conduct of all procurement activities, *regardless of procurement modality*, during a nationally or locally declared State of Calamity:

“ENJOIN PEs to maximize the use of existing rules under RA No. 9184, its IRR and related issuances on the conduct of procurement activities, particularly those meant to streamline, simplify and expedite the conduct of procurement and address the challenges and disruptions brought by calamities and crisis such as the COVID-19 pandemic, such as **use of videoconferencing, webcasting and similar technology in the conduct of any of the meetings and determination of quorum by the BAC¹⁵ and use of digital signatures in procurement related documents;**¹⁶

In order to complement these, **ALLOW** the (i) submission of procurement related documents, except for the submission and receipt of bids, **through electronic mail or facsimile subject to the submission of the printed copies as soon as practicable, as determined by the Bids and Awards Committee (BAC); and (ii) use of other forms of digital or electronic signature in all procurement related documents.** For this purpose, PEs shall establish their respective internal rules to ensure the security, integrity and authenticity of the documents electronically submitted and the use of digital or electronic signature.”

In light of the unavailability of the online bidding facility under the modernized Philippine Government Electronic Procurement System (PhilGEPS), **AUTHORIZED** the online or electronic submission and receipt of bids for procurement modalities where **a two-envelope procedure or sealed price quotation is required.** The BAC shall decide whether to allow the online or electronic submission and receipt of bids based on the PE’s procurement needs and capabilities.

Bid submission shall be done through any electronic means available to the PEs, provided that the same:

- a. uses a **two-factor security procedure consisting of an archive format compression and password protection to ensure the security, integrity and confidentiality of the bids submitted;**
- b. allows access to a **password-protected Bidding Documents on opening date and time.** The passwords for accessing the file will be disclosed by the Bidders only during the actual bid opening which may be done in person or face-to-face through videoconferencing, webcasting or similar technology; and

- c. capable of **generating an audit trail of transactions** to ensure the security, integrity and authenticity of bid submissions.

For this purpose, the highest official managing the Information Technology- EDP shall issue a Certification describing the electronic system or procedure to be used by the PE for the electronic submission and receipt of bids and a statement that the same is compliant with the foregoing requirements.”

[Boldface supplied]

As such:

1. All prospective bidders are enjoined to submit the financial and eligibility requirements in password protected PDF files via the Secretariat's official email address. The bidder will send in a single email two compressed folders (in .ZIP file format) which shall both be password protected. One zip folder shall contain the scanned original copy of the **Legal and Technical Requirements** in a password protected PDF file. Both ZIP folder and PDF file shall be assigned the file name “**PCOO Bidding No.____; (Name of Bidder); Legal and Technical Documents**”. The second zip folder shall contain the scanned original copy of the **Financial Requirements** in password protected PDF. Both ZIP folder and PDF file shall be assigned the file name “**PCOO Bidding No.____; (Name of Bidder); Financial Documents**”. The four (4) passwords shall be unique for both folders and files, respectively. In case that the files of the bidder exceed the size limit for email attachments, the bidder may submit the required bidding documents over separate email/s messages. The bidder shall comply with the foregoing measures for securing and compressing their submissions. The subject line for each of the email messages should indicate to which part of the several it corresponds to (e.g., part 1 of x). All attachments submitted in separate emails for the Eligibility and Financial Requirements shall still contain unique passwords for the ZIP folder and the PDF files respectively and shall be submitted on or before the deadline of submission of bids.
2. Upon receipt before the deadline of the email/s containing the compressed folders, the BAC Secretariat shall send an email of acknowledgement receipt and shall generate a Bid receipt page/document which can be saved or printed by the bidder, as proof of the official time of receipt of bids; Late Bids shall not be accepted and shall no longer be included in the opening of bids.
3. The Secretariat shall download the files in a PCOO issued computer/laptop device so that the audit trail shall be preserved. The Secretariat Head shall designate the official representative of the Secretariat (as administrator) and an alternate who are the only personnel allowed to access the said password protected files for safekeeping and record purposes.

4. Should a prospective bidder choose to modify the submitted bid, the following rules shall apply:

“Bidders shall send another Bid equally secured, properly identified, and labelled as a **“modification”** of the one previously submitted. The time indicated in the latest Bid receipt page generated shall be the official time of submission. Bids submitted after the deadline shall not be accepted.”
(GPPB Resolution 09-2020)

Section 26, R.A 9184 (Revised):

“For online or electronic bid submission, where a bidder modifies its Bid, it **shall not be allowed to retrieve its original Bid**, but shall only be allowed to **send another Bid equally secured and properly identified**.
(GPPB Resolution 09-2020)

In the case of electronic submission, to be labelled as a **“modification,”** of the one previously submitted. The time indicated in **the latest Bid receipt page generated shall be the official time of submission**. Bids submitted after the deadline shall not be accepted.”

[Boldface supplied]

5. In case of modification of bids, the bidder shall use the following file names for the folders and files:
 - A. **“PCOO Bidding No.____; (Name of Bidder); Legal and Technical Documents – Modification”**
 - B. **“PCOO Bidding No.____; (Name of Bidder); Financial Documents- Modification”**

The Secretariat shall record the last document submitted by the prospective bidder as the official document for the opening of bids, provided it is submitted on or before the deadline.

VI. BID OPENING PROCESS:

Sec. 29, R.A, 9184:

The BAC shall open the bids immediately after the deadline for the submission and receipt of bids. The time, date, and place of the opening of bids shall be specified in the Bidding Documents.

GPPB Resolution No. 09-2020:

For electronic bid submission, the passwords for accessing the Bidding Documents will be disclosed by the Bidders **only during the actual bid opening which may be done in person or face-to-face videoconferencing, webcasting or similar technology**.

[Boldface supplied]

The BAC, with the assistance of the Secretariat and Technical Working Group (“TWG”), shall conduct the bid opening via the prescribed VTC platform. Bidders are encouraged to attend the bid opening online. The passwords for the folders and the files shall be disclosed by the bidders only during the bid opening.

For bidders who are present, the Secretariat will ask the bidder in the chat box of the prescribed VTC platform room for the corresponding password during the bid opening itself. The official representative of the bidder shall respond promptly in the same chat box with the passwords when prompted.

If a bidder is unable to attend the bid opening and his bid is about to be opened, the Secretariat will ask for the passwords via text message to the official representative of the bidder who shall respond promptly with the password. Bidders are given a minimum of five (5) minutes to respond with the password. If the bidder does not respond with the password within five (5) minutes from prompting, the BAC shall move on to the next bid, if any. If there are no other bids to be considered, the Secretariat shall ask again via text message for the password and the BAC shall give the bidder at least another five (5) minutes to respond. If the bidder does not respond within the allotted time, his bid will longer be considered.

The bidder shall first disclose the password for the first password-protected compressed folder containing the eligibility documents and the Secretariat shall extract the eligibility documents therein. The Secretariat shall upload the said extracted file to Google Drive and share by email an online link to such file to all BAC, Secretariat and TWG Members. After sharing such link, the Secretariat will ask the bidder for the password to the eligibility documents in the same procedure described above.

If the bidder is considered **passed** on his eligibility requirements, together with any other bidders who are considered passed on their eligibility requirements, his second password-protected compressed folder containing his financial documents and the files contained therein shall be opened and shared in the same manner as the passwords of the eligibility documents as described above. In no case will a bidder disclose the passwords for his financial folder and files prior to being declared eligible based on the evaluation of his eligibility documents.

The bidders are given only three attempts to disclose their password per compressed folder and PDF file to open the documents. Should the bidder fail to provide the correct password after the third attempt, their bid will no longer be considered. The Secretariat shall take and print a screenshot of such inquiries and responses to form part of the records and all incidents should be recorded in the minutes.

VII. BID EVALUATION:

1. Only eligible bids shall be evaluated.
2. In consideration of the limited access to financial institutions, regulatory and other offices, as well as the implementation of government restrictions on transport and travel, the following alternate documentary requirements shall be acceptable for procurement activities:
 - 2.1 Unnotarized Bid Securing Declaration;
 - 2.2 Expired Business or Mayor's permit with Official Receipt of renewal application, subject to submission of Business or Mayor's permit after award of contract but before payment; ^[1]_{SEP}
 - 2.3 Unnotarized Omnibus Sworn Statement subject to compliance therewith after award of contract but before payment; and
 - 2.4 Performance Securing Declaration (PSD) in lieu of a performance security to guarantee the winning bidder's faithful performance of obligations under the contract, subject to the following: ^[1]_{SEP}
 - 2.4.1. Similar to the PSD used in Framework Agreement, such declaration shall state, among others, that the winning bidder shall be blacklisted from being qualified to participate in any government procurement activity for one (1) year, in case of first offense or two (2) years, if with prior similar offense, in the event it violates any of the conditions stated in the contract. A copy of the PSD form is attached hereto as Annex "A";
 - 2.4.2. An unnotarized PSD may be accepted, subject to submission of a notarized PSD before payment, unless the same is replaced with a performance security in the prescribed form, as stated below; and
 - 2.4.3. The end-user may require the winning bidder to replace the submitted PSD with a performance security in any of the prescribed forms under Section 39.2 of the 2016 revised IRR of RA No. 9184 upon lifting of the State of Calamity, or community quarantine or similar restrictions, as the case may be.
 - 2.4.4. The BAC shall determine or validate the existence of the State of Calamity, or implementation of community quarantine or similar restrictions and may require the submission of documentary proof for this purpose."
3. The BAC Secretariat shall record the proceedings and prepare the minutes of the meeting in the conduct of the opening and evaluation of bids.

VIII. POST-QUALIFICATION:

The TWG shall conduct post-qualification measures based on the documents submitted by the bidders. Only those with complete and sufficient requirements shall be considered for purposes of awarding the contract.

The TWG, as it may deem necessary, require the manual submission of the documents submitted by the bidders for proper identification and evaluation.

RESOLVED, FINALLY that on the basis of the foregoing, the BAC-I **RECOMMENDS** to the HoPE to adopt the foregoing guidelines on the electronic submission of bids in accordance with the GPPB Resolution 09-2020.

RESOLVED, in Malacañang, Manila, on 19 November 2020.

Usec. MARVIN R. GATPAYAT
Chairperson

Usec. FEDUCIA MIA M. REYES-LUCAS
Alternate Chairperson

(ORIGINAL SIGNED)

Asec. OMAR V. ROMERO
Vice-Chairperson

Atty. MARK WAYNE E. EUBANK
Alternate Vice-Chairperson

(ORIGINAL SIGNED)

Asec. ANA MARIA PAZ B. RAFAEL
Member

(ORIGINAL SIGNED)

Atty. TARA TRIZTINA C. RAMA
Alternate Member

(ORIGINAL SIGNED)

Dir. EUGENE A. EARLE JR.
Member

(ORIGINAL SIGNED)

MA. ALMA A. FRANCISCO
Alternate Member

(ORIGINAL SIGNED)

JOSE L. ORGIMEN JR.
Member

- Approved
- Disapproved, based on the following valid, reasonable, and justifiable ground/s³: _____.

(ORIGINAL SIGNED)

Asec. RYAN L. UY
*Authorized Representative of the
Head of the Procuring Entity*

³Section 41 of the 2016 Revised Implementing Rules and Regulations of Republic Act No. 9184