

Republika ng Pilipinas
PAMBANSANG PANGASIWAAN NG PATUBIG
National Irrigation Administration
Quezon City

MC # 35 S. 2003

MEMORANDUM CIRCULAR

**TO : DEPUTY ADMINISTRATOR, ASSISTANT ADMINISTRATORS,
DEPARTMENT MANAGERS, REGIONAL/OPERATION MANAGERS,
PROJECT MANAGERS, PROVINCIAL IRRIGATION OFFICERS,
IRRIGATION SUPERINTENDENTS AND OTHERS CONCERNED
THIS AGENCY**

**SUBJECT : RECONSTITUTION OF BAC, TWG AND SECRETARIAT
AT THE FIELD OFFICES UNDER RA NO. 9184**

Pursuant to RA No. 9184 otherwise known as The Government Procurement Reform Act, Heads of Government Agencies are authorized to establish a separate Bids and Awards Committee, Technical Working Group and Secretariat for decentralized and lower level offices. The decentralized offices of NIA are the Regional Offices, Special Projects and Integrated Systems.

In this connection, all Regional Managers, Operation Managers and Project Managers are instructed to reconstitute their existing Bids and Awards Committee, Technical Working Group and Secretariat in accordance with the following guidelines provided in RA No. 9184:

**I. BIDS AND AWARDS COMMITTEE
(FOR GOODS AND INFRASTRUCTURE PROJECTS)**

A. REGIONS, SPECIAL PROJECTS & INTEGRATED SYSTEMS

1. Bids and Awards Committee (For Goods and Infrastructure Projects)

1.1 Regular Members (3)

- | | |
|------------|---|
| Chairman - | one permanent official (at least 3 rd ranking) in the Region/
Project/Integrated System |
| Members - | one permanent official (at least 3 rd ranking) with knowledge,
experience and/or expertise in procurement, who represents the
legal or administrative area |
| - | one permanent official (at least 3 rd ranking) with knowledge,
experience &/or expertise in procurement, who represents the
finance area |

1.2 Provisional Members (at least 2 but not more than 4)

- Members -** one officer with technical expertise relevant to the procurement at hand and has knowledge, experience and/or expertise in procurement
- one representative from the end user with knowledge in procurement laws and procedures.

1.2 Observers

- one representative from COA
- at least one representative from a duly recognized private group in a sector or discipline relevant to the procurement at hand
 - a) For Infrastructure Projects
 - i) National Contractors Associations duly recognized by the Construction Industry Authority of the Philippines such as: Philippine Contractors Association, Inc. (PCA) and the National Contractors Association of the Philippines, Inc. (NACAP)
 - ii) Philippine Institute of Civil Engineers (PICE)
 - b) For Goods
 - i) Relevant chamber-member of the Philippine Chamber of Commerce and Industry (PCCI)
- one representative from a non-government organization (NGO)

B PROVINCIAL IRRIGATION OFFICES, NATIONAL IRRIGATION SYSTEMS AND DISTRICT OFFICES

1. Bids and Awards Committee (For Goods and Infrastructure Projects)

1.1 Regular Members (3)

- Chairman -** one permanent employee (at least 3rd ranking) in the Provincial/System/District Offices
- Members -** one permanent employee (at least 3rd ranking) with knowledge, experience &/or expertise in procurement, who represents the legal or administrative area
- one permanent employee (at least 3rd ranking) with knowledge, experience &/or expertise in procurement, who represents the finance area

1.2 Provisional Members (at least 2 but not more than 4)

- Members - one employee with technical expertise relevant to the procurement at hand and has knowledge, experience &/or expertise in procurement
- one representative from the end user with knowledge in procurement laws and procedures.

1.3 Observers

- one representative from COA
- at least one representative from duly recognized Private Group relevant to the procurement at hand

a) For Infrastructure Projects

i) National Contractors Associations duly recognized by the Construction Industry Authority of the Philippines such as: but not limited to the Philippine Contractors Association, Inc. (PCA) and the National Contractors Association of the Philippines, Inc. (NACAP).

ii) Philippine Institute of Civil Engineers (PICE)

b) For Goods

i) Relevant chamber-member of the Philippine Chamber of Commerce and Industry (PCCI)

- one representative from a non-government organization (NGO)

C. BAC FUNCTIONS, MEETINGS AND TERM OF OFFICE

1 Functions

The BAC shall have the following functions and responsibilities:

- a. Advertise and/or post the invitation to bid
- b. Conduct pre-procurement and pre-bid conferences
- c. Determine the eligibility of prospective bidders
- d. Receive bids and conduct evaluation of bids
- e. Undertake post-qualification proceedings
- f. Resolve motions for reconsideration
- g. Recommend award of contracts to concerned Head of Office

2. Meetings

A majority of the total BAC composition shall constitute a quorum for the transaction of business, provided the Chairman or Vice-Chairman is present. The decision of at least a majority of those present at a meeting at which there is a quorum shall be valid and binding as an act of the BAC.

One of the two regular members of the BAC shall be designated as Vice-Chairman.

Representatives of BAC members shall have no right to vote during BAC meetings nor shall they be authorized to sign in behalf of the members represented.

In no case shall the Head of the Procuring Entity and/or the approving authority be the Chairman or member of the BAC. In an agency where procurement is decentralized, the Head of the decentralized unit shall be considered as the head of the procuring entity subject to limitations and authority delegated by the Head of Agency.

3. Term of Office

Unless sooner removed for a cause, the members of the BAC shall have a fixed term of one (1) year from date of approval by the Board or its authorized official, renewable at the discretion of the Administrator. In case of resignation, retirement, separation, transfer, re-assignment, removal, death, the replacement shall serve only for the unexpired term.

D. OBSERVERS

Observers shall have the following responsibilities:

1. Prepare report indicating their observations on the bidding activity conducted by the BAC. The report shall assess the extent of the BAC's compliance with the provisions of the IRR-A and areas of improvement in the BAC's proceedings.

Observers may also give a copy of their report to the Office of the Ombudsman/ Resident Ombudsman if the BAC is found to have failed in following the prescribed bidding procedures or when the award will not redound to the benefit of the Government.

2. Sign abstract of bids if, in their independent observation, the bidding activity conducted followed the correct procedure and the observer is amenable to the results of the post-qualification.
3. Sign post-qualification summary report if, in their independent observation, the BAC followed the procedure and is amenable to the results of the post-qualification.

Observers shall come from an organization registered with the SEC, and should meet the following criteria:

1. Knowledge, experience and expertise in procurement or in the subject matter of the contract to be bid
2. Absence of direct or indirect interest in the contract to be bid out
3. Any other criteria that may be determined by the BAC

Observers will be informed and invited at least two (2) days prior to Pre-Bid Conference, bid opening, post-qualification, contract award and special meetings of the BAC. The absence of observers will not nullify the BAC proceedings, provided they have been duly invited in writing. Observers have no right to vote during meetings.

II. TECHNICAL WORKING GROUP (TWG)

The TWG shall be created by the Regional/Operation/Project Manager from a pool of technical, financial and/or legal experts. The Group shall assist the BAC in the procurement process, particularly in the eligibility screening, evaluation of bids and post-evaluation.

The TWG shall be composed of the Chairman and at most four members. It shall be created specific to the type of contract to be bid.

III. BAC SECRETARIAT

The BAC Secretariat shall also be created by the Regional/Operation/Project Manager to serve as the main support unit of the BAC. He may designate an existing organic office or reorganize and re-deploy existing appropriate personnel to serve as Secretariat.

The Head of the Secretariat shall be at least a 3rd ranking permanent employee in the concerned offices or if not available, a permanent employee of the next lower rank.

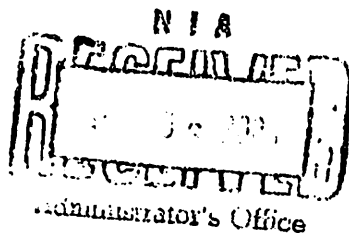
The Secretariat shall have the following functions and responsibilities:

1. Provide administrative support to the BAC;
2. Organize and make all necessary arrangements for the BAC meetings;
3. Attend BAC meetings as Secretary;
4. Prepare Minutes of the BAC meetings;
5. Take custody of procurement documents and be responsible for the sale and distribution of bidding documents to interested bidders;

6. Assist in managing the procurement process;
7. Monitor procurement activities and milestones for proper reporting to relevant agencies when required;
8. Consolidate Project Procurement Management Plans (PPMP) from various units of the procuring entity to make them available for review;
9. Make arrangements for the pre-procurement and pre-bid conferences and bid openings;
10. Be the central channel of communications for the BAC with end-users, Project Management Offices (PMO), other units of the line agency, other government agencies, providers of goods, civil works and consulting services, and the general public; and
11. Custodian of all documents relating to the bidding from start to finish.

In line with the professionalization of the BAC, TWG & Secretariat and the standardization of bidding procedures, all Regional/Operation/Project Managers are required to submit to the Undersigned not later than August 29, 2003 the duly accomplished Reconstitution of BAC at the Field Offices (Annex A) for approval and the Reconstitution of TWG and Secretariat (Annex B) for notation.

All existing Bids and Awards Committees shall continue to discharge their functions until the completion of all on-going procurements for which they have been constituted. New procurements should already be handled by the duly constituted BACS in accordance with this MC.



August 7, 2003


JESUS IMMANUEL M. PARAS
Administrator

Republika ng Pilipinas
PAMBANSANG PANGASIWAAN NG PATUBIG
(National Irrigation Administration)

Office/Address

Date

FOR : The Administrator

**SUBJECT : RECONSTITUTION OF BIDS AND AWARDS COMMITTEE
AT THE FIELD OFFICES**

In compliance with MC _____ S. 2003, I am submitting for your approval the newly Reconstituted Bids and Awards Committee for Goods and Infrastructure Projects.

I. REGION/PROJECT/INTEGRATED SYSTEM _____

1. BAC Members

	Position	Name	Rank
1.1 Regular Members (3)			
Chairman	1.		
Vice- Chairman/Member	2.		
Member	3.		
1.2. Provisional Members (2-4)			
End User	4 .		
Member/s	5 -7.		

2. Observers

	Office/Association	Name
2.1 COA	1.	
2.2 Private Group		
a) For Infra Projects/	2	
b) For Goods	2.	
2.3 NGO	3.	

II. PROVINCIAL IRRIGATION OFFICE/ _____

III. IRRIGATION SYSTEM/DISTRICT OFFICE _____

1. BAC Members

	Position	Name	Rank
1.1 Regular Members (3)			
Chairman	1.		
Vice Chairman/Member	2.		
Member	3.		
1.2 Provisional Members (2-4)			
End User	4.		
Member/s	5 -7.		

2. Observers

	Office/Association	Name
2.1 COA		
	1.	
2.2 Private Group		
a) For Infra Projects/	2.	
b) For Goods	2.	
2.3 NGO		
	3.	

SUBMITTED BY:

RECOMMENDED BY:

Regional/Operation/Project Manager

Assistant Administrator

APPROVED:

JESUS EMMANUEL M. PARAS
Administrator

Republika ng Pilipinas
PAMBANSANG PANGASIWAAN NG PATUBIG
(National Irrigation Administration)

Office/Address

Date

FOR : The Administrator
This Agency

**SUBJECT : RECONSTITUTION OF TECHNICAL WORKING GROUP
AND BAC SECRETARIAT AT THE FIELD OFFICES**

In compliance with MC _____ S. 2003, I am submitting for your information and notation the newly Reconstituted Technical Working Group and BAC Secretariat for Goods and Infrastructure Projects.

I. REGION/PROJECT/INTEGRATED SYSTEM _____

1. Technical Working Group

(Select at most 5 from poll of technical, financial & legal experts)

	Position	Name
1.1 For Infra Projects		
Chairman	1.	
Secretary/Member	2.	
Members	*	
1.2 For Goods		
Chairman	1.	
Secretary/Member	2.	
Members	*	

2. Secretariat

5.1 Head 1

4.2 Staff (unit/personnel) *

* Number of members to be determined by concerned Head of Office depending on type of procurement and complexity of bidding process

II. PROVINCIAL IRRIGATION OFFICE _____

III. IRRIGATION SYSTEM/DISTRICT OFFICE _____

1. Technical Working Group

(Select at most 5 from pool of technical, financial & legal experts)

	Position	Name
1.1 For Goods		
Chairman	1	
Secretary/Member	2.	
Members	*	

1.2 For Infra Projects

Chairman	1.
Secretary/Member	2.
Members	*

2. Secretariat

Head	1.
Staff (unit/personnel)	*

PREPARED BY:

SUBMITTED BY:

PIO/IS/DC/PE

Regional/Project Manager

NOTED:

JESUS EMMANUEL M. PARAS
Administrator