

The Public Bidding Process Under R.A. 7718 (BOT Law)
OPTION 2: Qualification Incorporated in the Bidding Process

| PRIVATE SECTOR | PROCESS FLOW | GOVERNMENT |
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| | PROJECT ID AND PREPARATION | Agency/local government unit (LGU) prepares FS and the contract including all necessary documents and submits to the Approving Body for approval. |
| | APPROVAL BY APPROVING BODY (ICC, NEDA BOARD, LOCAL SANGGUNIANs) | Approving Body is given thirty (30) calendar days to approve the project and the contract. |
| | ADVERTISEMENT/INVITATION TO PRE-QUALIFY AND BID | Upon approval of the project and the contract, the Agency/LGU PBAC publishes invitation to qualify and bid, once a week for three (3) consecutive weeks (21 days), in two (2) newspapers of general circulation and in one (1) local paper. Said invitation shall also be posted continuously in the website of the Agency/LGU concerned, if available, during the stated period. For projects costing at least US\$ 10 million, invitation may also be published in at least one (1) international publication. Likewise, Agency/LGU shall issue official notification of the same to Project Proponents registered with them. |
| <p>Secures qualification forms and tender documents.</p> <p>Bidders prepare their qualification documents and bid proposal in about 90 to 120 days.</p> <ul style="list-style-type: none"> <input type="checkbox"/> oprojects costing less than P300 M: approximately 90 days <input type="checkbox"/> oprojects costing above P300 M: approximately 120 days | ISSUANCE OF REQUEST FOR PROPOSAL (RFP)/BID PREPARATION | <p>Agency/LGU issues the qualification forms and the request for proposal/tender documents to interested bidders.</p> <p>Agency/LGU shall conduct a pre-bid conference at least:</p> <ul style="list-style-type: none"> a. thirty (30) calendar days before the deadline for bid submission, for projects costing less than PhP300 million; and b. sixty (60) to one hundred twenty (120) calendar days before the deadline for bid submission, for projects costing P300 million and above. |
| <p>Bidders submit their proposal in three envelopes:</p> <ol style="list-style-type: none"> 1. first envelope - the qualification documents; 2. second envelope - the technical proposal, including the bid security; and 3. third envelope - the financial proposal. <p>Disqualified bidders may within fifteen (15) working days from receipt of notice of disqualification, appeal to the Head of Agency for national projects, or in the case of local projects, to the Head of the DILG unit concerned or his authorized representative. A non-refundable appeal fee shall be filed amounting to no less than one-half of one percent (0.5%) of the Project Cost.</p> | BID SUBMISSION AND EVALUATION | <p>Agency/LGU PBAC evaluates the qualification documents within fifteen (15) calendar days from the date of opening of the qualification documents. Bidders shall be informed whether they are qualified or disqualified, and for the latter, the reasons for disqualification. Only qualified bidders shall be allowed to participate in the bid evaluation.</p> <p>The technical proposal shall be evaluated within thirty (30) calendar days and the financial proposal within fifteen (15) calendar days.</p> <p>In case of an appeal, the Head of Agency or DILG unit concerned shall act on the appeal within forty-five (45) working days from receipt of appeal and upon filing of a non-refundable appeal fee.</p> |

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| | APPROVAL OF CONTRACT AWARD | <p>PBAC submits to the Head of Agency/LGU recommendation for contract award within seven (7) calendar days after completion of the financial evaluation.</p> <p>Head of Agency/LGU approves recommendation for contract award within seven (7) calendar days after submission of PBAC recommendation.</p> <p>All unsuccessful bidders shall be informed in writing of the results of the bidding.</p> |
| <p>Winning Project Proponent receives "Notice of Award" and shall comply, within thirty (30) calendar days, with all the conditions and requirements indicated therein.</p> | ISSUANCE OF NOTICE OF AWARD | <p>Head of Agency/LGU signs and issues "Notice of Award" to winning bidder, indicating, among others, the requirements for contract award to be submitted by the winning Project Proponent.</p> <p>Within seven (7) calendar days upon receipt of requirements for award, the Head of Agency/LGU shall determine and notify the winning Project Proponent of its compliance of all conditions stated in the Notice of Award.</p> <p>If deadline is not met, and unless otherwise extended, the Agency/LGU could confiscate bid security.</p> |
| <p>The authorized signatory of the winning Project Proponent is required to sign the contract within seven (7) calendar days from receipt of advice from the Agency/LGU that it has complied with all conditions stated in the Notice of Award.</p> | EXECUTION/APPROVAL OF CONTRACT | <p>The authorized signatory of the Agency/LGU is required to sign the contract within seven (7) calendar days from receipt of winning Project Proponent of the advice from the Agency/LGU that the former has complied with all conditions stated in the Notice of Award.</p> <p>The contract shall be effective upon signing thereof by the Head of Agency/LGU and unless another date is stipulated therein.</p> <p>An original signed copy of the contract shall be submitted to the Approving Body within seven (7) calendar days after signing.</p> |
| <p>Complies with conditions precedent for contract implementation (usually includes financial closure)</p> | ISSUANCE OF NOTICE TO COMMENCE IMPLEMENTATION & CONTRACT IMPLEMENTATION | <p>Agency/LGU shall issue the "Notice to Commence Implementation" of the project to the winning Project Proponent not later than seven (7) calendar days from the date of approval/ signing of the contract by the Head of Agency/LGU.</p> <p>Agency/LGU complies with conditions precedent for contract implementation.</p> |