



Republic of the Philippines
OFFICE OF THE PRESIDENT
COMMISSION ON HIGHER EDUCATION

CHED MEMORANDUM ORDER (CMO)

No. 01

Series 2008

SUBJECT : GUIDELINES IN THE IMPLEMENTATION OF THE PROCUREMENT PROGRAM IN ACCORDANCE WITH REPUBLIC ACT NO. 9184 AND ITS IMPLEMENTING RULES AND REGULATIONS PART A

I. GENERAL POLICY

All government agencies are mandated to implement Republic Act 9184, otherwise known as the "Government Electronic Procurement Act" and its Implementing Rules and Regulations Part A to effectively promote transparency, accountability, equity, efficiency and economy in the procurement of infrastructure projects, goods and consulting services in government.

Under RA 9184, each government agency shall establish a Bids and Awards Committee (BAC) that will implement the procurement activities of the agency. The agency is further mandated to prepare, maintain and update an Annual Procurement Plan (APP) approved by the head of the procuring entity. The APP is consolidated by the BAC Secretariat from the individual approved Project Procurement Management Plans (PPMPs) of each office that are revised every six months as required by the head of the agency.

All procuring agencies are directed to utilize the Philippine Electronic Procurement System (PhilGEPS) portal, for procurement of common supplies and non-common use items. The website (www.philgeps.org) shall serve as the primary and definitive source of information on government procurement. On the other hand, the Government Procurement Policy Board (GPBB) shall establish the rules and procedures in the procurement of infrastructure projects, goods and consulting services in the government.

Along this premise, the BAC of the Commission on Higher Education requires all concerned to strictly adhere to the implementing rules and regulations of RA 9184 in connection with the procurement related activities of their respective offices.

II. PROCUREMENT PLANNING

- a. **"No approved Annual Procurement Plan (APP), no procurement"** policy shall be strictly enforced;
- b. A supplemental APP must be prepared and approved by the Head of the Procuring Entity prior to procurement of any requirement that are immediately needed by the concerned office not included in the APP;
- c. Updating of the PPMPs and the consolidated APP shall be undertaken every six (6) months or as often as may be required by the head of the procuring entity.

III. PRE-PROCUREMENT GUIDELINES AND PROCEDURES

- a. All offices are required to submit Purchase Requests (PRs) and its attachments, i.e. Authority to Conduct Activity and/or Request for Budget Approval with approved funds available to the respective budget offices – AFS or HEDF;
- b. The approved PRs shall be submitted to the HEDF or AFS for verification of documents and indorsement to the BAC not later than Thursday each week. The BAC Secretariat shall then prepare the necessary staff work for inclusion of the PRs in the Order of Business of the regular BAC meeting every Tuesdays. Only PRs received by the BAC Secretariat on Fridays preceding the BAC meeting shall be included in the agenda;
- c. The BAC acts only on PRs that are indorsed by the HEDF and the AFS;
- d. The BAC confirms, approves or recommends the method of procurement for each item that would be procured through a BAC resolution.

IV. PROCUREMENT GUIDELINES AND PROCEDURES

a. Common Procurement Methods – indicated below are the common procurement activities of the CHED and the suggested procurement methods.

a.1. FOR GOODS and SERVICES

a.1.1. Office Supplies, Goods and Equipment

1. Goods and Equipment that are available from the DBM Procurement Service shall be procured from the said office;
2. Goods and Equipment costing PhP 1 to PhP 249,999 shall be procured using the Shopping alternative mode of procurement;
3. Goods and Equipment costing PhP 250,000 to PhP 1,999,999 shall be procured through public bidding without advertisement in newspaper publications.
4. Goods and Equipment costing PhP 2,000,000 and above shall be procured through public bidding with advertisement in newspapers of general circulation.

a.2.1. Food, Venue and other Services

1. Food, Venue for meetings / workshops and other Services costing PhP 49,999 and below shall be procured through negotiated procurement.
2. Food and Venue for meetings / workshops and other Services costing PhP 50,000 to PhP 249,999 shall be procured through shopping.
3. Food and Venue and other Services costing PhP 250,000 to PhP 1,999,999 shall be procured through public bidding without advertisement in newspaper publication.
4. Food and Venue and other Services costing PhP 2,000,000 and above shall be procured through public bidding with advertisement in newspapers of general circulation.

b.1. FOR CONSULTING SERVICES

1. Procurement of consulting services costing PhP 1 to PhP 49,999 shall be procured through negotiated procurement.
2. Procurement of consulting services costing PhP 50,000 to PhP 999,999 and/or with duration of less than 4 months shall be procured through public bidding without advertisement in newspaper publication.
3. Procurement of consulting services costing PhP 1,000,000 and above shall be procured through public bidding with advertisement in a newspaper of national publication.

c.1. FOR INFRASTRUCTURE PROJECTS

1. Procurement of Infrastructure projects costing PhP 1 to PhP 49,999 shall be procured through negotiated procurement.
2. Procurement of Infrastructure projects costing PhP 50,000 to PhP 4,999,999 shall be procured through public bidding without advertisement in newspaper publication.

3. Procurement of Infrastructure projects costing PHP 5,000,000 and above shall be procured through public bidding with advertisement in a newspaper of national publication.

b. Procurement Process

b.1. Negotiated Procurement

1. BAC approves negotiated procurement as the alternative method for all those procurement activities covered by the guidelines stated above;
2. The concerned budget offices (HEDF or AFS) are informed of the method of procurement, in this case negotiated procurement, through a resolution from the BAC. The concerned budget offices through the assistance of the end-user solicit at least 3 canvass from PhilGEPS registered suppliers / service providers. The lowest offer from among the three suppliers would be awarded the contract.

b.2. Shopping

1. BAC approves shopping as the alternative method of procurement;
2. 7 calendar days (cd) posting of Invitation to Bid in the CHED website and PhilGEPS website.
3. Additional 7 cd if there are no bidders during the first invitation to bid.
4. If there are two failures (no bidder for the 2 rounds of invitations) then the concerned budget office through the assistance of the end-user shall conduct negotiated procurement.
5. If there is at least one bidder for the requirements then BAC awards the contract to the lone bidder. If there are two or more bidders then the lowest bidder shall be awarded the contract.

b.3. Public Bidding with newspaper publication

1. 7 calendar days (cd) posting of Invitation to Apply for Eligibility and to Bid (IAEB) in a newspaper of national circulation, websites of PhilGEPS (www.philgeps.org) and the CHED (www.ched.gov.ph) and at least three conspicuous places (DepEd, UP and DAP); (in case no bidder responds, another 7 cd reposting).
2. 1 cd pre-bid conference (shall be held at least twelve (12) calendar days before the deadline for the submission and receipt of bids).

3. 7 cd issuance of bidding documents.
4. 1 cd opening of eligibility, technical and financial proposals (3 envelope system).
5. 1 cd evaluation and determination of the Lowest Calculated Bid (LCB).
6. 1 cd post qualification and recommendation of the Lowest Calculated and Rated Bid (LCRB).
7. 2 cd BAC Resolution and issuance of Notice to Award.
8. 2 cd approval of the contract by the Head of the Procuring Entity.
9. 1 cd issuance of notice to proceed.

b.4. Public Bidding without advertisement in newspaper publication

- it follows, the same process except for the advertisement in a newspaper of general circulation.

Please refer to the Attachment A, matrix of procurement methods.

c. Time table for the procurement process

- Considering the above timetable, the BAC requires all project / procurement coordinators to allow for sufficient time allowance in the processing of requests as follows:

c.1. For items that are to be procured through negotiated bidding
- 7 calendar days

c.2. For items that are to be procured through shopping
- 16 to 18 calendar days

c.3. For items that are to be procured through public bidding
- 28 calendar days

Please refer to Attachment B, for the Period of Action of Procurement Activities (maximum periods and earliest possible time) for goods, civil works and consulting services.

V. MISCELLANEOUS

a. REGULAR BAC MEETINGS

- a.1. The Bids and Awards Committee (BAC) holds regular meetings every Tuesdays to, among other things, deliberate on the appropriate mode of procurement (public bidding or alternative method of procurement) of purchase requests (PRs) for the procurement of goods and services, consulting services and infrastructure projects submitted by concerned

CHED offices funded by the HEDF and GAA per approved PPMPs and APP.

- a.2. The BAC resolutions regarding the approved mode of procurement and the resolution to award shall be posted at the BAC Secretariat Office (AFS) and the HEDF Office.

VI. EFFECTIVITY

This memorandum shall take effect immediately and shall remain in force unless revoked by the undersigned.

Pasig City, Philippines ~~January 17, 2008~~



ROMULO L. NERI
Chairman