

DEPARTMENT ORDER NO. DO 2003-07-009

**RECONSTITUTING THE DEPARTMENT OF ENERGY
BIDS AND AWARDS COMMITTEE**

Pursuant to Section 11, Article V of Republic Act No. 9184, otherwise known as the Government Procurement Reform Act which was enacted on 10 January 2003 and which took effect on 26 January 2003, the Department's Bids and Awards Committee (BAC) is hereby reconstituted to be composed of the following:

Regular Members:

- | | | |
|---------------------|---|---|
| 1. Chairperson | : | Assistant Secretary in charge of Administration |
| 2. Vice Chairperson | : | Director, Legal Services |
| 3. Member | : | Director, Financial Services |

Provisional Members:

1. Director of the Requesting Unit
2. Division Chief of the End-user Unit

Observers: Non-voting Members:

1. Representative from the Commission on Audit
2. Representative from a non-government organization
3. Representative from a duly recognized private sector association, chamber or organization in a discipline relevant to the contract under procurement

Secretariat:

Head : Director, Administrative Services

Members:

1. Chief, General Services Division (GSD)
2. Chief, Supply Section, GSD
3. Representative, Budget Division
4. Representative, Information Technology Management Services (ITMS)
5. Representative, Administrative Services
6. Representative, Contracts Division

Technical Working Group (TWG)

Head : Director, ITIVIS

Members:

1. Chief, Budget Division
2. Chief, Legal Counseling Division
3. Representative, Accounting Division
4. Representative, Project End-user

TERM OF DUTY

The regular members of the BAC shall serve for a fixed term of one (1) year reckoned from the date of appointment, renewable at the discretion of the Head of the Procuring Entity. In case of resignation, retirement, separation, transfer, re-assignment or removal, the replacement shall serve only for the unexpired term: Provided, That in case of leave or suspension, the replacement shall serve only for the duration of the leave or suspension. For justifiable causes, a member shall be suspended or removed by the Head of the Procuring Entity.

FUNCTIONS OF THE BAC

The BAC shall have the following functions:

1. Advertise and/or post the Invitation to BID (ITB);
2. Conduct pre-procurement and pre-bid conferences;
3. Determine the eligibility of prospective bidders;
4. Receive bids;
5. Conduct the evaluation of bids;
6. Undertake post-qualification proceedings;
7. Resolve motions for reconsideration;
8. Recommend award of contracts to the Head of the Procuring Entity or his duly authorized representative; Provided, That in the event the Head of the Procuring Entity shall disapprove such recommendation, such disapproval shall be based only on valid, reasonable and justifiable grounds to be expressed in writing, copy furnished the BAC;
9. Recommend the imposition of sanctions in accordance with Article XXIII of Republic Act (RA) No. 9184;
10. Perform such other functions necessary to accomplish the foregoing, including, without limitation the creation of a Technical Working Group (TWG) from a pool of technical, financial and/or legal experts to assist in the procurement process particularly in the eligibility screening, evaluation of bids and post qualification.

In proper cases, the BAC shall also recommend to the Head of the Procuring Entity the use of Alternative Methods of Procurement as provided for in Article XVI of R.A. No. 9184.

The BAC shall be responsible for ensuring that the Procuring Entity abides by the standards as set forth under R.A. No. 9184 and its Implementing Rules and Regulations (IRR) and shall prepare a procurement monitoring report that shall be approved and submitted by the Head of the Procuring Entity to the Government Procurement Policy Board (GPPB) on a semestral basis, the contents and coverage thereof of which are provided under the IRR.

OBSERVERS

To enhance the transparency of the process, the BAC shall, in all stages of the procurement process, invite, in addition to the representative of the Commission on Audit (COA), at least two (2) observers to sit in its proceedings, one (1) from a duly recognized private group in a sector or discipline relevant to the procurement at hand, and the other from a nongovernment organization:

Provided, however, That said observers do not have any direct or indirect interest in the contract to be bid out. Such observers' aggrupations shall be duly registered with the Securities and Exchange Commission (SEC) and should meet the criteria for observers as set-forth in the IRR.

BAC SECRETARIAT

A BAC Secretariat is hereby created which shall serve as the main support unit of the BAC. The following are the Secretariat's functions and responsibilities:

- a. Provide administrative support to the BAC;
- b. Organize and make all necessary arrangements for all BAC meetings;
- c. Attend all BAC meetings as Secretary;
- d. Prepare minutes of all BAC meetings;
- e. Take custody of procurement documents and be responsible for the sale and distribution of bidding documents to interested bidders;
- f. Assist in managing procurement processes;
9. Monitor procurement activities and milestones for proper reporting to relevant agencies when required;
- h. Con.,solidate Projects Procurement Management Plans (PPMPs) from various units of the Agency to make them available for review;
- i. Mako, arrangements for the pre-procurement and pre-bid conferences and bid openings;
- j. Be the central channel of communications for the BAC with end-users), PMOs, other units of the line agency, other government agencies, providers of goods, works and consulting services and the general public; and
- k. Perform such other functions necessary and appropriate to accornplish the foregoing.

TECHNICAL WORKING GROUP

The Technical Working Group shall assist in the eligibility screening and evaluation of bids. The members of the TWG shall also be on "jury duty" type of assignment. The term "jury duty" shall be understood to mean a state by which the members give utmost priority to BAC assignments over all other duties and responsibilities until the requirements for the said assignments at hand are completed.

HONORARIA OF BAC AND TWG MEMBERS

Pursuant to Section 15, Article V of R.A. 9184, the procuring entity may grant payment of honoraria to the BAC members in an amount not to exceed twenty five percent (25%) of their respective basic monthly salary subject to availability of funds and in accordance with the necessary guidelines promulgated by the Department of Budget and Management.

All Department Orders and other issuances inconsistent with this Department Order are hereby modified or superseded accordingly.

For immediate implementation.

(Sgd.)

VICENTE S. PÉREZ, JR.
Secretary

Fort Bonifacio, Taguig, Metro Manila
8 July 2003