

**Philippine Association for Government Budget Administration (PAGBA), Inc.**

Date: **July 26-29, 2017**

Venue: **L'Fisher Hotel, Bacolod City**

Topic: **“Government Procurement Reform Act (RA 9184) and IRR Updates”**

Resource Person: **Director RENATO M. DE VERA, MNSA, CESO III, DBM MIMAROPA Region**

QUESTION	ANSWER
<p>1. Are small purchases (say below P1,000) of regular office items using the petty cash exempted from the requirements of the procurement law?</p> <p><i>csalem@bsp.gov.ph</i> <i>chimev@yahoo.com</i></p>	<p><b>No, they are not exempted, as any procurement no matter what amount, using government monies, is covered by the procurement law. Petty cash fund, therefore, should still be included in the APP, but the BAC may delegate the conduct of shopping or small value procurement to an appropriate unit, bureau or committee within the procuring entity.</b></p>
<p>2. Regional Office has published and bid infra projects based on NEP received, and waited for the final release of GAA for awards it found out that the release of GAA was sent to the District Office.</p> <p>Q: What will happen to the bidding at the Regional Office but the release of funds was sent to the District Office?</p>	<p><b>The BAC of the Regional Office could just be an outsourced BAC; hence, the RO-BAC can just send its Resolution recommending award of contract to the HOPE of the District Office for approval and issuance of Notice of Award.</b></p>
<p>3. Can the “Mayors Permit” be used as “Other Licences/Permits” for Post-Qualification Requirements, when the “Mayors Permit is already a requirement before the issuance of PhilGEPS Certificate?</p>	<p><b>It should no longer be required during Post-qualification as “Other Licenses/Permits” as it is already an Eligibility Requirement which is uploaded by bidders in the PhilGEPS. However, during post-qualification, if it was found out that the Mayor’s Permit has expired after bid opening, the BAC/TWG shall require the bidder to submit a current Mayor’s Permit.</b></p>
<p>4. Alternative Mode of Procurement – Small Value Procurement</p> <p>We sent RFQs to three (3) Suppliers, only one responded to it. Can we award it to the Lone respondent?</p>	<p><b>YES, provided it is responsive to your requirement.</b></p>
<p>5. Foreign Assisted Projects - Please clarify procurement of agri inputs, example: Seedlings and other biological assets. Capital Outlay daw? GAAM Chapter II?</p> <p><i>DAR – Agusan Norte</i> <i>planning_adn@yahoo.com</i></p>	<p><b>Whether Capital Outlay or MOOE, in our procurement law, it will still be considered procurement of GOODS.</b></p>

<p>6. Procurement of Agricultural Equipment/Machineries/Hauling Truck requiring beneficiaries equity/counter part</p> <p>What to State in the APP and Bid Docs – The total amount or the portion only to be paid by the government.</p> <p><i>DAR – Agusan Norte planning_adn@yahoo.com</i></p>	<p><b>What should be included in the APP is the amount (ABC) that is in the approved budget of the procuring entity. If the equity or counterpart is not transferred to the procuring entity, then it could not include the same in the APP.</b></p>
<p>7. The BAC recommended a lowest bidder but during post qualification the end user rejected the BAC's recommendation for reasons that the 2<sup>nd</sup> lowest bidder is better when it comes to patient safety, therefore the BAC informed the winning bidder that they are being disqualified due to the report of the end-user.</p> <p>The losing bidder filed a case at the OMB citing that the BAC should have stand firm on its previous decision and research on the validity of the end-user report.</p> <p>The BAC members were suspended because they followed the end user's report.</p> <p>Please comment</p>	<p><b>(I have already responded to this during the open forum.)</b></p> <p><b>My comment stays that the BAC was wrong when it followed the end-user for saying that the 2nd LCB is better. Since the BAC has already determined the LCB as responsive to the requirement, the better offer in terms of quality cannot be given a bonus. The BAC should have declared the LCB first as non-responsive and notified in writing of that findings before the BAC could post-qualify the 2nd LCB.</b></p> <p><b>That is the proper procedure. Failing to follow the proper procedure, then its actions could already be subject to questions.</b></p>
<p>8. In line with our registration to ISO certification may we request to include in the PhilGEPS website the standard forms of procurement specifically those which one not included in the NGAs Forms for purposes of uniformity</p> <p>The website only posted the APP, PPMP</p>	<p><b>It is actually the GPPB which is mandated to prescribe the standard forms. So far, only the bidding documents and APP are in standard forms. The other forms which are posted in the PhilGEPS or GPPB websites are suggested templates. It is up to the procuring entity to devise the appropriate forms it may see fit, including those agencies which are ISO-certified.</b></p>