

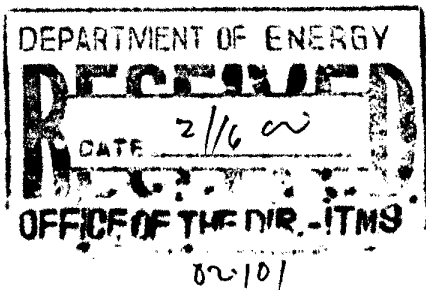
Republic of the Philippines
DEPARTMENT OF ENERGY

DEPARTMENT ORDER NO. : D02006-02-0003

**ESTABLISHING 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, and Section 11, Rule V of the IRR-A of the Act which became effective on 8 October 2003, the Department's Bids and Awards Committee (BAC) is hereby established to compose the following:

- | | | | |
|--------------------------------------|--|---|-------------|
| Regular Members*: | Assistant Secretary | - | Chairperson |
| | Director for Legal Service | - | Vice-Chair |
| | Director for Administrative Service | - | Member |
| | Director for Financial Service | - | Member |
| Provisional Member: | Director or Division Chief (End-user) | | |
| Observers
(Non-voting
Members) | Representative from the Commission on Audit | | |
| | Representative from a non-government organization | | |
| | Representative from a duly recognized private sector association, chamber or organization in a discipline relevant to the contract under procurement | | |
| Technical Working
Group (TWG): | Director for Information & Technology Management Service (ITMS) | - | Head |
| | Division Chief (End-user) | - | Member |
| | Chief of the Budget Division | - | - do - |
| | Representative from Budget Division | - | - do - |
| | Representative from Legal Service | - | - do - |
| | Information Technology Officer I, ITMS | - | - do - |



*Regular Members shall not be allowed to sit as Provisional Member.

Secretariat :	Chief of the General Services Division (GSD) Administrative Service (Admin)	- Head
	Section Chief of the Supply Section GSD, Admin	- Member
	Section Chief of the Budget Division, Financial Service (FS)	- - do -
	Executive Assistant III Office of the Assistant Secretary	- - do -
	Executive Assistant I, FS	- - do -
	Supply Officer I, GSD, Admin	- - do -
	Administrative Officer I, GSD, Admin	- - do -

TERM OF DUTY

The abovementioned members of the BAC shall serve for a fixed term of one (1) year reckoned from the date of appointment, subject to renewal at the discretion of the Secretary. In case of resignation, retirement, separation, transfer, re-assignment or removal from the service, the replacement shall serve only for the unexpired term: Provided, That in case of leave of absence or suspension, the replacement shall serve only for the duration of such leave of absence or suspension. For justifiable causes, however, a member shall be suspended or removed by the Secretary.

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

FUNCTIONS OF THE BIDS & AWARDS COMMITTEE (BAC)

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 Secretary or his duly authorized representative : Provided, however, That in the event the Secretary 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 R.A. No. 9184 and Rule XXIII of its IRR-A;
10. Responsible for ensuring that the Department abides by the standards set forth by the Act and its IRR-A;
11. Recommend to the Secretary the use of Alternative Method of Procurement (AMP) as provided for in Article XVI of R.A. No. 9184 and Rule XVI of the IRR-A of the Act; and
12. Perform such other related functions as may be necessary.

To expedite the procurement process, the Secretary shall ensure that the members of the BAC and TWG shall give utmost priority to BAC assignments over all other duties and responsibilities, until the requirements for the said assignments at hand are completed.

The BAC shall prepare a procurement monitoring report for approval by the Secretary and for submission to the GPPB on a semestral basis for the following cases:

1. Goods and infrastructure projects costing Fifty Million Pesos (P50,000,000.00) and above; and
2. Consulting services projects costing Five Million Pesos (P5,000,000.00) and above.

FUNCTIONS OF THE TWG

1. Assist the BAC in the procurement process, particularly in the eligibility screening, evaluation of bids, post-qualification, etc.;
2. Present the results of their initial screening and evaluation as well as their post-qualification recommendation to the BAC; and
3. Perform such other related tasks as may be necessary.

FUNCTIONS OF THE SECRETARIAT

1. Provide administrative support to the BAC;
2. Organize and make all the necessary arrangements for the BAC meetings;
3. Attend BAC meetings to provide secretariat support;
4. Prepare Minutes of the BAC meeting;
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 processes;
7. Monitor procurement activities and milestones for proper reporting to relevant agencies when required;
8. Consolidate Project Procurement Management Plans from various units of the Agency 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 the end-users, Procurement Management Offices, other units of the line agency, other government agencies, providers of goods, works and consulting services, and the general public; and
11. Perform such other functions necessary and appropriate to accomplish the foregoing.

HONORARIA OF THE BAC

The payment of honoraria to the abovementioned BAC members, TWG, and Secretariat except those personnel whose positions are in the procurement unit of the Department including that of the Assistant Secretary (by reason of jurisprudence), in an amount not to exceed twenty-five percent (25) of their respective basic monthly salary chargeable against the funds coming from the collections from the sale of bid documents, fees from contractor/supplier registry, fees charged for copies of minutes of bid openings, BAC resolutions and other BAC documents, protest fees, liquidated damages, and proceeds from bid/performance security forfeiture. Payment of said honoraria shall be in accordance with the DBM Budget Circular Nos. 10 and 2004-5.

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

For immediate implementation.


RAPHAEL P. M. LOTILLA
Secretary

Fort Bonifacio, Taguig City, Metro Manila

Date: February 13, 2006