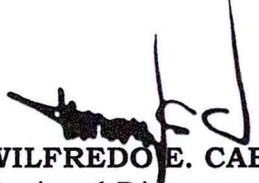




Republic of the Philippines
Department of Education
 NATIONAL CAPITAL REGION

MEMORANDUM
 RM-ORD-2023- 689

TO : Schools Division Superintendents
 School/Implementing Unit Heads
 Bids and Awards Committee (BAC) Chairperson
 BAC Secretariat
 All Others Concerned

FROM : 
WILFREDO E. CABRAL, CESO III
 Regional Director

SUBJECT : **COMPLIANCE TO REPUBLIC ACT 9184 AND ITS REVISED
 IMPLEMENTING RULES AND REGULATIONS (RIRR) BY ALL
 PROCURING ENTITIES (PEs) IN THE DEPARTMENT OF
 EDUCATION**

DATE : July 25, 2023

1. Attached is Memorandum OM-OUPro-2023-1391 from Atty Gerald L. Chan, CESO I, Undersecretary for Procurement dated July 13, 2023, for information and compliance.
2. Particular attention is invited to paragraph nos. 3 and 4;
3. Accordingly, SDOs and Schools as PEs are hereby encouraged to prepare the CY 2024 Indicative Annual Procurement Plan (APP) based on the approved National Expenditure Program (NEP) and the conduct of the early procurement activities (EPA) from September to December of CY 2023.
4. For compliance.



Address: Misamis St., Bago Bantay, Quezon City
 Email Address: ncr@deped.gov.ph
 Website: depedncr.com.ph

Doc. Ref. Code	RO-ORD-F-008	Rev	00
Effectivity	01.26.23	Page	1 of 1



Republic of the Philippines
Department of Education
OFFICE OF THE UNDERSECRETARY FOR PROCUREMENT

MEMORANDUM

OM-OUPro-2023- 1391

TO : Regional Directors
Schools Division Superintendents
School/Implementing Unit Heads
Bids and Awards Committee Chairpersons
All Others Concerned

FROM : *Chan*
ATTY. GERARD L. CHAN, CESO I
Undersecretary for Procurement

SUBJECT : Compliance to Republic Act 9184 and its Revised Implementing Rules and Regulations (RIRR) by all Procuring Entities in the Department of Education

Date : July 13, 2023

The Department of Education, pursuant to the DepEd Guidelines on Establishing Procurement Systems and Organizations¹ created procuring entities (PE) in the different governance levels, i.e. Central Office, Regional Offices, Schools Division Offices, and Schools, headed by the Secretary, or the duly authorized representative, Regional Directors, Schools Division Superintendents, and School Heads/Principals, respectively. Accordingly, the Heads of Procuring Entities (HoPE) were mandated to create a Bids and Awards Committee/s in accordance with Rule V, Section 11 of the Revised Implementing Rules and Regulations (RIRR) of Republic Act 9184 (RA 9184).

Consistent with the provisions of the same RIRR, Section 12 provides that the BAC shall be responsible in ensuring that the PE abides by the standards set forth by the Act and its IRR.

In this regard, the Procurement Strand, created by virtue of DepEd Order No. 001, s. 2023, in providing guidance to the PEs and the BAC hereby issues this memorandum as a reminder to the BAC to adhere to the provisions of the RIRR, as well as with the prescribed timelines as provided under Annex C of the RIRR (Enclosure 1). Moreover, Section 38.1 states that "(T)he procurement process from the opening of bids up to the award of contract **shall not exceed three (3) months, or a shorter period to be determined by the Procuring Entity concerned.** All members of the BAC shall be on a "jury duty" type of assignment until the Notice of Award is issued by the HoPE in order to complete the entire procurement process **at the earliest possible time.**"

¹ Volume 1, Customized Agency Procurement Manual

All are enjoined to observe the earliest possible time in the conduct of its procurement activities with due consideration of the validity of funds, specifically, the FY 2022 Continuing Funds (FY 2022 GAA, R.A No. 11639), validity of which is until December 31, 2023, pursuant to National Budget Circular No. 590² dated January 3, 2023.

Further, for CY 2024, PEs are highly encouraged to prepare its CY 2024 Indicative APP based on the approved National Expenditure Program (NEP), and the conduct of its early procurement activities from September to December of this year.

For strict compliance.

Encl.: Period of Action on Procurement
Activities ³

² Guidelines on the Release of Funds for Fiscal Year (FY) 2023

³ RIRR, RA 9184, Annex C - Recommended Earliest Possible Time and Maximum Period Allowed for the Procurement of Goods and Services, and Recommended Earliest Possible Time and Maximum Period Allowed for the Procurement of Infrastructure Projects

The 2016 Revised Implementing Rules and Regulations – Annex "C"

**ANNEX "C"
RECOMMENDED EARLIEST POSSIBLE TIME AND MAXIMUM PERIOD ALLOWED
FOR THE PROCUREMENT OF GOODS AND SERVICES**

Section	Procurement Activity	Minimum Calendar Days Recommended for Activity	Operational Timeline (Recommended Earliest Possible Time)	Maximum Calendar Days Allowed for Activity	Operational Timeline (Maximum Period Allowed)	Conditions / Remarks
20	Pre-Procurement Conference	1 CD	Day 0	Whenever necessary	0	Optional for ABC of ₱2,000,000.00 and below
21.2.1	Advertisement / Posting of Invitation to Bid	7 CDs	Days 1 to 7	7 CDs	Day 1 to 7	Start of Availability of Bidding Documents
22.2	Pre-Bid Conference	1 CD	Day 8	Whenever necessary	Day 8 to 40	<ul style="list-style-type: none"> • Optional for ABC below ₱1,000,000.00 • Not Earlier than 7 CDs from Advertisement / Posting • 12 CDs before Deadline of Submission and Receipt of Bids
25.5	Deadline of Submission and Receipt of Bids / Bid Opening	1 CD	Day 20	45 CDs	Day 52	Last day of Availability of Bidding Documents
32.4	Bid Evaluation	1 CD	Day 21	7 CDs	Day 53 to 59	
34.8	Post-Qualification	2 CDs ¹¹⁶	Day 22 to 23	45 CDs	Day 60 to 104	The bidder must submit all Post-Qualification Requirements within 5 CDs from receipt of notice as bidder with LCB in accordance with Sec. 34.2.
37.1.2	Approval of Resolution/Issuance of Notice of Award	1 CD	Day 24	15 CDs	Day 105 to 119	
37.2.1	Contract Preparation and Signing	1 CD	Day 25	10 CDs	Day 120 to 129	
37.3	Approval of contract by higher authority	1CD		20 or 30 CDs		If necessary.
37.4.1	Issuance of Notice to Proceed	1 CD	Day 26	7 CDs	Day 130 to 136	
TOTAL TIME			26 CDs		136 CDs	Excluding Approval of Higher Authority, if applicable.

¹¹⁶ One (1) calendar day is allotted for the BAC to notify the Bidder that it has the Lowest Calculated Bid (LCB).

The 2016 Revised Implementing Rules and Regulations – Annex "C"

**RECOMMENDED EARLIEST POSSIBLE TIME AND MAXIMUM PERIOD ALLOWED
FOR THE PROCUREMENT OF INFRASTRUCTURE PROJECTS**

Section	Procurement Activity	Minimum Calendar Days Recommended for Activity	Operational Timeline (Recommended Earliest Possible Time)	Maximum Calendar Days Allowed for Activity	Operational Timeline (Maximum Period Allowed)	Conditions / Remarks
20	Pre-Procurement Conference	1	Day 0	Whenever necessary	0	Optional for ABC of P5,000,000.00 and below
21.2.1	Advertisement / Posting of Invitation to Bid	7 CDs	Days 1 to 7	7 CDs	Day 1 to 7	Start of Availability of Bidding Documents
22.2	Pre-Bid Conference	1 CD	Day 8	Whenever necessary	Day 8 to 45 — Day 8 to 60	<ul style="list-style-type: none"> • Optional for ABC below P1,000,000.00 • Not Earlier than 7 CDs from Advertisement / Posting • 12 CDs before Deadline of Submission and Receipt of Bids
25.5	Deadline of Submission and Receipt of Bids / Bid Opening	1 CD	Day 20	50 CDs ¹¹⁷ — 65 CDs ¹¹⁸	Day 57 — Day 72	Last day of Availability of Bidding Documents
32.4	Bid Evaluation	1 CD	Day 21	7 CDs	Day 58 to 64 — Day 73 to 79	
34.8	Post-Qualification	2 CDs ¹¹⁹	Day 22 to 23	45 CDs	Day 65 to 109 — Day 80 to 124	The bidder must submit all Post-Qualification Requirements within 5 CDs from receipt of notice as bidder with LCB in accordance with Sec. 34.2.
37.1.2	Approval of Resolution/Issuance of Notice of Award	1 CD	Day 24	15 CDs	Day 110 to 124 — Day 125 to 139	
37.2.1	Contract Preparation and Signing	1 CD	Day 25	10 CDs	Day 125 to 134 — Day 140 to 149	
37.3	Approval of contract by higher authority	1CD		20 or 30 CDs		If necessary.
37.4.1	Issuance of Notice to Proceed	1 CD	Day 26	7 CDs	Day 135 to 141 — Day 150 to 156	
TOTAL TIME			26 CDs		141 CDs or 156 CDs	Excluding Approval of Higher Authority, if applicable.

¹¹⁷ For Infrastructure Projects P50,000,000.00 and below.

¹¹⁸ For Infrastructure Projects above P50,000,000.00.

¹¹⁹ One (1) calendar day is allotted for the BAC to notify the Bidder that it has the LCB.