

 <p>LBP RESOURCES AND DEVELOPMENT CORPORATION 24TH Floor LBP Plaza 1598 M.H Del Pilar cor. Dr. J. Quintos St. Malate Manila</p>	<h1>PROCUREMENT MANUAL</h1>	Class Code: D
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A. General Policy

As a rule, the company guidelines and procedure shall be in accordance with R.A. 9184, Government Procurement Reform Act. According to R.A. 9184, the general mode of procurement to be adopted by the company is public bidding which will be conducted by Bids and Awards Committee (BAC) for the procurement of goods, services and infrastructure with estimated cost or approved budget for the contract (ABC) of *over ₱ 1,000,000.00*

For procurement amounting to *₱ 1,000,000.00 and below*, alternative methods shall be resorted to promote economy and efficiency. The alternative methods of procurement as stated in Sec. 48, Art. XVI of R.A. 9184 are: limited source bidding, direct contracting, repeat order, shopping, and negotiated procurement. The Purchasing Unit shall ensure the most advantageous price for the company, consistent with R.A. 9184 and its Implementing Rules and Regulations, as amended.

All procurement shall be within the approved budget of the company and should be meticulously and judiciously planned. Only those considered crucial to the efficient discharge of functions shall be included in the Annual Procurement Plan (APP). No procurement shall be undertaken unless it is in accordance with the approved APP of the company. The APP shall be approved by the President or second-ranking official designated to act in his behalf. The APP must be consistent with the duly approved yearly budget.

B. Definition of Terms

For purposes of these guidelines, the following terms or words and phrases shall mean or be understood as follows:

1. **Approved Budget for the Contract (ABC)** – corporate budget for the contract approved by the Board of Directors or duly authorized officer.
2. **Annual Procurement Plan (APP)** – a chart showing the time schedule of items/goods to be procured within a year stating the type of contract, the size of the contract and the procurement method to be adopted.
3. **Bid** – a signed offer or proposal to undertake a contract submitted by a bidder in response to and in consonance with the requirements of the bidding documents.

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4. **Bids and Awards Committee (BAC)** – the Bids and Awards Committee of the company established under Rule V of IRR-A of RA 9184.

5. **Bidder** - an eligible contractor, manufacturer, supplier, distributor and/or consultant competing for the award of a contract in any procurement. A contractor, manufacturer, supplier, distributor or consultant is said to be eligible if he meets all the eligibility requirements issued by the procuring entity.

6. **Bid Security** – a security required of bidders to participate in any bidding to guarantee in good faith the submission of their proposal and acceptance of all the terms and conditions of the bidding.

A guarantee that the successful bidder shall, within 10 calendar days, or less, from receipt of Notice of Award, enter into contract with LBRDC and furnish the performance security.

7. **Bidding Documents** – documents issued by the company as bases for bids, furnishing all information necessary for a prospective bidder to prepare a bid for goods and/or services required by LBPRDC.

8. **Capital Expenditure (CAPEX)** – payment made, or to be made, for the acquisition of a long-term asset.

9. **Competitive Bidding** – A method of procurement which is open to participation by any interested party and which consists of the following processes: advertisement, pre-bid conference, eligibility screening of prospective bidders, receipt and opening of bids, evaluation of bids, post-qualification and award of contract.

10. **Common Use Supplies** – Goods, Materials and equipment that are repetitively used in the day-to-day operations of the company in the performance of its functions.

11. **Consulting Services**- services for infrastructure projects and other types of projects or activities of the company requiring adequate external technical and professional expertise that is beyond the capability and/or capacity of LBRDC to undertake such as, but not limited to: (1) advisory and review services; (2) design; (3) other technical or special studies.

12. **Direct Contracting** – Also known as single source procurement is a method of procurement of goods that does not require elaborate

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Bidding Documents. The supplier is simply asked to submit a price quotation or a pro-forma invoice together with the conditions of sale.

13. **Electronic Filing and Payment System (EFPS)** – a modern method of filing and payment of taxes to the Bureau of Internal Revenue using the internet.

14. **Eligible Bidder** – the bidder that passed all the eligibility requirements.

15. **Exclusive Dealer/Manufacturer** – supplier of goods and services which does not have sub-dealers selling at lower prices and for which no suitable substitute can be obtained at more advantageous terms to the company.

16. **Failed Bidding** – When any of the following is observed:

1. No bids are received
2. All prospective bidders are declared ineligible
3. All bids fail to comply with all the bid requirements or fail post-qualification, or, in the case of consulting services, there is no successful negotiation
4. The bidder with the Lowest Calculated Responsive Bid/Highest Rated Responsive Bid refuses, without justifiable cause, to accept the award of contract, and no award is made in accordance with section 40 of RA 9184 and its IRR

17. **Goods and Services** – all items, supplies, materials and general support services (except consulting services and infrastructure projects) which may be needed in the transactions of the company or in pursuit of any undertaking, project or activity, whether in the nature of equipment, furniture, stationery, materials for construction, or personal property of any kind, including non-personal or contractual services such as repair and maintenance of equipment and furniture, as well as trucking, hauling, janitorial, security and related or analogous services, as well as procurement of materials and supplies provided by the company for such services.

The term “related” or “analogous services” shall include, but not limited to, lease or purchase of office space, media advertisements, health maintenance services and other services essential to the operation of the company.

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18. **GPPB** – Government Procurement Policy Board established in accordance with the law (RA 9184).
19. **Head of the Procuring Entity (HOPE)** – Board of Directors of the company or its duly authorized official such as the President or other officials of the company.
20. **Income Tax Return (ITR)** – document showing the computation of income tax filed/paid to the government quarterly or annually.
21. **Infrastructure Projects** (or Civil Works) – include the construction, improvement, rehabilitation, demolition, repair, restoration or maintenance of communication facilities, civil works, components of information technology projects, water supply, sanitation, sewerage and solid waste management systems, energy/power and electrification facilities and other related construction projects of the company.
22. **Inspection** – process of measuring or checking materials, workmanship or methods for conformity with quality and specifications as stated in the duly approved Procurement Memorandum (PM), Purchase Order (PO) and other bidding documents.
23. **Invitation to Apply for Eligibility and to Bid (IAEB)** – document which provides information that enables interested Bidders to decide whether to participate in the procurement at hand.
24. **Limited source Bidding** – Also known as selective bidding; a method of procurement of goods and consulting services that involves direct invitation to bid by the company from the list of pre-selected suppliers of consultants with known experience and proven capability on the requirements of the particular contract.
25. **Lowest Calculated Bid (LCB)** – the bid with the lowest price.
26. **Lowest Calculated and Responsive Bid (LCRB)** – the bid with the lowest price and complies with and is responsive to all the requirements and conditions for eligibility and the bidding of the contract, as specified in the bidding documents.
27. **Negotiated Procurement** – A method of procurement of goods, infrastructure projects and consulting services, whereby the procuring entity directly negotiates a contract with a technically, legally and

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financially capable supplier, contractor or consultant either when there are emergency cases or two failed biddings.

28. **Net Financial Contracting Capacity (NFCC)** – computed using the formula below:

$[(\text{Current assets minus current liabilities}) \times (10)]$ minus the value of all outstanding projects under ongoing contracts, including awarded contracts yet to be started

29. **Non-Stock Items** – supplies that have to be ordered as these are not part of the inventory items in LBRDC warehouse.

30. **Noticed of Award** – A document issued to the bidder with the Lowest Calculated and Responsive Bid/Highest Rated Responsive Bid.

31. **Noticed to Proceed** – A document issued to the successful bidder after the signing of the contract which provides the contract effectivity date.

32. **Performance Security** – a security to guarantee the faithful performance by the winning bidder of its obligations under the contract prepared in accordance with the bidding documents.

33. **PhilGEPS** – Government-wide and internet-based system which is the primary and definitive source of information for all government procurement.

34. **Portal** – a website that integrates a wide variety of contents for the purpose of attracting and aggregating multiple users together in a central virtual space.

35. **Procurement** – the process of acquiring goods, consulting services and contracting for infrastructure projects.

36. **Procuring Entity** – the company (LBPRDC) procuring goods, consulting services and infrastructure projects.

37. **Procurement Request Form (PRF)** – a document by which goods and services needed to be purchased is listed stating the purpose and the period needed by the requesting unit.

38. **Project Procurement Management Plan (PPMP)** – is a chart showing the time schedule for the items/goods be procured for a

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specific project until completion or within one (1) year stating the type of contract, the size of the contract and the procurement method.

39. **Purchase Order (PO)** – a document by which goods and services are procured to fill a requirement.
It expresses in specific terms the arrangement between the company and the supplier. Once accepted, it has the legal force of a contract.
40. **Repeat Order** – Method of procurement from the previous winning bidder, whenever there is a need to replenish goods procured under a contract previously awarded through competitive bidding.
41. **Requisition** – act of indicating the need for supply of goods and services through the use of Procurement Request Form (PRF)
42. **Retention Money** – amount retained based on the total amount due to the contractor prior to any deduction to cover defects that may be discovered in the installation of equipment or fixed facilities.
43. **Shopping** – Method of procurement of goods whereby the procuring entity simply requests for the submission of price quotations for readily available off-the-shelf goods or ordinary/regular equipment to be procured directly from suppliers of known qualifications.
44. **Splitting of Contracts** – act of dividing or breaking up of the proposed contracts into smaller quantities and amounts, or dividing proposed contract implementation into artificial phases or sub-contracts for the purpose of evading or circumventing the requirements of law and these guidelines, especially the necessity of public bidding and the requirements for the alternative methods of procurement.
45. **Stock Items** – supplies that are carried as inventory items.
46. **Technical Specifications** – detailed description of the item, statement or enumeration of particulars as to size, quality, performance, capacity, terms.

It is a clear and technical description of a material, a product or a service.
47. **Technical Working Group (TWG)** – legal or financial experts designated to assist in the eligibility screening, evaluation of bids and post-qualification process.

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48. Term of Reference (TOR) - describe the purpose and structure of a project, committee, meeting, negotiation, or any similar collection of people who have agreed to work together to accomplish a shared goal. Term of reference set out a road map and give clear path for the progression, by stating what needs to be achieved, by whom and when. There must then be a suite of deliverables which conform to the requirements, scope and constraints set out in this document.

49. Warranty – a guaranty that the goods supplied are free from patent and latent defects and all the conditions imposed under the contract have been fully met which may be in the form of retention money or special bank guarantee.

C. PROCUREMENT PLANNING

1. All units shall be required to prepare its Annual Procurement Plan (APP), which shall include for each individual project, a Project Procurement Management Plan (PPMP).
2. The PPMP shall contain the projected annual requirement for goods and services. The PPMP must include the following:
 - Information on whether Program Activities and Projects (PAPs) will be contracted out, implemented by administration in accordance with the guidelines issued by the GPPB, or consigned;
 - Type of contract to be employed;
 - Extent/size of contract scopes/packages;
 - Procurement methods to be adopted and indicating if the procurement tasks are to be outsourced as provided in Section 7.3.3 of this IRR;
 - Time schedule of each procurement activity; and
 - Established budget for the general components of the contract
3. The following documents shall be submitted to the Accounting Unit by all units to support the procurement activities:

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DOCUMENT	FREQUENCY
PPMP	When applicable
APP	Annually
Annual Budget	Annually

4. The APP shall be submitted to the Accounting Unit as attachment to the Unit's Annual Budget. The APP shall be used to support the company's CAPEX and Other Operating Expense budget.
5. The PPMPs included in the budget proposal shall be forwarded to the BAC Secretariat for consolidation into an indicative APP, and to the BAC for final recommendation of the appropriate procurement modality. For this purpose, the indicative APP shall include the following:
 - a. Name of Procurement Project;
 - b. Procurement Management Office (PMO) end-user/implementing Unit;
 - c. Method of Procurement;
 - d. Schedule of identified procurement activities a reflected in the APP form approved by the GPPB;
 - e. Source of funds;
 - f. Indicative ABC; and
 - g. Other relevant descriptions of the project, if applicable.
The indicative APP and budget proposal shall be simultaneously submitted to the HOPE and/or other oversight bodies for approval.
6. The PPMP and APP shall be updated every six months or as often as necessary by the Procurement Unit.
7. All procurement of goods and services must be within the approved budget and in accordance with the approved APP.

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D. Procurement by Electronic Means

1. The PhilGEPS (Philippine Government Electronic Procurement System)

- a. To promote transparency and efficiency, information and communications technology shall be utilized in the conduct of procurement procedures. Accordingly, there shall be a single portal that shall serve as the primary source of information on all government procurement. The PhilGEPS shall serve as the primary and definitive source of information on government procurement. For this purpose, the Electronics Procurement System (EPS) established in accordance with E.O. 322, s. 2000, and E.O. 40, s. 2001, shall continue to be managed by the DBM-PS under the supervision of the GPPB.
- b. To take advantage of the significant built-in efficiencies of the PhilGEPS and the volume discounts inherent in bulk purchasing, all Procuring Entities shall utilize the PhilGEPS for the procurement of common-use supplies in accordance with the rules and procedures to be established by the GPPB. With regard to the procurement of non-common use items, Infrastructure Projects, and Consulting Services, agencies may hire service providers through competitive bidding to undertake their electronic procurement: Provided, however, that these service providers meet the following minimum requirements:
 - i. Comply with the provisions of the Act and this IRR, and R.A 8792, otherwise known as the " Electronic Commerce Act;"
 - ii. Linked to the PhilGEPS, particularly with regard to the posting of all bid opportunities and awards;
 - iii. Allow parallel manual submission of bids to the Procuring Entity;
 - iv. Ensure that the BAC shall complete control of the bidding process, and that the BAC's sole authority to open bids is strictly observed;
 - v. Its system must be virus-resilient and must provide sufficient security which is at least equivalent to that employed by the PhilGEPS, such as, but not limited to, firewall and encryption devices;

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- vi. Must provide for the use of electronic signatures and other current electronic authentication devices;
 - vii. Must have sufficient redundant back up facilities;
 - viii. Must have provisions for linkage to the Procuring Entity’s Financial Management Information System (FMIS), Logistics Management Systems, and other internal information systems that may interact with the procurement process; and
 - ix. Electronic payment facilities, if used, shall comply with all laws, rules and regulations issued by the Government.
- c. The GPPB shall determine and certify compliance with the above requirements. However, the GPPB may delegate this task to technically capable agencies/offices/units of the

2. Features of the PhilGEPS

- a. The Electronic Bulletin Board;
- b. Registry of Manufacturers, Suppliers, Distributors, Contractors and Contractors and consultants;
- c. The Electronic Catalogue;
- d. Additional Features;
 - i. Virtual Store
 - ii. Electronic Payment
 - iii. Electronic Bid Submission

3. Use of the PhilGEPS

- a. All procuring Entities are mandated to fully use the PhilGEPS in accordance with the policies, rules, regulations and procedure adopted by GPPB. All the procuring Entities shall register with the PhilGEPS and shall undertake measures to ensure their access to an on line network to facilitate the open, speedy and efficient on line transaction, conveyance and use electronic data messages or electronic documents.

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The DBM-PS shall assist procuring entities to ensure their on line connectivity and help in training their personnel responsible for the operation of the PhilGEPS from their terminals.

- b. The rules and regulations governing the manual method of procurement shall apply whenever the rules in this section are silent. Further, the GPPB is authorized to approve changes in the procurement process to adapt to improvements in modern technology, provided that such modifications are consistent with the provisions of Section 3 of the Act of IRR

4. Pre - Bid Conferences and Notices under the PhilGEPS

- a. Pre Bid conferences shall be conducted in accordance with Section 22 of IRR.
- b. Request for clarification from bidders may be sent electronically to the BAC. To be binding on bidders, clarifications and amendments to the Invitation to Bid Request for Expression of Interest and to the Bidding Documents shall be in the PhilGEPS bulletin Board.
- c. The supplemental/Bid Bulletins mentioned in the immediately preceding subsection as well as all other notices to be made by the BAC to the bidders or prospective bidders shall be posted in the PhilGEPS bulletin board and sent electronically to the e-mail address indicated in the bidder's registration.

5. Registration, Eligibility Requirements and Submission of Bids under the PhilGEPS

- a. To ensure the widest dissemination of the Invitation to Bid/Request for Expression of Interest, manufacturers, suppliers, distributors, contractors and/or consultant shall register with the PhilGEPS. All procuring Entities already maintaining an electronic registry upon the effectivity of the implementing rules and regulation shall integrate the same with that of the PhilGEPS.

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- b. All Bidders shall upload and maintain in PhilGEPS a current and updated file under Section 23.1 (a) and 24.1 (a).
- c. Registered bidders determined to be eligible may submit their bids at any time before the closing date specified in the Bidding Document. The PhilGEPS shall bar all incoming bids after such prescribed date and time.
- d. The PhilGEPS shall have a feature that allows the electronic submission of eligibility requirements and Bids.
- e. Upon receipt of a bid, the PhilGEPS shall generate and send a message to the bidder acknowledging such receipt.

6. Opening of Bids under the PhilGEPS

- a. The BAC shall have the sole authority to open the bids.
- b. Only the financial proposals of bidders whose technical proposals meet the minimum technical requirements shall be opened or decrypted.
- c. An update of all procurement contract, regardless of whether procurement is electronically or manually, shall be posted on the PhilGEPS bulletin board. The update shall include, but shall not be limited to, the status of procurement contracts, including the names of contract awardees and the amount of the contract.
- d. Without prejudice to criminal prosecution under the applicable provisions of the Act and the IRR, RA 8792, RA 3019, otherwise known as the "Anti-Graft and Corrupt Practices Act," and other applicable penal laws, public officials and employees who commit any of the following acts shall be deemed to have committed grave misconduct and shall be sanctioned and/or penalized in accordance with the applicable Civil Service rules and regulations:
 - i. Opening or decryption, by whatever means, of bids submitted through the PhilGEPS ahead of the appointed time for the opening of decryption of such bids;

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- ii. Causing the unauthorized disclosure of any information or document submitted through the PhilGEPS;
- iii. Hacking into or cracking the PhilGEPS, or aiding another person to hack into or crack the same; or
- iv. Any other act that breaches or violates the security, integrity, and confidentiality of the PhilGEPS.

7. Observers

- a. The PhilGEPS shall allow observers, duly authorized by the BAC, to monitor the procurement proceedings on-line: Provided, however, that such observers do not have any or indirect interest in the contract to be bid as prescribed in section 13 of IRR.

8. Security, Integrity and Confidentiality

The PhilGEPS shall incorporate the following features, which shall be periodically upgraded to keep abreast with developments in technology:

- a. Security – The PhilGEPS shall be protected from unauthorized access or interference through the incorporation of security features such as but not limited to, firewalls. Periodic tests shall be conducted to ensure that the system cannot be breached.
- b. Integrity – The PhilGEPS shall ensure that no person, including the system administrators and chairperson and members of the BAC, shall be able to alter the contents of bids submitted through the system or read the same ahead of the stipulated time for the decryption or opening of bids. For this for this purpose, bids submitted through the PhilGEPS shall be sealed through electronic keys. This authenticity of messages and documents submitted through the PhilGEPS shall also ne ensured by the use of electronic signatures.
- c. Confidentiality – The PhilGEPS shall ensure the privacy of parties transacting with it. For this purpose, no electronic message or documents sent through the system shall be divulged to third

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parties unless such electronic message or documents was sent after the sender was informed that the same will be made publicly available. The PhilGEPS shall protect the intellectual property rights over documents, including technical designs, submitted in response to invitation to Bid.

- d. Audit Trail – The PhiGEPS shall include a feature that provides for an audit trail for on line transactions, and allows the Commission on Audit (COA) to verify the security and integrity of the system at any time.
- e. Performance Tracking – The performance of manufacturers, suppliers, distributors, contractors and consultants shall be tracked to monitor compliance with delivery schedules and other performance indicators. Similarly, the performance of Procuring Entities shall be tracked to monitor the settlement of their obligations to manufacturers, suppliers, distributors, contractors and consultants.

9. Competitive Bidding

All procurement shall be done through competitive bidding, except as provided in Rule XVI of this IRR