

Annex A

The Public Bidding Process Under R.A. 7718 (BOT Law)		
OPTION 1: Pre-qualification Undertaken Prior to Issuance of Request for Proposals		
PRIVATE SECTOR	PROCESS FLOW	GOVERNMENT
	PROJECT ID AND PREPARATION	Agency/LGU prepares the feasibility study (FS) and the contract including all necessary documents and submits to the Approving Body for approval.
	APPROVAL BY APPROVING BODY (ICC,NEDA BOARD, LOCAL SANGGUNIANs)	Approving Body is given thirty (30) calendar days to approve the project and the contract.
Secures pre-qualification (PQ) forms and instructions from the Agency/LGU	ADVERTISEMENT/INVITATION TO PRE-QUALIFY AND BID	Upon approval of the project and the contract, the Agency/LGUPBAC publishes PQ invitation, once a week for three (3) consecutive weeks (21 days), in two (2) newspapers of general circulation and in one (1) local paper. Said invitation shall also be posted continuously in the website of the Agency/ LGU concerned, if available, during the stated period. For projects costing at least US\$ 10 million, the invitation may also be published in at least one (1) international publication. Likewise, Agency/ LGU shall issue official notification of the same to project proponents registered with them.
Prepares PQ documents at least thirty (30) calendar days from last date of publication of the invitation. For projects costing at least PhP300 million, period of preparation is at least forty-five (45) calendar days from last date of publication of invitation.	PREPARATION OF PRE-QUALIFICATION (PQ) DOCUMENTS	
Submit PQ documents. Disqualified bidders may, within fifteen (15) working days from receipt of notice of disqualification, appeal to the Head of Agency for national projects, or in the case of local projects, to the Head of the DILG unit concerned or his authorized representative. A non-refundable appeal fee shall be filed amounting to no less than one-half of one percent (0.5%) of the Project Cost.	PRE-QUALIFICATION OF BIDDERS	Agency/LGU PBAC shall, within thirty (30) calendar days after the deadline for the submission of PQ documents, determine who among the prospective Project Proponents are "pre-qualified" and "disqualified". The PBAC shall inform pre-qualified and disqualified Project Proponents within seven (7) calendar days after approval thereof. In case of an appeal, the Head of Agency or DILG unit concerned shall act on the appeal within forty-five (45) working days from receipt of appeal and upon filing of a non-refundable appeal fee
Pre-qualified bidders are given about 90 to 120 days to prepare the bid. □ projects cost less than P300 M - approximately 90 days □ projects cost above P300 M - approximately 120 days	ISSUANCE OF REQUEST FOR PROPOSAL (RFP)/BID PREPARATION	Agency/LGU issues the request for proposal/tender documents to the pre-qualified bidders. Agency/ LGU shall conduct a pre-bid conference at least: a. thirty (30) calendar days before the deadline for bid submission, for projects costing less than PhP300 million; and b. sixty (60) to one hundred twenty (120) calendar days before the deadline for bid submission, for projects costing P300 million and above.

The Public Bidding Process Under R.A. 7718 (BOT Law)
OPTION 1: Pre-qualification Undertaken Prior to Issuance of Request for Proposals

PRIVATE SECTOR	PROCESS FLOW	GOVERNMENT
<p>Bidders submit their proposal in two envelopes:</p> <ol style="list-style-type: none"> 1. first envelope - the technical proposal, including the bid security; and 2. second envelope - the financial proposal. 	<p align="center">BID SUBMISSION AND EVALUATION</p>	<p>Agency/LGU PBAC shall complete the evaluation of the technical proposal within thirty (30) calendar days from the date of opening of bids. The evaluation of the financial proposal shall be completed within fifteen (15) calendar days from the date the evaluation of the technical proposal shall have been completed.</p>
	<p align="center">APPROVAL OF CONTRACT AWARD</p>	<p>PBAC submits to the Head of Agency/LGU recommendation for contract award within seven (7) calendar days after completion of the financial evaluation.</p> <p>Head of Agency/LGU approves recommendation for contract award within seven (7) calendar days after submission of PBAC recommendation.</p> <p>All unsuccessful bidders shall be informed in writing of the results of the bidding.</p>
<p>Winning Project Proponent receives NOA and shall comply, within thirty (30) calendar days, with all the conditions and requirements indicated therein.</p>	<p align="center">ISSUANCE OF NOTICE OF AWARD (NOA)</p>	<p>Head of Agency/LGU signs and issues NOA to winning bidder, indicating, among others, the requirements for contract award to be submitted by the winning Project Proponent.</p> <p>Within seven (7) calendar days upon receipt of requirements for award, the Head of Agency/LGU shall determine and notify the winning Project Proponent of its compliance of all conditions stated in the NOA.</p> <p>If deadline is not met, and unless otherwise extended, the Agency/LGU could confiscate bid security.</p>
<p>The authorized signatory of the winning Project Proponent is required to sign the contract within seven (7) calendar days from receipt of advice from the Agency/LGU that it has complied with all conditions stated in the NOA.</p>	<p align="center">EXECUTION/APPROVAL OF CONTRACT</p>	<p>The authorized signatory of the Agency/LGU is required to sign the contract within seven (7) calendar days from receipt of winning Project Proponent of the advice from the Agency/LGU that the former has complied with all conditions stated in the NOA.</p> <p>The contract shall be effective upon signing thereof by the Head of Agency/LGU and unless another date is stipulated therein.</p> <p>An original signed copy of the contract shall be submitted to the Approving Body within seven (7) calendar days after signing.</p>

The Public Bidding Process Under R.A. 7718 (BOT Law)		
OPTION 1: Pre-qualification Undertaken Prior to Issuance of Request for Proposals		
PRIVATE SECTOR	PROCESS FLOW	GOVERNMENT
Complies with conditions precedent for contract implementation (usually includes financial closure)	ISSUANCE OF NOTICE TO COMMENCE IMPLEMENTATION & CONTRACT IMPLEMENTATION	Agency/LGU shall issue the "Notice to Commence Implementation" of the project to the winning Project Proponent not later than seven (7) calendar days from the date of approval/signing of the contract by the Head of Agency/LGU. Agency/LGU complies with conditions precedent for contract implementation.

The Public Bidding Process Under R.A. 7718 (BOT Law)
OPTION 2: Qualification Incorporated in the Bidding Process

PRIVATE SECTOR	PROCESS FLOW	GOVERNMENT
	PROJECT ID AND PREPARATION	Agency/LGU prepares FS and the contract including all necessary documents and submits to the Approving Body for approval.
	APPROVAL BY APPROVING BODY (ICC, NEDA BOARD, LOCAL SANGGUNIANs)	Approving Body is given thirty (30) calendar days to approve the project and the contract.
	ADVERTISEMENT/INVITATION TO PRE-QUALIFY AND BID	Upon approval of the project and the contract, the Agency/LGU PBAC publishes invitation to qualify and bid, once a week for three (3) consecutive weeks (21 days), in two (2) newspapers of general circulation and in one (1) local paper. Said invitation shall also be posted continuously in the website of the Agency/LGU concerned, if available, during the stated period. For projects costing at least US\$ 10 million, invitation may also be published in at least one (1) international publication. Likewise, Agency/LGU shall issue official notification of the same to Project Proponents registered with them.
<p>Secures qualification forms and tender documents</p> <p>Bidders prepare their qualification documents and bid proposal in about 90 to 120 days.</p> <ul style="list-style-type: none"> □ projects costing less than P300 M: approximately 90 days □ projects costing above P300 M: approximately 120 days 	ISSUANCE OF REQUEST FOR PROPOSAL (RFP)/BID PREPARATION	<p>Agency/LGU issues the qualification forms and the request for proposal/tender documents to interested bidders.</p> <p>Agency/LGU shall conduct a pre-bid conference at least:</p> <ul style="list-style-type: none"> a. thirty (30) calendar days before the deadline for bid submission, for projects costing less than Php300 million; and b. sixty (60) to one hundred twenty (120) calendar days before the deadline for bid submission, for projects costing P300 million and above.
<p>Bidders submit their proposal in three envelopes:</p> <ol style="list-style-type: none"> 1. first envelope - the qualification documents; 2. second envelope - the technical proposal, including the bid security; and 3. third envelope - the financial proposal. <p>Disqualified bidders may, within fifteen (15) working days from receipt of notice of disqualification, appeal to the Head of Agency for national projects, or in the case of local projects, to the Head of the DILG unit concerned or his authorized representative. A non-refundable appeal fee shall be filed amounting to no less than one-half of one percent (0.5%) of the Project Cost.</p>	BID SUBMISSION AND EVALUATION	<p>Agency/LGU PBAC evaluates the qualification documents within fifteen (15) calendar days from the date of opening of the qualification documents. Bidders shall be informed whether they are qualified or disqualified, and for the latter, the reasons for disqualification. Only qualified bidders shall be allowed to participate in the bid evaluation.</p> <p>The technical proposal shall be evaluated within thirty (30) calendar days and the financial proposal within fifteen (15) calendar days.</p> <p>In case of an appeal, the Head of Agency or DILG unit concerned shall act on the appeal within forty-five (45) working days from receipt of appeal and upon filing of a non-refundable appeal fee.</p>

The Public Bidding Process Under R.A. 7718 (BOT Law)
OPTION 2: Qualification Incorporated in the Bidding Process

PRIVATE SECTOR	PROCESS FLOW	GOVERNMENT
	APPROVAL OF CONTRACT AWARD	<p>PBAC submits to the Head of Agency/LGU recommendation for contract award within seven (7) calendar days after completion of the financial evaluation.</p> <p>Head of Agency/LGU approves recommendation for contract award within seven (7) calendar days after submission of PBAC recommendation.</p> <p>All unsuccessful bidders shall be informed in writing of the results of the bidding.</p>
<p>Winning Project Proponent receives NOA and shall comply, within thirty (30) calendar days, with all the conditions and requirements indicated therein.</p>	ISSUANCE OF NOTICE OF AWARD (NOA)	<p>Head of Agency/LGU signs and issues NOA to winning bidder, indicating, among others, the requirements for contract award to be submitted by the winning Project Proponent.</p> <p>Within seven (7) calendar days upon receipt of requirements for award, the Head of Agency/LGU shall determine and notify the winning Project Proponent of its compliance of all conditions stated in the NOA.</p> <p>If deadline is not met, and unless otherwise extended, the Agency/LGU could confiscate bid security.</p>
<p>The authorized signatory of the winning Project Proponent is required to sign the contract within seven (7) calendar days from receipt of advice from the Agency/LGU that it has complied with all conditions stated in the NOA.</p>	EXECUTION/APPROVAL OF CONTRACT	<p>The authorized signatory of the Agency/LGU is required to sign the contract within seven (7) calendar days from receipt of winning Project Proponent of the advice from the Agency/LGU that the former has complied with all conditions stated in the NOA.</p> <p>The contract shall be effective upon signing thereof by the Head of Agency/LGU and unless another date is stipulated therein.</p> <p>An original signed copy of the contract shall be submitted to the Approving Body within seven (7) calendar days after signing.</p>
<p>Complies with conditions precedent for contract implementation (usually includes financial closure)</p>	ISSUANCE OF NOTICE TO COMMENCE IMPLEMENTATION & CONTRACT IMPLEMENTATION	<p>Agency/LGU shall issue the "Notice to Commence Implementation" of the project to the winning Project Proponent not later than seven (7) calendar days from the date of approval/signing of the contract by the Head of Agency/LGU.</p> <p>Agency/LGU complies with conditions precedent for contract implementation.</p>

Process for Unsolicited Proposals Under R.A. 7718 (BOT Law)

PRIVATE SECTOR	PROCESS FLOW	GOVERNMENT
Proponent prepares and submits to the Agency/LGU a complete proposal, consisting of at least a FS, company profile, and the draft contract.	SUBMISSION OF A COMPLETE PROPOSAL	Agency/LGU acknowledges receipt and advises the proponent, within seven (7) calendar days from submission, if proposal is complete, or if incomplete what additional information is necessary.
	EVALUATION OF THE PROPOSAL	<p>If proposal is complete, Agency/LGU evaluates the project proposal and advises the proponent in writing, within (30) calendar days, whether it accepts or rejects the proposal. Acceptance gives the proponent the "Original Proponent" status.</p> <p>The Agency/LGU shall inform the Approving Body of its decision to accept or to reject the unsolicited proposal. In case of acceptance, the Agency/LGU submits to the Approving Body all pertinent documentation.</p>
	NEGOTIATION WITH ORIGINAL PROPONENT	<p>Agency/LGU shall negotiate with the Project Proponent. The Agency/LGU shall secure confirmation of the indicative Reasonable Rate of Return from the Approving Body prior to negotiation.</p> <p>Negotiations shall be completed within ninety (90) calendar days from receipt by the Project Proponent of written notice from the Agency/LGU to commence negotiation. At the end of the ninety (90)-calendar day negotiation period, the Agency/LGU shall submit a report of the result of its negotiation with the Project Proponent to the Approving Body.</p>
	APPROVAL OF THE PROJECT PROPOSAL AND CONTRACT BY THE APPROVING BODY (ICC, NEDA BOARD OR LOCAL SANGGUNIAN)	<p>Head of Agency/LGU endorses the proposal and the contract to the Approving Body. It shall be accompanied by an evaluation by the Agency/LGU of the project's merits as justification for accepting the project.</p> <p>The Approving Body is given thirty (30) calendar days from receipt of the endorsement by the Agency/LGU to render a decision on the project and the contract. The Approving Body shall issue the Notice of Approval to the Project Proponent.</p>
	ADJUSTMENTS OF TOLLS/ FEES/RENTALS/CHARGES	Prior to bidding, the Agency/LGU shall secure either the advice of the Regulator or the approval of the Approving Body or both, as the case maybe, for the pre-determined formula and official price indices for the adjustment of tolls, fees, rentals and charges that may be granted during contract implementation.

Process for Unsolicited Proposals Under R.A. 7718 (BOT Law)

PRIVATE SECTOR	PROCESS FLOW	GOVERNMENT
<p>Within forty-five (45) calendar days from receipt of the Notice of Approval issued by the Approving Body, the Original Proponent shall notify the Agency/LGU in writing of its acceptance of all the terms and conditions of the approval of the Approving Body.</p> <p>Failure by the Original Proponent to submit such acceptance in writing shall be deemed a rejection of the Agency/LGU of the unsolicited proposal.</p>	ACCEPTANCE OF TERMS AND CONDITIONS BY THE ORIGINAL PROPONENT	
<p>The Original Proponent posts a bid bond on the first date of the publication of the solicitation for comparative proposals.</p> <p>It re-formats and re-submits its proposal according to the requirements of the agreed TOR for the solicitation of comparative proposals.</p>	ISSUANCE OF INVITATION FOR COMPARATIVE PROPOSALS	<p>The Agency/LGU PBAC shall publish the invitation for comparative proposals after receipt of the notification from the Original Proponent that the latter accepts all the terms and conditions indicated in the Notice of Approval. The invitation shall be published for three (3) consecutive weeks in at least one (1) newspaper of general circulation. Said invitation shall also be posted continuously in the website of the Agency/LGU concerned, if available, during the stated period. For projects costing at least US\$ 10 million, the invitation may also be published at least once (1) in at least one (1) international publication.</p>
<p>Comparative proponents are given sixty (60) working days to submit their proposals, reckoned from the date of issuance of tender documents.</p> <p>Proposals shall be prepared and submitted in three envelopes:</p> <ol style="list-style-type: none"> 1. first envelope - the qualification documents; 2. second envelope - the technical proposal, including the bid security; and 3. third envelope - the financial proposal. 	PREPARATION AND SUBMISSION OF COMPARATIVE PROPOSALS	<p>The PBAC shall hold a pre-bid conference ten (10) working days after the issuance of the tender documents.</p>
	EVALUATION OF PROPOSALS	<p>The PBAC evaluates the first envelope within thirty (30) calendar days from the deadline set for the submission of bids. The second envelope of qualified comparative proponents shall be evaluated within thirty (30) calendar days. Finally, the third envelope of technically complying comparative proponents shall be evaluated within fifteen (15) calendar days.</p> <p>If the price of the Original Proponent was not disclosed in the tender documents, it shall be revealed upon the opening of the financial proposals of the technically complying comparative proponents.</p>

Process for Unsolicited Proposals Under R.A. 7718 (BOT Law)

PRIVATE SECTOR	PROCESS FLOW	GOVERNMENT
<p>The Original Proponent shall have the right to match the best proposal within thirty (30) working days upon the official notification by the Agency/LGU of the most advantageous financial proposal.</p>	<p>DETERMINATION OF THE WINNING PROPONENT</p>	<p>If the price of the winning comparative proponent is not matched, the winning comparative proponent shall be considered for award. In the event of refusal, inability or failure of the winning comparative proponent to enter into contract with the Agency/LGU, the Agency/LGU concerned shall consider for award the bidder with the next-ranked complying comparative bid which is better than the offer of the Original Proponent. The original proponent shall again be given the right to match the comparative proponent's bid. If no other comparative bid is determined to be better than the offer of the Original Proponent, the project shall immediately be awarded to the Original Proponent.</p>
	<p>APPROVAL OF CONTRACT AWARD</p>	<p>PBAC submits to the Head of Agency/LGU recommendation for contract award within seven (7) calendar days after completion of the financial evaluation.</p> <p>Head of Agency/LGU approves recommendation for contract award within seven (7) calendar days after submission of PBAC recommendation.</p> <p>All unsuccessful bidders shall be informed in writing of the results of the bidding.</p>
<p>Winning Project Proponent receives NOA and shall comply, within thirty (30) calendar days, with all the conditions and requirements indicated therein.</p>	<p>ISSUANCE OF NOTICE OF AWARD (NOA)</p>	<p>Head of Agency/LGU signs and issues NOA to winning bidder, indicating, among others, the requirements to be submitted by the winning Project Proponent within thirty (30) calendar days from official receipt of the NOA.</p> <p>Within seven (7) calendar days upon receipt of requirements for award, the Head of Agency/LGU shall determine and notify the winning Project Proponent of its compliance of all conditions stated in the NOA.</p> <p>If deadline is not met, and unless otherwise extended, the Agency/LGU could confiscate bid security.</p>

Process for Unsolicited Proposals Under R.A. 7718 (BOT Law)

PRIVATE SECTOR	PROCESS FLOW	GOVERNMENT
<p>The authorized signatory of the winning Project Proponent is required to sign the contract within seven (7) calendar days from receipt of advice from the Agency/LGU that it has complied with all conditions stated in the NOA.</p>	<p>EXECUTION/APPROVAL OF CONTRACT</p>	<p>The authorized signatory of the Agency/LGU is required to sign the contract within seven (7) calendar days from receipt of winning Project Proponent of the advice from the Agency/LGU that the former has complied with all conditions stated in the NOA.</p> <p>The contract shall be effective upon signing thereof by the Head of Agency/LGU and unless another date is stipulated therein.</p> <p>An original signed copy of the contract shall be submitted to the Approving Body within seven (7) calendar days after signing.</p>
<p>Complies with conditions precedent for contract implementation (usually includes financial closure)</p>	<p>ISSUANCE OF NOTICE TO COMMENCE IMPLEMENTATION & CONTRACT IMPLEMENTATION</p>	<p>Agency/LGU shall issue the "Notice to Commence Implementation" of the project to the winning Project Proponent not later than seven (7) calendar days from the date of approval/signing of the contract by the Head of Agency/LGU.</p> <p>Agency/LGU complies with conditions precedent for contract implementation.</p>

Approval Process for Publicly Bid Projects

Option 1 (Under RA 7718)

PRIVATE SECTOR

PROCESS FLOW

GOVERNMENT

Project Identification and Preparation

Agency/LGU prepares the FS, the draft contract, and necessary documents and submits to Approving Body for approval.

Approval of Project
by Appropriate Body

N



Approving Body is given 30 calendar days to approve project and contract.

Y



Stop or If Warranted
Proposal is Recommended
for Government Funding

Secures pre-qualification (PQ) forms and instructions from Agency/LGU

Advertisement/Invitation
to Pre-qualify and Bid

Publishes PQ invitation, once a week for three consecutive weeks (21 days) in 2 newspapers of general circulation and in 1 local paper

Prepares PQ documents at least 30 calendar from last date of publication. Projects costing P300 million - at least 45 days.

Preparation of Pre-qualification
Documents

Submit PQ documents.

Pre-Qualification of Bidders

Agency/LGU BAC pre-qualifies bidders within 30 calendar days from deadline of submission.

Pre-qualified bidders are given 90-120 days to prepare the bid

- < P300 M – approx 90 days
- > P300 M – approx 120 days

Issuance of Request for Proposal
(RFP)/Bid Preparation

Agency/LGU issues the RFP to the pre-qualified bidders and conducts a pre-bid conference at least:

- 30 days before the deadline for bid submission for projects costing <P300M
- 60 – 120 days before the deadline of submission for projects costing >P300M

Submit technical and financial proposals including the bid security

Bid Submission and Evaluation

Agency/LGU BAC shall complete the evaluation within 30 days for technical proposal and 15 days for financial proposal.



Approval Process for Publicly Bid Projects

Option 1 (Under RA 7718)

PRIVATE SECTOR

PROCESS FLOW

GOVERNMENT

Approval of Contract Award

BAC submits to the head of Agency /LGU recommendation for contract award within 7 days after completion of the financial evaluation.



Issuance of Notice of Award (NOA)

Head of Agency/LGU signs and issues NOA to winning bidder, indicating, among others, the requirements for contract award. Within 7 days upon receipt of requirements, the Head of Agency/LGU shall determine and notify the winning Project Proponent of its compliance with all conditions stated in the NOA.



Execution of Contract

The authorized signatory of the Agency/LGU is required to sign the contract within 7 days from receipt of winning Project Proponent of the advice from the Agency/LGU that the former has complies with all conditions stated in the NOA.



Issuance of Notice to Proceed /
Contract Implementation

Agency/LGU shall issue the "Notice to Commence Implementation" to the winning Project Proponent not later than 7 days from the date of signing of the contract. Agency/LGU complies with conditions precedent for contract implementation.

Winning Project Proponent receives NOA and shall comply within 30 days with all the conditions and requirements

The authorized signatory of the winning Project Proponent is required to sign the contract within 7 days from receipt of advice from the Agency/LGU that it has complied with all conditions stated in the NOA

Complies with conditions precedent for contract implementation

Note: Option 2 - Qualification Incorporated in the Bidding Process

Approval Process for Unsolicited Proposals

(Under RA 7718)

PRIVATE SECTOR

Proponent prepares and submits to the Agency/LGU a complete proposal, consisting of at least a FS, company profile, and the draft contract

PROCESS FLOW

Submission of a Complete Proposal



Evaluation of the Proposal by
AGENCY/LGU



Negotiation after the Original Proponent
has been Pre-qualified



Approval of Project
by Appropriate Body

N



Y



Adjustment of
Tolls/Fees/Rentals/Charges that may
be Granted during Contract
Implementation



GOVERNMENT

Agency/LGU acknowledges receipt and advises the proponent, within 7 days for submission if the proposal is complete, or if incomplete what additional information necessary

If proposal is complete, Agency/LGU evaluates the project proposal and advises the proponent in writing within 30 days whether it accepts or rejects the proposal. Acceptance gives the proponent the "Original Proponent" status.

Agency/LGU shall negotiate with the Project Proponent. Agency/LGU shall secure confirmation of the Indicative Reasonable Rate of Return from the Approving Body prior to negotiation. Negotiations shall be completed within 90 days.

Head of Agency/LGU endorses the proposal and the contract to the Approving Body for approval. It shall be accompanied by an evaluation by the Agency/LGU of the project's merits as justification for accepting the project.

Stop or If Warranted
Proposal is Recommended
for Government Funding

The Approving Body is given 30 days to render decision on the project and the contract.

Prior to bidding, the Agency/LGU shall secure either advice of the Regulator or the approval of the of the Approving Body or both for the pre-determined formula and official price indices for the adjustment of tolls, fees, rentals and charges that may be granted during implementation.

Approval Process for Unsolicited Proposals

(Under RA 7718)

PRIVATE SECTOR

PROCESS FLOW

GOVERNMENT

Within 45 calendar days from receipt of the NOA issued by the Approving Body, the Original Proponent shall notify the Agency/LGU in writing of its acceptance of all the terms and conditions of the approval of the Approving Body.

Acceptance of Terms and Conditions by
the Original Proponent



The Original Proponent posts a bid bond on the first date of the publication of the solicitation for comparative proposals.

Issuance of Invitation for Comparative
Proposals



Comparative proponents are given sixty (60) working days to submit their proposals, reckoned from the date of issuance of tender documents.

Preparation and Submission of
Comparative Proposals



Evaluation of Proposals



The Original Proponent shall have the right to match the best proposal within 30 working days upon the official notification by the Agency/LGU of the most advantageous financial proposal.

Determination of the Winning Proponent



Approval of Contract Award



Agency/LGU BAC shall publish the invitation for comparative proposals after receipt of the notification from the Original Proponent that the latter accepts all the terms and conditions indicated in the NOA. The invitation shall be published for 3 consecutive weeks in at least 1 newspaper of general circulation.

The BAC shall hold a pre-bid conference 10 working days after the issuance of the tender documents.

The BAC evaluates the first envelope within 30 days from the deadline set for the submission of bids; the second envelope within 30 days; and the third envelope within 15 days.

The original proponent shall be given the right to match the comparative proponent's bid. If no other comparative bid is determined to be better than the offer of the Original Proponent, the project shall immediately be awarded to the Original Proponent.

Head of Agency/LGU approves recommendation for contract award within 7 days after submission of PBAC recommendation.

Approval Process for Unsolicited Proposals

(Under RA 7718)

PRIVATE SECTOR

PROCESS FLOW

GOVERNMENT

Winning Project Proponent receives NOA and shall comply, within 30 days, with all the conditions and requirements indicated in the NOA

Issuance of Notice of Award

Head of Agency/LGU signs and issues NOA to winning bidder, indicating, among others, the requirements to be submitted by the winning Project Proponent within 30 days from official receipt of the NOA.



The authorized signatory of the winning Project Proponent is required to sign the contract within 7 days from receipt of advice from the Agency/LGU that it has complied with all conditions stated in the Notice of Award.

Execution of Contract

The authorized signatory of the Agency/LGU is required to sign the contract within 7 days from receipt of winning Project Proponent of the advice from the Agency/LGU that the former has complied with all conditions stated in the NOA.



Complies with conditions precedent for contract implementation (usually includes financial closure)

Issuance of Notice to Proceed /
Contract Implementation

Agency/LGU shall issue the "Notice to Commence Implementation" of the project to the winning Project Proponent not later than 7 days from the date of approval/signing of the contract by the Head of Agency/LGU.

Agency/LGU complies with conditions precedent for contract implementation.