

MALACAÑANG
MANILA

ADMINISTRATIVE ORDER NO. 129

DIRECTING THE ADOPTION AND OBSERVANCE OF STANDARD PROCESSING TIME IN THE BIDDING AND AWARD PROCESS FOR INFRASTRUCTURE AND OTHER CONSTRUCTION WORKS AND CONSULTING SERVICES CONTRACTS OF THE NATIONAL GOVERNMENT

WHEREAS, it has been observed that one of the main causes of delays in the implementation of infrastructure projects of the National Government is the failure of Government Agencies to complete the bidding and award process for infrastructure and other construction works and consulting services contracts within specified time frames;

WHEREAS, it is the policy of the Government to streamline existing Government procedures in the implementation of infrastructure projects in order to promote economy, efficiency and effectiveness in the delivery of public services;

WHEREAS, the Committee on Infrastructure (INFRACOM) of the National Economic and Development Authority (NEDA) Board is tasked under Section IB 10.11 of the Implementing Rules and Regulations (IRR) of Presidential Decree No. 1594 to monitor, among others, the processing time used for each phase of the bidding process by concerned Government Agencies in civil works contracts involving costs of ₱10.0 million and above;

NOW, THEREFORE, I, FIDEL V. RAMOS, President of the Philippines, by the powers vested in me by law, do hereby order:

SECTION 1. *Processing Time for Each Phase of the Bidding and Award Process.* All Agencies of the National Government, including Government-owned or -controlled Corporations (GOCCs) and their instrumentalities, are hereby mandated to observe and adhere to the following time tables/deadlines relative to the conduct of the bidding and award process for infrastructure and other construction works and consulting services contracts:

a. Processing Times for Infrastructure and Other Construction Works Contracts

<u>BIDDING/AWARD PHASE</u>	<u>DEADLINE/MAXIMUM PROCESSING TIME</u>
- Completion of evaluation of contractor's prequalification statements	- Twenty-two (22) working days from the last date of submission of prequalification statements
- Completion of evaluation of bids and preparation of corresponding Resolution of Award by the PBAC	- Twenty-two (22) working days from the date of opening of bids

- Approval/Disapproval by the appropriate approving authority of the Resolution of Award
- Issuance of the Notice of Award to the successful bidder
- Approval of the Contract by appropriate approving authority
- Issuance of the Notice to Proceed (NTP)
- Twenty-two (22) working days from the date the evaluation of bids shall have been completed by the PBAC
- Five (5) working days from the date of approval by the appropriate approving authority of the Resolution of Award
- For foreign-assisted projects, the approved Resolution of Award shall be transmitted to the concerned foreign financial institution for concurrence as may be required under the related loan/grant/ credit/aid agreement within five (5) working days from the date of approval thereof by the appropriate approving authority. Likewise, the Notice of Award shall be issued within five (5) working days from the date the concurrence of the concerned foreign financial institution shall have been secured/received
- Ten (10) working days from the date the successful bidder or his duly authorized representative shall have executed/signed the contract with the concerned Government Agency/Office
- Ten (10) working days from the date of approval of the contract by the appropriate approving authority

b. Processing Times for Consulting Services Contracts

<u>Bidding/Award Phase</u>	<u>Deadline/Maximum Processing Time</u>
- Completion of evaluation of technical proposals	- Thirty-three (33) working days after the closing date for the receipt of proposals indicated in the invitation to submit technical proposals
- Submission of results of the technical evaluation by the PEAC to the appropriate approving authority	- Five (5) working days after the evaluation of technical proposals shall have been completed
- Approval/Disapproval by the appropriate approving authority of the results of evaluation	- Twenty-two (22) working days after submission by the PEAC of the results of evaluation
- Notification and invitation by the PEAC of the selected consultant for negotiation	- Five (5) working days after approval by the appropriate approving authority of the results of evaluation/selected consultant

For foreign-assisted projects, the results of the technical evaluation together with the criteria used shall be transmitted to the concerned foreign financial institution for concurrence as may be required under the related loan/grant/credit/aid agreement within five (5) working days from the date of approval thereof by the appropriate approving authority. Likewise, the notification and invitation by the PEAC of the selected consultant for negotiation shall be issued within five (5) working days from the date the concurrence of the concerned foreign financial institution shall have been secured/received

- Completion of negotiation with any one consultant
- Approval of the contract by appropriate approving authority
- Fifteen (15) working days from date of start of negotiations
- Fifteen (15) working days after completion of negotiations

For foreign-assisted projects, the proposed agreement shall be transmitted to the concerned foreign financial institution for concurrence as may be required under the related loan/grant/credit/aid agreement within fifteen (15) working days after completion of negotiations. Likewise, approval of the contract shall be made by the appropriate approving authority within fifteen (15) working days after concurrence of the foreign financial institution shall have been secured/received

SEC. 2. Monitoring of Agency Compliance. For monitoring compliance with the provisions of this Administrative Order, all Government Agencies and GOCCs, including instrumentalities thereof, shall cause the submission to the INFRACOM of the NEDA Board a list of all approved infrastructure and other construction works contracts involving costs of ₱10.0 million and above, and all approved consulting services contracts involving costs of ₱1.0 million and above indicating the actual processing times used/spent for each phase of the bidding and award process as indicated under Section 1 hereof. For infrastructure and other construction works contracts, such lists shall be submitted to the INFRACOM within fifteen (15) calendar days from the date the NTP shall have been issued, while in the case of consulting services contracts, the same shall be submitted within fifteen (15) calendar days from the date such contracts shall have been approved by the appropriate approving authority of the concerned Government Agency.

SEC. 3. Reporting. The INFRACOM shall make the necessary reports regarding compliance or non-compliance with this Administrative Order by concerned Government Agencies to the NEDA Board at least once in every quarter or as often as may be required by

the NEDA Board, and shall furnish a copy thereof to the Disciplinary Committee created hereunder.

SEC. 4. Sanctions. Government Officials and employees who shall fail to comply with the provisions of this Administrative Order without just cause shall be held liable and subject to sanctions/penalties in accordance with the following schedules to be determined by the Disciplinary Committee created hereunder:

<u>TIME DELAYS</u>	<u>PENALTY</u>
a. One (1) to five (5) working days delay	- Reprimand
b. Six (6) to ten (10) working days delay	- Fine equivalent to or suspension without pay for a period not exceeding one (1) month
c. Over ten (10) working days delay for the first time	- Fine equivalent to or suspension without pay for a period not exceeding three (3) months
d. Over ten (10) working days delay for the second time	- Demotion in rank or salary of one (1) grade or fine equivalent to or suspension without pay for a period not exceeding six (6) months
e. Over ten (10) working days delay for the third time	- Dismissal from the service without prejudice to any civil and/or criminal prosecution

SEC. 5. Disciplinary Committee. There is hereby created a Disciplinary Committee to be headed by the Office of the Executive Secretary of the Office of the President with representatives from the Department of Budget and Management (DBM) and the National Economic and Development Authority (NEDA) as members. On the report of the NEDA INFRACOM or complaints from any party, the Disciplinary Committee herein created shall determine non-compliance/violations by Government Officials/ Employees of the provisions of this Administrative Order, and impose the appropriate sanctions to be meted out to Government Officials/Employees found out to have violated the provisions of this Administrative Order in accordance with the schedule of penalties prescribed under Section 4 hereof. In cases involving Presidential appointees, the Disciplinary Committee shall forward its findings and decisions to the Office of the President for appropriate action, while those cases involving rank and file employees, the Disciplinary Committee shall forward its findings and decisions to the Head of Agency concerned. The Disciplinary Committee shall complete its investigations/ evaluation of each case within thirty (30) days from the date the particular case has been brought to its attention by the NEDA INFRACOM. The Disciplinary Committee, in the performance of its duties and responsibilities under this Administrative Order, may call upon any Government Agency and personnel to aid it in its investigations/evaluations of specific cases. In this regard, all Government Agencies are hereby directed to provide assistance whenever called upon by the Disciplinary Committee in the performance of its duties and responsibilities as prescribed under this Administrative Order.

SEC. 6. Appeals. Decisions made by the Disciplinary Committee with respect to violations committed under this Administrative Order may be appealed by concerned parties in accordance with the procedures prescribed under the Administrative Code of the Philippines.

SEC. 7. Appropriation. The Secretary of the Department of Budget and Management is authorized to release such funds as may be necessary from any applicable appropriation item under the General Appropriations Act of 1994 for the organizational and operational expenses attendant to the performance by the Disciplinary Committee of its functions under this Administrative Order during the calendar year 1994. Thereafter, the amount necessary for the annual budgetary requirement for the purpose shall be included in the General Appropriations Act by the Office of the Executive Secretary.


SEC. 8. Repealing Clause. All other rules, regulations and directives or provisions of Presidential issuances which are inconsistent with the provisions of this Administrative Order are hereby amended and modified accordingly.

SEC. 9. Effectivity. This Administrative Order shall take effect immediately.

DONE in the City of Manila, this **16th** day of May in the year of our Lord, nineteen hundred and ninety-four.



By the President:


TEOFISTO T. GUINGONA, JR.
Executive Secretary