



Republic of the Philippines  
**PROVINCE OF DAVAO DEL SUR**

Barangay Matti, Digos City, Davao del Sur

Mobile Nos: 0905-299-0526/0908-332-2024/0948-768-5848

Telefax: (082) 553-9579/ Website: www.davaodelsur.gov.ph

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**OFFICE OF THE GOVERNOR**  
**BIDS AND AWARDS COMMITTEE (BAC)**

Resolution No. 047  
 Series of 2022

**A RESOLUTION**

**RECOMMENDING TO THE HEAD OF THE PROCURING ENTITY, GOVERNOR YVONNE ROÑA CAGAS TO ADOPT THE 3-STRIKE POLICY IN THE PROCUREMENT OF CONTRACTS FOR GOODS AND SERVICES, AND INFRASTRUCTURE PROJECTS OF THE PROVINCIAL GOVERNMENT OF DAVAO DEL SUR.**

**WHEREAS**, the Provincial Government of Davao del Sur encounters several failures of biddings due to constant errors committed by the participating Bidders in the submission of their bidding documents despite of the orientation during Pre-bid Conference and the Instruction to Bidders;

**WHEREAS**, to further strengthen the integrity of the competitive bidding process, the Bids and Awards Committee together with the Members of the Technical Working Group unanimously agreed that the following instructions are hereby issued pertaining to the implementation of the 3-Strike Policy of the Provincial Government of Davao del Sur against violations of Section 69 of the IRR of RA 9184;

1. The provision of Section 69.1 of the said IRR, pertaining to the 3-Strike Policy of the Provincial Government of Davao del Sur, is hereby reiterated as follows:

*"In addition to the provisions of Rules XXI and XXII of this IRR, the Head of the Procuring Entity, subject to the authority delegated to the BAC, if any, shall impose on bidders or prospective bidders, the administrative penalty of suspension for one (1) year for the first offense, and suspension of two (2) years for the second offense from participating in the competitive bidding process, as well as disqualification from further participating in the competitive bidding being undertaken by the Procuring Entity concerned, where applicable, for the following violations: 69.1. All other acts that tend to defeat the purpose of the competitive bidding, such as habitually withdrawing from bidding, submitting late Bids or patently insufficient bid, for at least three (3) times within a year, except for valid reasons."*

2. The violations enumerated, which are considered as acts that tend to defeat the purpose of competitive bidding, are hereby clarified to read as follows:

2.a A Bidder that had purchased bidding documents, but subsequently (a) withdrawn from the bidding or (b) submitted a letter of non-participation, or (c) did not submit a bid – without a valid cause, as determined by the Bids and Awards Committee (BAC);

2.b Submission of erroneous, insufficient, defective documents such as, but not limited to, insufficient bid securities, any computational/typographical error in the submitted bidding documents and other deficiencies which causes bid disqualifications;

2.c Non-submission of post-qualification and other requirements within the prescribed period as specified in the notice issued by the BAC;

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3. Every time a bidder is observed to have done any of the three acts enumerated in Item 2 of paragraph a, b & c of this Resolution, the Chairperson of the BAC shall immediately serve a written notice to the bidder informing him of his act, and giving him three (3) calendar days to show cause why he should not be sanctioned committing an act which tends to defeat the purpose of public bidding under the 3-Strike Policy of the Provincial Government of Davao del Sur;
4. Based on the evaluation by the BAC of the bidder's response to the show cause notice mentioned in Item No. 3 of this Resolution, the BAC shall, within five (5) calendar days from the receipt of the bidder's response determine whether the bidder's act was done with or without a valid cause;
5. The BAC Secretariat shall submit to the BAC a 3-Strike Policy Report, which shall contain the information in item 3 and 9 of this Resolution. The Report must be received by the BAC through the Chairperson within fifteen (15) days after the date of the opening of bids;
6. The BAC through its Secretariat shall monitor the participation of bidders in all of its projects and maintain a tally of violations by each bidder of the 3-Strike Policy in its jurisdiction as well as of the violations by the bidder of the said policy in other offices of the Provincial Government of Davao del Sur;
7. For the procurement of Infrastructure Projects, this Policy is applicable to all modes of procurement, be it Competitive Bidding or alternative modes of procurement, however, for the procurement of Goods and Consulting Services, this Policy is applicable to Competitive Bidding only;
8. For the sanctions to be imposed:
  - **ONE (1) STRIKE** will be imposed for various IB Nos. participated by the bidder with the same nature of violation opened on the same date, or was disqualified during post-qualification stage with the same case of the latter;
  - **MULTIPLE STRIKES** for different discrepancies/offenses under different IB Nos. opened on the same date, or was disqualified during post-qualification stage with the same case of the latter;
9. Each "offense" by a bidder referred to in Section 69.1.i. of the IRR, as stated in this Resolution, consists of three violations or strikes within a period of one calendar year for all procurements by all offices of the Provincial Government of Davao del Sur. A Fresh Period of one (1) year in counting of "strikes" shall be observed in the succeeding year;
10. Based on the 3-Strike reports, the Bids and Awards Committee, shall recommend to the Head of the Procuring Entity, for approval, the following administrative sanctions on the erring Contractor/Supplier for the violation of the 3-Strike Policy:
  - a. For the first violation or strike – a first warning.
  - b. For the second strike – a second warning.
  - c. For the third strike, which together with the first two strikes constitutes the first offense against the 3-Strike Policy – an administrative penalty of suspension for one (1) year from participating in any procurement process in the Provincial Government of Davao del Sur.

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- d. For the second offense – the second set of three strikes committed by the bidder – an administrative suspension for two (2) years from participating in any procurement process in the Provincial Government of Davao del Sur.

**WHEREFORE**, on motion of BAC Member Milana, duly seconded by BAC Member Putong, it was –

**RESOLVED**, as it is hereby RESOLVED, to recommend to the Head of the Procuring Entity, YVONNE ROÑA CAGAS to ADOPT THE **3-STRIKE POLICY IN THE PROCUREMENT OF CONTRACTS OF THE PROVINCIAL GOVERNMENT OF DAVAO DEL SUR.**

**RESOLVED FINALLY**, to furnish copies of this Resolution to all agencies concerned, Suppliers, and Concerned End Users, for their information and guidance.

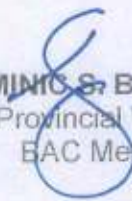
**UNANIMOUSLY APPROVED** at the Almendras Hall, Governor Douglas Ralota Cagas Sports and Business Complex, Barangay Matti, Digos City, Province of Davao del Sur, this 14<sup>th</sup> day of July, 2022.

I hereby certify the correctness of above-mentioned resolution.

  
**NORJANNA M. CAMAGUIN, MPA**  
LTOO IV  
Head, BAC Secretariat (Goods and Consulting Services)

  
**Engr. SHIELA MAE ZAPANTA, MPA**  
Agricultural Technologist  
Head, BAC Secretariat (Infrastructure Projects)

Attested by:

  
**DOMINIC S. BUCOL JD**  
PGDH-Provincial Warden Office  
BAC Member

(on leave)  
**RAUL R. FUECONCILLO, MagDev**  
PGDH-Office of the Provincial Agriculturist  
BAC Member

  
**Engr. ANGELIE R. GELLA**  
APGDH-PEO  
BAC Member

  
**Engr. RODERICK R. MILANA, REA**  
PGDH-PASSO  
BAC Member



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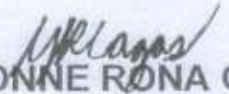
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ALLAN C. PUITONG  
PGDH-PGSO  
BAC Member

  
RAUL D. RAUT, EnP, JD  
PGDH-PHRMO  
BAC Vice Chairperson

  
DESSAMIE BUAT-SANCHEZ, CPA, JD  
PGDH - PBO  
BAC Chairperson – Presiding Officer

Approved by:

  
YVONNE RONA CAGAS  
Governor  
Head of Procuring Entity

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