



Republic of the Philippines  
**PROVINCE OF DAVAO DEL SUR**  
 Barangay Matti, Digos City, Davao del Sur  
 TELEFAX NO. (082) 553-9579

CPY of GONZALEZ  
 Capitol Bulletin 10/10/17

**OFFICE OF THE BIDS AND AWARDS COMMITTEE**

DPHWH Bulletin

PHO Bulletin



**Resolution No. 547**  
**Series of 2017**

SA-1 YRANEZ WDT  
 10/10/17 [Signature]

**A RESOLUTION**

**RECOMMENDING TO THE HEAD OF THE PROCURING ENTITY, GOVERNOR DOUGLAS RA. [Signature], LLB, MBE, MNSA TO ADOPT THE 3-STRIKE POLICY IN THE PROCUREMENT OF CONTRACTS FOR INFRASTRUCTURE WORKS, GOODS AND CONSULTING SERVICES 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 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.i. All other acts that tend to defeat the purpose of 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 under the 3-strike policy, 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 or late submission of 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 disqualification;
  - 2.c Non-submission of post-qualification and other requirements within the prescribed period as specified in the notice issued by the BAC;
3. Each "offense" by a bidder referred to in Section 69.1.i. of the IRR, as stated in the said Resolution No. 547 dated August 15, 2017, consists of three violations or strikes within a period of one year starting from the date of the first strike, for all procurements by all offices of the Provincial Government of Davao del Sur;
4. Every time a bidder is observed to have done any of the three acts enumerated in Item 2 of par. a, b & c of this Resolution No. 547 dated August 15, 2017, the Chairperson of the BAC shall immediately serve a written notice to the bidder informing him of his act, and giving him five (5) 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;

[Handwritten signatures and initials]



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5. Based on the evaluation by the BAC of the bidder's response to the show-cause notice mentioned in Item No. 4 of this Resolution, the BAC shall, within seven (7) days from receipt of the bidder's response, determine whether the bidder's act was done with or without a valid cause;
6. The BAC Secretariat shall submit to the BAC a 3-Strike Policy Report, which shall contain the information in item 3 and 4 of this Resolution. The Report must be received by the BAC through its Chairperson within fifteen (15) days after the date of opening of the bids;
7. 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;
8. 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 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,
  - d. For the second offense- the second set of three strikes committed by the bidder- an administrative penalty of suspension for two (2) years from participating in any procurement process in the Provincial Government of Davao del Sur;
9. In addition, a cumulative violations of at least three (3) to the 3-strike policy committed within 2 succeeding years by any Contractor/Supplier which is not covered in the preceding paragraphs shall be sanctioned administratively by (1) year suspension from participating in any procurement process of the Provincial Government of Davao del Sur.

**WHEREFORE**, on motion of BAC Member, Engr. Roderick R. Milana, duly Seconded by all the BAC Members present, it was –

**RESOLVED**, as it is hereby RESOLVED, to recommend to the Head of the Procuring Entity, DOUGLAS RA. CAGAS, LLB, MBE, MNSA to **ADOPT the 3-Strike Policy in the Procurement of Contracts for Infrastructure Works, Goods, and Consulting Services of the Provincial Government of Davao del Sur**,

**RESOLVED FINALLY**, to furnish copies of this Resolution to the Provincial General Services Office, Commission on Audit, Concerned End Users, and Various Suppliers/Bidders, for their information and appropriate action;





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**UNANIMOUSLY APPROVED** at the PGSO Conference Room, PGSO Building, Provincial Capitol, Matti, Digos City, Province of Davao del Sur, this 15<sup>th</sup> day of August, 2017.


I hereby certify the correctness of the above-mentioned resolution.

**NORJANNA M. CAMAGUIN, MPA**  
 (AO V-PTO)  
 Head-BAC Secretariat


Attested by:

  
**Engr. ANGELIE R. GELLA**  
 (Engineer IV, PEO)  
 BAC Member

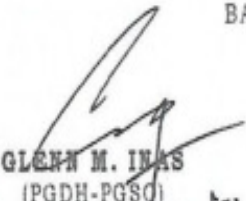
  
**Engr. ISABEL O. CAMOCAMO, EnP**  
 (Planning Officer IV, PPDO)  
 BAC Member

  
**Engr. DULCESIMA D. PADILLO, EnP**  
 Provincial ENRO, PENRO  
 BAC Member


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

  
**Mr. DANILO P. CADUNOG**  
 (PGDH-PCO)  
 BAC Member

  
**RAUL D. RAUT, EnP**  
 HRMO IV, PGO-HRMO  
 BAC Vice-Chairperson

  
**GLENN M. INAS**  
 (PGDH-PGSO)  
 BAC Chairperson - Presiding Officer

Approved:

  
**DOUGLAS RA. CAGAS, LLB, MBE, MNSA**  
 Governor  
 Head of the Procuring Entity