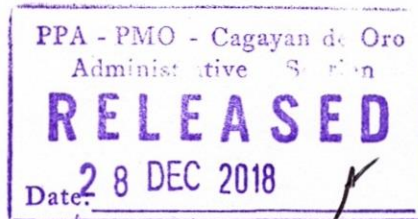


28 DEC 2018



**PMO MOC MEMORANDUM CIRCULAR**  
No. 018 -2018

**TO :** BAC-Procurement of Goods & Services  
BAC-Engineering Projects  
All Others Concerned

**SUBJECT :** CLARIFICATION ON THE DISQUALIFICATION OF PROSPECTIVE BIDDERS WITH PENDING CASES AGAINST THE GOVERNMENT IN THE PROCUREMENT ACTIVITIES OF THE DOTr

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To ensure that all prospective bidders are properly screened towards the goal of preventing opportunities for corruption in the government, DOTr released a Memorandum dated 26 June 2018, directing the additional eligibility requirement of a Certificate, under oath, for all prospective bidders certifying that they have no pending case(s) against the Government, together with other requirements under the RA 9184 (Government Procurement Act). The Memorandum emphasized that all prospective bidders with pending cases against the Government shall be disqualified from participating in all bidding activities undertaken by DOTr and bidder's failure to comply and/or submission of false Certification shall be a ground for automatic disqualification.

Said directive generally bars prospective bidders in all bidding activities; hence, there is a need to qualify the cases covered by the Disqualification Rule and to achieve uniformity and fairness in its application.

In view of the foregoing, DOTr released Memorandum dated 15 November 2018 promulgating that the Disqualification Rule shall **not apply** to the following prospective bidders with pending cases against the government:

1. *bidders who have filed a case against the government to properly enforce its rights;*
2. *bidders who have filed a case against DOTr Officials and members of Bids and Awards Committee for allegations of corruption and related offenses; and,*
3. *other similar cases whereby the prospective bidder reinforces his rights under the law.*

For information and proper guidance.

  
SIDRO V. BUTASLAC, JR  
Port Manager



PHILIPPINE PORTS AUTHORITY



December 5, 2018

**MEMORANDUM**

**FOR :** ALL RESPONSIBILITY CENTER HEADS  
Head Office  
Port Management Offices

**FROM :** The Manager  
Human Resource Management Department

**SUBJECT :** DEPARTMENT OF TRANSPORTATION MEMORANDUM

For your information and dissemination, transmitted herewith is:

RES. NO.	DATE	SUBJECT
DOTr Memorandum	November 15, 2018	"CLARIFICATION ON DOTr MEMORANDUM DATED 26 JUNE 2018 WITH THE SUBJECT "DISQUALIFICATION OF PROSPECTIVE BIDDERS WITH PENDING CASES AGAINST THE GOVERNMENT IN THE PROCUREMENT ACTIVITIES OF THE DOTr"

  
**MARK JON S. PALOMAR**

Encl.: As stated

2018 1207 050  
 08 - 12/4/18



Republic of the Philippines  
**DEPARTMENT OF TRANSPORTATION**

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MEMORANDUM

FOR : UNDERSECRETARIES  
ASSISTANT SECRETARIES  
HEADS OF AGENCIES  
ALL CONCERNED

FROM : UNDERSECRETARY FOR LEGAL AFFAIRS  
*This Department*

SUBJECT : CLARIFICATION ON DOTr MEMORANDUM  
DATED 26 JUNE 2018 WITH THE SUBJECT  
"DISQUALIFICATION OF PROSPECTIVE  
BIDDERS WITH PENDING CASES AGAINST THE  
GOVERNMENT IN THE PROCUREMENT  
ACTIVITIES OF THE DOTr"

DATE : 15 NOVEMBER 2018

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Following the directive of the Secretary of Transportation, this Office issued a Memorandum dated 26 June 2018 with the subject "Disqualification of Prospective Bidders with Pending Cases against the Government in the Procurement Activities of the DOTr."

The purpose of the issuance is to ensure that all prospective bidders are properly screened towards the goal of preventing opportunities for corruption in the government. Thus, the Memorandum generally bars prospective bidders with pending cases against the government from participating in all bidding activities of the Department (the "Disqualification Rule"), to cite:

*"xxx all prospective bidders with pending cases against the Government shall be disqualified from participating in all bidding activities undertaken by this Department.*

Accordingly, all prospective bidders are required to submit a Certification, under oath, certifying that they have no pending case(s) against the Government.

xxx

*Failure by a bidder to comply with said requirement and/or submission of a false Certification shall constitute a ground for automatic disqualification."*

In order to fully attain the objective and intent of the Disqualification Rule, in furtherance of the mandate of Republic Act No. 9184 (Government Procurement Reform Act) and its Implementing Rules and Regulations, there is a need to **QUALIFY** the cases covered by the Rule. Furthermore, to achieve uniformity and fairness in the application of the Disqualification Rule in the conduct of all bidding activities undertaken by this Department and its attached agencies, a **CLARIFICATION** hereof is made.

**HENCEFORTH**, the disqualification of prospective bidders with pending cases against the government shall **NOT APPLY** to: (1) bidders who have filed a case against the government to properly enforce its rights; (2) bidders who have filed a case against DOTr Officials and members of Bids and Awards Committee for allegations of corruption and related offenses; and (3) other similar cases whereby the prospective bidder reinforces his rights under the law.

For proper guidance.

  
~~REINER PAUL R. YEBRA~~

cc: Office of the Secretary  
This Department



Republic of the Philippines

**DEPARTMENT OF TRANSPORTATION**

**MEMORANDUM**

**FOR :** UNDERSECRETARIES  
ASSISTANT SECRETARIES  
HEADS OF AGENCIES  
ALL CONCERNED

**FROM :** UNDERSECRETARY FOR LEGAL AFFAIRS AND  
PROCUREMENT

**SUBJECT :** DISQUALIFICATION OF PROSPECTIVE BIDDERS WITH  
PENDING CASES AGAINST THE GOVERNMENT IN THE  
PROCUREMENT ACTIVITIES OF THE DOTr

**DATE :** 26 JUNE 2018

In line with the procurement principles under Republic Act 9184 (Government Procurement Reform Act) for a streamlined bidding process, the DOTr is duty-bound to ensure that all prospective bidders are properly screened towards the goal of preventing opportunities for corruption in government.

In light of the foregoing, and in addition to the eligibility requirements prescribed under the 2016 Revised Implementing Rules and Regulations (RIRR) of Republic Act 9184 (RA 9184), all prospective bidders with pending cases against the Government shall be disqualified from participating in all bidding activities undertaken by this Department.

Accordingly, all prospective bidders are required to submit a Certification, under oath, certifying that they have no pending case(s) against the Government.

Henceforth, the Bid Data Sheet of Bidding Documents for all projects of the Department shall require the submission of the aforesaid Certification.

Failure by a bidder to comply with said requirement and/or submission of a false Certification shall constitute a ground for automatic disqualification.

For your information and compliance.

**REINIER PAUL R. YEBRA**  
*Undersecretary for Legal Affairs  
and Procurement*

cc: Office of the Secretary

R-418-3459