

EXTERNAL SERVICES

Bids and Awards Committee

2. Protest Mechanism



APO PRODUCTION UNIT, INC.

Who may avail?

All Bidders

Describes the procedure on filing a Motion for Reconsideration or protest on the result of the Competitive or Public Bidding process in accordance with the 2016 Revised Implementing Rules and Regulations (IRR) of Republic Act (RA) No. 9184.

Office in-charge

BAC Secretariat

Type of transaction

G2B - Government to Business Transaction
(Highly Technical Transaction)

Checklist of requirements

1) Motion/Request for reconsideration

One (1) Original copy
(to be submitted by the bidder)

2) Verified Position Paper

One (1) Original copy
(to be submitted by the bidder)

Total time duration

17 calendar days

TABLE II - Applicable Protest Fees

Approved Budget for the Contract (Range)	Protest Fees (in Philippine Pesos)
P50 million and below	0.75% of ABC
More than P50 million up to P100 Million	P500,000.00
More than P100 Million up to P500 Million	0.5% of ABC
More than P500 Million up to P1 Billion	P2,500,000.00
More than P1 Billion up to P2 Billion	0.25% of ABC
More than P2 Billion up to P5 Billion	P5,000,000.00
More than P5 Billion	0.1% of ABC

CITIZEN'S CHARTER

Protest Mechanism on BAC Decision

Steps	Action Taken	Fees to be Paid	Processing Time	Person/Office Responsible
1) Filing of Motion for Reconsideration (MR)	Bidder concerned may file a request for reconsideration on the decision of the BAC at any stage of the procurement process. Request for reconsideration is a requisite prior to filing a protest, if any.	None	The Motion or Request for Reconsideration must be filed within three (3) calendar days upon receipt of written notice from the BAC (e.g., notice of ineligibility, post-disqualification) or upon verbal notification (during the opening of bids) by a failed bidder of its intention to file a motion for reconsideration.	APO-BAC Secretariat
2) Decision on the merits of the MR	BAC Secretariat refers the MR to the BAC for decision. BAC convenes to decide on the MR.	None	The BAC shall issue its final decision/resolution on the request for reconsideration within 7 calendar days after receiving the Motion for Reconsideration	APO-BAC
3) Informing the failed bidder on the decision of the BAC on the MR	3a) Notice on the decision of the BAC affirming the MR	None	Within seven (7) calendar days, the BAC Secretariat will notify the failed bidder on the decision of the BAC affirming the MR. The questioned action/decision is reversed or modified.	APO-BAC Secretariat
	3b) Notice on the decision of the BAC denying the MR	None	Within seven (7) calendar days, the BAC Secretariat will notify the failed bidder on the decision of the BAC denying the MR	APO-BAC Secretariat
4) Filing of protest	Receipt of protest in form of Verified Position Paper	Refer to Table II	Protest, in the form of a verified position paper and accompanied by a non-refundable protest fee, may be filed in writing to the BAC Secretariat within seven (7) calendar days upon receipt of decision of the BAC denying the Motion for Reconsideration.	APO-BAC Secretariat



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CITIZEN'S CHARTER

Protest Mechanism on BAC Decision

Steps	Action Taken	Fees to be Paid	Processing Time	Person/Office Responsible
5) Payment of protest fee.	BAC Secretariat receives and issues the corresponding receipt for the protest fee.	Refer to Table II	During the filing of the protest paper	APO-BAC Secretariat
6) BAC Secretariat refers the Protest Paper to the concerned official	BAC Secretariat endorse the protest paper to the HOPE for decision	None	within the day of the receipt of protest	APO-BAC Secretariat
7) Decision on the merits of the protest	Resolution of the Protest Paper by the HOPE	None	The HOPE will decide on its merits within seven (7) calendar days after receiving the Protest Paper	APO-HOPE (Board of Trustees)
8) Informing the failed bidder on the decision of the HOPE on the protest	8.1) Notice on the decision of the HOPE affirming the protest	None	Within seven (7) calendar days, the BAC Secretariat will notify the failed bidder on the decision of the HOPE affirming the protest. The questioned action/decision is reversed or modified.	APO-BAC Secretariat
	8.2) Notice on the decision of the HOPE denying the protest	None	Within seven (7) calendar days, the BAC Secretariat will notify the failed bidder on the decision of the HOPE denying the protest.	APO-BAC Secretariat



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CITIZEN'S CHARTER

Protest Mechanism on BAC Decision

Steps	Action Taken	Fees to be Paid	Processing Time	Person/Office Responsible
9) Petition for Certiorari	If the HOPE denies the Protest, then the bidder has the right to file a Petition for Certiorari before the Regional Trial Court having jurisdiction over the case.	None	The protest mechanism established in the procurement law and its associated rules, provides that decisions of the BAC may be questioned by filing a request for reconsideration; if the BAC denies such request, the decision may be subsequently protested by filing a verified position paper to the HOPE. If the HOPE denies the Protest, then the bidder has the right to file a Petition for Certiorari before the Regional Trial Court having jurisdiction over the case.	Failed Bidder/Court
-- END OF TRANSACTION --				