



Republic of the Philippines
DEPARTMENT OF PUBLIC WORKS AND HIGHWAYS
OFFICE OF THE SECRETARY
Bonifacio Drive, Port Area Manila



JAN 03 2024

DEPARTMENT ORDER)

SUBJECT: Guidelines for the Accreditation of Civil Society Organizations (CSOs) as Procurement Observers in the Bids and Awards Committees of the Central Office, Regional Offices, and District Engineering Offices

No. 09
Series of 2024.

A 1/22/2024

In line with the State's policy of maintaining honesty and integrity in the public service, the adoption and implementation of full public disclosure of all transactions involving public interest under Section 27 and 28 of the 1987 Philippine Constitution; consistent with Section 13 of the 2016 Revised Implementing Rules and Regulations (RIRR) of Republic Act (R.A.) No. 9184 or the Government Procurement Reform Act, this Guidelines for the Accreditation of CSOs as Procurement Observers is hereby adopted as follows:

I. Definition of Terms

Accreditation - the process by which the Department, through the CSO Partnership Committee, determines the compliance of a CSO to the requirements imposed by the RIRR of R.A. No. 9184 to be eligible as procurement observer in the DPWH.

Accredited - the status signifying the CSO's compliance to the requirements imposed by law after the accreditation process.

Applicant - a CSO requesting to undergo the accreditation process to be eligible as procurement observer.

Civil Society Organizations (CSOs) - a non - state, non - profit, voluntary entities formed by people in the social sphere that are separate from the State and the market.

DPWH Master List of Accredited CSOs - the list of CSOs duly accredited by DPWH that are eligible to become an observer in the procurement process.

II. Coverage

The accreditation and the status of being an accredited CSO in the DPWH **shall only** mean that a CSO is **eligible** to be an observer in the procurement of goods and services, civil works, and consulting services. Nothing in this order shall be interpreted to give preference, absolute right, priority, or discretion on any CSO to be chosen as observer in procurement activities expressly identified in R.A. 9184 and its RIRR.

After compliance with the accreditation process, the CSO shall be included in the **DPWH Master List of Accredited CSOs** by which the respective Bids and Awards Committee (BAC) shall use in identifying the observers for each bidding through the manner/procedure imposed by Department Order (DO) No. 186, series of 2022.

Website: <https://www.dpwh.gov.ph>
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III. The CSO Partnership Committee

A CSO Partnership Committee (CPC) is hereby created to conduct accreditation which shall be composed of the following DPWH personnel:

| | | |
|-------------------------|---|------------------------------------------------------------------------------------------------------------------------------------------|
| Chairperson | : | Undersecretary for Legal Service |
| Vice-Chairperson | : | Assistant Secretary for Legal Service |
| Members | : | Director, Legal Service Director, Procurement Service Director, Bureau of Construction Director, Stakeholders Relations Service |

The CPC shall have the following functions, duties, and responsibilities:

1. Accept applications of CSOs for accreditation;
2. Conduct accreditation of CSOs;
3. Recommend to the Secretary the approval or denial of the CSO's application;
4. Recommend to the Secretary the suspension or termination of the CSO's accredited status after due process;
5. Coordinate with the Procurement Service and the various BACs to improve existing policies and/or regulations pertaining to CSOs;

The CPC is authorized to organize/create a Technical Working Group (TWG) to assist in the performance of its mandated duties and responsibilities. The TWG shall be composed of the representatives of the members. All actions of the CPC-TWG shall be promptly reported to the Committee and shall be subject to the latter's review and consideration.

The Stakeholders Affairs Division – SRS shall serve as the Secretariat of the CPC and the CPC – TWG.

IV. Accreditation Process

A. Who may Apply for Accreditation

Any non-government organizations (NGOs), people's organizations, cooperatives, trade unions, professional associations, faith-based organizations, media groups, indigenous people movements, foundations and other citizen groups formed primarily for social and economic development which monitor government projects, engage in policy discussions, and actively participate in collaborative activities with the Government are eligible to apply as DPWH procurement observers subject to the accreditation process established herein.

A.1 General Qualifications for the CSO

- a. The CSO must be with known integrity and commitment to development and progress;
- b. The CSO must be duly registered with the appropriate government regulatory body and must possess the necessary qualifications under Section 13.1(1) and (2), and 13.2 of the RIRR of R.A. 9184;
- c. Must have operated for at least three (3) years prior to the date of application and within the geographical area(s) of activity being applied for accreditation;
- d. The CSO must have adequate basic resources, proven track record, and with technical and financial capacity to undertake the duties and responsibilities imposed by Section 13.4 of the RIRR of R.A. 9184;
- e. Absence of Actual or Potential Conflict of Interest in the Contract to be bid; and



- f. Any other relevant criteria/qualifications that may be determined by the BAC pursuant to Section 13.2(c) of the RIRR.

A.2 General Requirements for the CSO's Representative

- a. Must have the necessary knowledge, experience, or expertise in procurement or in the subject matter of the contract to be bid;
- b. A notarized affidavit declaring absence of actual or potential conflict of interest in the Contract to be bid;
- c. He/she must have previously attended procurement training/s within a period of one (1) year immediately preceding the date of designation as observer/representative, as evidenced by a Certificate/s of training issued by a duly recognized/authorized training institution;
- d. Must not have been convicted of any crime involving moral turpitude and violations enumerated under Section 65 of RA 9184 and its 2016 Revised IRR, as evidenced by any of the following: (i.) Police Clearance; or (ii) Certificate of No Pending Case from the Department of Justice (DOJ), issued not more than six (6) months prior to the date of the procurement activity to be attended;
- e. Duly authorized by the Head/President of the NGO/CSO and must have been a member of NGO/CSO for at least one (1) year immediately preceding the date of his/her designation; and
- f. Any other relevant criteria/qualifications that may be determined by the BAC pursuant to Section 13.2(c) of the RIRR.

B. Application/Evaluation

The CSO must submit to the CPC, through the SRS-SAD or to the DPWH Regional or District Engineering Office's concerned Records Management Division, a **Written Request for Accreditation** (eight [8] copies), including the name of its official representative, attaching all the necessary documentary requirements and pieces of evidence to prove its compliance to the criteria enumerated herein. The SRS-SAD's duty to receive the application shall be ministerial. Upon receipt, the application shall be immediately scheduled for verification by the CPC – TWG.

The CPC – TWG shall convene and verify the authenticity and validity of the requirements submitted by the applicant. Thereafter, it shall immediately recommend to the CPC to deliberate the CSO's application.

Thereafter, the CPC shall convene and deliberate whether the applicant possessed all the documentary requirements and criteria for accreditation.

In the affirmative, the CPC shall recommend to the Secretary to accredit and, accordingly, issue a **CERTIFICATE** stating that the CSO is "**accredited**," otherwise, the application shall be denied without the necessary approval of the Secretary.

For CSOs with existing accreditations, application for accreditation must be submitted within thirty (30) days from the issuance of this guidelines, otherwise the existing accreditation shall be deemed automatically **revoked** after the lapse of the said period.

In the case of Regional and District Engineering Offices, an initial evaluation for accreditation shall be made following the herein procedure pursuant to Section 13 of R.A. No. 9184. ROs and DEOs shall, within five (5) days from initial evaluation, submit to the DPWH-CPC (Central Office) the result thereof and recommend proper action on the CSOs application. Certified true copies of all pertinent documents shall be forwarded to the DPWH-CPC.



V. Validity of the Certificate of Accreditation

The Certificate of Accreditation shall be valid only for a period of one (1) year, renewable for another year, unless sooner revoked or cancelled by the Secretary upon the recommendation of the CPC.

The accredited CSOs may apply for the renewal of its certificate of accreditation one (1) month prior to the expiration of its certificate of accreditation and will be subjected to the same process undertaken during application including the submission of required updated documents and copies of its submitted reports on bidding/activity it participated in.

VI. Change in Accreditation Information.

An accredited CSO shall revise its accreditation information within thirty (30) days from any substantial change in the material information previously submitted to the Department such as, but not limited to, the following:

1. Change of telephone number, e-mail address, and physical address, i.e. office address;
2. Change of ownership, Corporate Directors and Officers/Partners;
3. Amendment/s to Articles of Incorporation/ Partnership/ Cooperation and By-Laws as approved by the appropriate government agencies;
4. Change in the Signatories;
5. Mergers/Insolvencies; and
6. Change of official representative.

VII. Rights and Obligation of an Accredited CSO

After being chosen as the observer for a particular activity/project according to the procedure prescribed by D.O. 186, s. 2022 (draw lots), and after the approval of the concerned BAC, an accredited CSO shall have the rights and shall perform the obligations imposed by Sections 13.3, 13.4, and 13.5 of R.A. 9184.

VIII. Suspension/Revocation of the Accredited Status

The "accredited" status of a CSO may be suspended/revoked, upon the recommendation of the CPC to the Secretary, for any of the following instances:

- (a) Submission of falsified documents or documents containing false information and/or material misrepresentation in the accreditation application submitted to SRS-SAD or the concerned Records Management Division;
- (b) Failure to inform CPC-TWG of the change in material information;
- (c) Failure to change accreditation information within the period required;
- (d) The accredited partner violates existing DPWH policies, procedures, or standards;
- (e) The accredited partner compromised or jeopardized engagement activities;
- (f) If proven to have actual or potential interest in the contract to be bid; and
- (g) the concerned BAC for a particular activity/project recommended, for justifiable reason/s, the suspension/ revocation to the Secretary;
- (h) CSO with an officer, member of the board of directors, or adviser that is a former/retired DPWH official/employee who have separated from the Department for less than one (1) year in compliance with Section 7 of R.A. No. 6713 or the Code of Conduct and Ethical Standards for Public Officials and Employees; and
- (i) Failure to perform/undertake the responsibilities of an observer as stated in Section 13.4 of the 2016 RIRR of RA 9184.



The CPC, before recommending the suspension/revocation of the accredited status of the CSO, shall conduct the necessary investigation/validation/verification *motu proprio* or upon a written complaint/letter of a concerned stakeholder or DPWH official/employee.

IX. TRANSITORY PROVISIONS

All CSOs desiring to be accredited shall undergo the procedure prescribed in this Order.

All existing CSOs' accreditation/accredited status shall apply for accreditation within 30 days upon the issuance of this Order, otherwise, their accreditation/accredited status shall be considered revoked. Provided, that DPWH accredited observers already selected may continue to attend procurement activities until December 31, 2024.

X. EFFECTIVITY

This Order shall take effect immediately.


MANUEL M. BONOAN
Secretary

Department of Public Works and Highways
Office of the Secretary



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Republic of the Philippines)
_____) S.S.

**AFFIDAVIT OF ABSENCE OF ACTUAL OR
POTENTIAL CONFLICT OF INTEREST IN THE CONTRACT TO BE BID**

I, [Name of Affiant], of legal age, [Civil Status], [Nationality], and residing at [Address of Affiant], after having been duly sworn, do hereby depose and state that:

1. I am the authorized representative of [Name of the Civil Society Organization] with office address at [Address of the CSO];
2. [Name of the CSO] was selected as the official observer for [Name of Project] to be bid by the Department of Public Works and Highways [Central/Regional/District Engineering Office] in the drawing of lots conducted last [Date of Draw Lots] pursuant to Department Order No. 186, series of 2022;
3. I am not related to the Head of the Procuring Entity, members of the Bids and Awards Committee for [Goods and Services/Consultancy Services/Civil Works], the Technical Working Group, the Head of the PMO or the end-user or implementing unit, and the project consultants, by consanguinity or affinity up to the third civil degree;
4. I am not related, by consanguinity or affinity up to the third civil degree, to the following: [a] any bidders (in case of a sole proprietorship); [b] officers and members (in case of a partnership); [c] directors and controlling stockholders (in case of a corporation); [d] officers, directors, and controlling shareholders/members (in case of a cooperative); or [e] any member of the joint venture;
5. I shall immediately notify, in writing, the DPWH – BAC for [Goods and Services/Consultancy Services/Civil Works] should I become aware of an actual or potential conflict of interest in the contract to be bid as required by Section 13.4(c) of the Revised Implementing Rules and Regulations (RIRR) of Republic Act No. 9184;
6. I shall be subject to any sanction to be imposed by the DPWH - BAC for [Goods and Services/Consultancy Services/Civil Works] for violation of any statement herein, the provisions of RA 9184 and its RIRR, and DO No. _____, series of 2023;
7. I am executing this affidavit to attest to the truth of the foregoing in the conduct of bidding of the abovementioned project and for whatever legal intent and purposes the same may serve.

IN TRUTH WHEREOF, I have signed this affidavit, this _____, at _____.

[NAME OF AFFIANT]
[Designation/Name of CSO]

[JURAT]
[Format shall be based on the latest Rules on Notarial Practice]

NOTARY PUBLIC

Doc. No. _____;
Page No. _____;
Book No. _____;