

AGENCY PROCUREMENT COMPLIANCE AND PERFORMANCE INDICATOR (APCPI)

CONFIRMATION QUESTIONNAIRE

Name of Agency: MWSS REGULATORY OFFICE  
 Name of Respondent: Christopher D. Chuegan

Date: 14-Nov-16  
 Position: Head, BAC Secretariat

Instruction: Mark the given boxes if each condition is met

16 NOV 22 AM 1:16

1. Do you prepare an Annual Procurement Plan for all types of procurement? (5a)

Yes  No

2. Do you prepare an Annual Procurement Plan for Common-Use Supplies and Equipment (APP-CSE) and Procure your Common-Use Supplies and Equipment from the Procurement Service? (2f)

Yes  No

3. In giving your prospective bidders sufficient period to prepare their bids, which of these conditions is/are met? (3d)

- Bidding documents are available at the time of advertisement/posting at the PhilGEPS website or Agency website;
- Supplemental bid bulletins are issued at least seven (7) calendar days before bid opening;
- Minutes of pre-bid conference are readily available within three (3) days.

4. In creating your BAC and BAC Secretariat which of these conditions is/are present?

For BAC: (4a)

- Office Order creating the Bids and Awards Committee;
- There are at least five (5) members of the BAC;
- Members of BAC meet qualifications; and/or
- Majority of the members of BAC are trained on R.A. 9184

For BAC Secretariat: (4b)

- Office Order creating of Bids and Awards Committee Secretariat or designing Procurement Unit to act as BAC Secretariat
- The Head of the BAC Secretariat meets the minimum qualifications
- Majority of the members of BAC Secretariat are trained on R.A. 9184

5. In determining whether you provide up-to-date procurement information easily accessible at no cost, which of these conditions is/are met? (7a)

- Agency has a working website
- Procurement information is up-to-date
- Information is easily accessible at no cost

6. In complying with the preparation, posting and submission of your agency's Procurement Monitoring Report, which of these conditions is/are met? (7b)

- Agency prepares the PMRs
- PMRs are promptly submitted to the GPPB
- PMRs are posted in the agency website
- PMRs are prepared using the prescribed format

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7. In evaluating the performance of your procurement personnel, which of these conditions is/are present? (10a)

- There is a written procedure within the procuring entity in evaluating the performance of procurement personnel
- Procuring entity communicates standards of evaluation to procurement personnel
- Procuring entity acts on the results and takes corresponding action

8. Have all of your procurement staff participated in annual procurement training? (10b)

- Yes
- No

If no, please indicate the how many of your procurement staff participated in annual procurement training: \_\_\_\_\_ out of \_\_\_\_\_

9. Do you conduct dialogue to inform and update bidders on the procurement regulations? (10c)

- Yes
- No

If yes, how often? \_\_\_\_\_ 1 \_\_\_\_\_ times/year

10. In determining whether the BAC Secretariat has a system for keeping and maintaining procurement records, which of these conditions is/are present? (11a)

- There is a list of contract management related documents that are maintained for a period of at least five years
- The documents are kept in a duly designated and secure location with hard copies kept in appropriate filing cabinets and soft copies in dedicated computers
- The documents are properly filed, segregated, easy to retrieve and accessible to authorized users and audit personnel

11. In determining whether the Implementing Units has a system for keeping and maintaining procurement records, which of these conditions is/are present? (11b)

- There is a list of contract management related documents that are maintained for a period of at least five years
- The documents are kept in a duly designated and secure location with hard copies kept in appropriate filing cabinets and soft copies in dedicated computers
- The documents are properly filed, segregated, easy to retrieve and accessible to authorized users and audit personnel

12. In determining if the agency has well defined and written procedures for quality control, acceptance and inspection of goods, works and services, which of these conditions is/are present? (12a)

- Agency has written procedures for quality control, acceptance and inspection of goods, services and works
- Supervision of civil works is carried out by qualified construction supervisors
- Agency implements CPES for its works projects and uses results to check contractors' qualifications (applicable for works only)

13. In determining whether your agency complies with the thresholds prescribed for amendments to order, variation orders, advance payment, and slippage in publicly bid contracts, which of these conditions is/are met? (12b)

- Amendments to order or variation orders, if any, are within ten percent (10%) of the original contract price
- Advance payment(s) made does/do not exceed fifteen percent (15%) of the contract amount
- Goods, works and services are timely delivered

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14. How long it will take for your agency to release the final payment to your supplier/service provider, contractor/consultant? (12c) 7 days

15. Do you invite Observers in all stages of procurement? (13a)

Yes  No

If yes, to which stage/s do you invite Observers?  
(please mark all applicable stages)

- Pre-Proc Conference
- Ads/Post of IAEB
- Pre-bid Conf
- Eligibility Check
- Sub/Open of Bids
- Bid Evaluation
- Post Qual
- Notice of Award
- Contract Signing/Approve Purchase Order
- Notice to Proceed
- Delivery/Completion
- Acceptance/Turnover

16. In creating and operating your Internal Audit Unit as prescribed by the DBM (Circular Letter No. 2008-5, April 14, 2008), which set of conditions were present? (14a)

- Office Order creating the Internal Audit Unit as prescribed by the DBM (Circular Letter No. 2008-5, April 14, 2008)
- Conduct of regular audit of procurement processes and transactions by internal audit unit
- Internal audit recommendations on procurement-related matters are implemented within 6 months of the submission of the auditor's report

17. Are COA recommendations responded to or implemented within six months of the submission of the auditors' report? (14b)

Yes

If yes, percentage of COA recommendations responded to or implemented within six months  
         %

No procurement related recommendations regarding received

18. In determining whether the Procuring Entity has an efficient procurement complaints system and has the capacity to comply with procedural requirements, which of conditions is/are present? (15a)

- The BAC and the HOPE resolved Requests for Reconsideration and Protests within seven (7) calendar days as per Section 55 of the IRR and decisions
- Decisions on Protests are submitted to GPPB
- Procuring entity acts upon and adopts specific measures to address procurement-related complaints, referrals, subpoenas by the Omb, COA, GPPB or any quasi-judicial/quasi-administrative body

19. In determining whether agency has a specific anti-corruption program/s related to procurement, which of these

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conditions is/are present? (16a)

- Agency has a specific good governance program including anti-corruption and integrity development;
- Agency has a specific office responsible for the implementation of good governance programs;
- Agency has specific policies and procedures in place for detection and prevention of corruption associated with procurement.

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**ANNEX A**  
**GOVERNMENT PROCUREMENT POLICY BOARD**  
**Agency Procurement Compliance and Performance Indicator (APCPI) Self-Assessment Form**

Name of Agency: **MWSS Regulatory Office**  
 Date of Self Assessment: **November 4, 2016**

Name of Evaluator: \_\_\_\_\_  
 Position: \_\_\_\_\_

No.	Assessment Conditions	Agency Score	APCPI Rating*	Comments/Findings to the Indicators and Subindicators	Supporting Information/Documentation (Not to be Included in the Evaluation)
<b>PILLAR I. COMPLIANCE WITH LEGISLATIVE AND REGULATORY FRAMEWORK</b>					
<b>Indicator 1. Competitive Bidding as Default Procurement Method</b>					
1	(a) Percentage of public bidding contracts in terms of amount of total procurement	90.92%	2.00		PMRs
2	(b) Percentage of public bidding contracts in terms of volume of total procurement	2.37%	0.00		PMRs
<b>Indicator 2. Limited Use of Alternative Methods of Procurement</b>					
3	(a) Percentage of Shopping contracts in terms of amount of total procurement	6.16%	0.00		PMRs
4	(b) Percentage of Negotiated Procurement in terms of amount of total procurement	2.92%	3.00		PMRs
5	(c) Percentage of Direct Contracting in terms of amount of total procurement	0.00%	3.00		PMRs
6	(d) Percentage of Repeat Order contracts in terms of amount of total procurement	0.00%	3.00		PMRs
7	(e) Percentage of Limited Source contracts in terms of amount of total procurement	0.00%	3.00		PMRs
8	(f) Preparation of Annual Procurement Plan for Common-Use Supplies and Equipment (APP-CSE) and Procurement of Common-Use Supplies and Equipment from the Procurement Service	Compliant	3.00		APP, APP-CSE, PMR
<b>Indicator 3. Competitiveness of the Bidding Process</b>					
9	(a) Average number of entities who acquired bidding documents	2.08	0.00	The requirements is highly specialized	Agency records and/or PhilGEPS records
10	(b) Average number of bidders who submitted bids	1.17	0.00	The requirements is highly specialized	Abstract of Bids or other agency records
11	(c) Average number of bidders who passed eligibility stage	0.67	0.00	The requirements is highly specialized	Abstract of Bids or other agency records
12	(d) Sufficient period to prepare bids	Fully Compliant	3.00		Agency records and/or PhilGEPS records
		<b>Average I</b>			
<b>PILLAR II. AGENCY INSTITUTIONAL FRAMEWORK AND MANAGEMENT CAPACITY</b>					
<b>Indicator 4. Presence of Procurement Organizations</b>					
13	(a) Creation of Bids and Awards Committee(s)	Fully Compliant	3.00		Verify copy of Order creating BAC; Organizational Chart; and Certification of Training
14	(b) Creation of a BAC Secretariat or Procurement Unit	Fully Compliant	3.00		Verify copy of Order creating BAC Secretariat; Organizational Chart; and Certification of Training
<b>Indicator 5. Procurement Planning and Implementation</b>					
15	(a) APP is prepared for all types of procurement	Compliant	3.00		Copy of APP and its supplements (if any)
<b>Indicator 6. Use of Philippine Government Electronic Procurement System (PhilGEPS)</b>					
16	(a) Percentage of bid opportunities posted by the Phil-GEPS-registered Agency	94.12%	3.00		Agency records and/or PhilGEPS records
17	(b) Percentage of contract award information posted by the Phil-GEPS-registered Agency	100.00%	3.00		Agency records and/or PhilGEPS records
18	(c) Percentage of contract awards procured through alternative methods posted by the Phil-GEPS-registered Agency	100.00%	3.00		Agency records and/or PhilGEPS records
<b>Indicator 7. System for Disseminating and Monitoring Procurement Information</b>					
19	(a) Presence of website that provides up-to-date procurement information easily accessible at no cost	Fully Compliant	3.00		Identify specific procurement-related portion in the agency website and specific website links
20	(b) Preparation of Procurement Monitoring Reports using the prescribed format, prompt submission to GPPB, and posting in agency website	Substantially Compliant	2.00	There was a reorganization of the BAC Secretariat in 2015.	Copy of PMR and received copy that it was submitted to GPPB
		<b>Average II</b>			
<b>PILLAR III. PROCUREMENT OPERATIONS AND MARKET PRACTICES</b>					
<b>Indicator 8. Efficiency of Procurement Processes</b>					
21	(a) Percentage of total amount of contracts awarded against total amount of approved APPs	44.12%	1.00	There are procurements in process as of cut-off date.	APP (including Supplemental amendments, if any) and PMRs

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Name of Evaluator: \_\_\_\_\_  
 Position: \_\_\_\_\_

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22	(b) Percentage of total number of contracts awarded against total number of procurement activities done through public bidding	41.67%	0.00	It is the nature of the office that very few large contracts are procured.	APP (including Supplemental amendments, if any) and PMRs
23	(c) Percentage of failed biddings and total number of procurement activities conducted	58.33%	0.00	Failed biddings are due to the complexity of the projects	APP (including Supplemental Amendments, if any) and PMRs
<b>Indicator 9. Compliance with Procurement Timeframes</b>					
24	(a) Percentage of contracts awarded within prescribed procurement time frames to procure goods as indicated in Annex "C" of the IRR	75.00%	0.00		PMRs
25	(b) Percentage of contracts awarded within prescribed procurement time frames to procure infrastructure projects as indicated in Annex "C" of the IRR	n/a	n/a		PMRs
26	(c) Percentage of contracts awarded within prescribed procurement time frames to procure consulting services as indicated in Annex "C" of the IRR	100.00%	3.00		PMRs
<b>Indicator 10. Capacity Building for Government Personnel and Private Sector Participants</b>					
27	(a) There is a system within the procuring entity to evaluate the performance of procurement personnel	Not Compliant	0.00	Attendance is the primary evaluation tool in relation to the grant of honoraria	Ask BAC Secretariat Head, verify Office Orders on training of Procurement Staff
28	(b) Percentage of participation of procurement staff in annual procurement training	Between 91.00-100%	3.00	Conducted Re-echo training to procurement personnel on May 21, 2015	Ask for copies of Office Orders, training modules, list of participants, schedules of actual training conducted
29	(c) Agency has activities to inform and update entities on public procurement	Compliant	3.00	Invitation to suppliers for the requirements of the agency procurements	Ask for copies of documentation of activities for bidders
<b>Indicator 11. Management of Procurement and Contract Management Records</b>					
30	(a) The BAC Secretariat has a system for keeping and maintaining procurement records	Substantially Compliant	2.00	There was a reorganization of the BAC Secretariat in 2015.	Verify actual procurement records and time it took to retrieve records (should be no more than two hours) Refer to Section 4.1 of User's Manual for list of procurement-related documents for record-keeping and maintenance.
31	(b) Implementing Unit has and is implementing a system for keeping and maintaining contract management records	Fully Compliant	3.00		Verify actual contract management records and time it took to retrieve records should be no more than two hours
<b>Indicator 12. Contract Management Procedures</b>					
32	(a) Agency has well defined procedures and standards for quality control, acceptance and inspection, supervision of works and evaluation of contractors' performance	Fully Compliant	3.00	The other questions pertain to infrastructure projects, which the agency does not have.	Verify copies of written procedures for quality control, acceptance and inspection; CPES evaluation formsz
33	(b) Agency complies with the thresholds prescribed for amendment to order, variation orders, advance payment, and slippage in publicly bid contracts.	Fully Compliant	3.00		Specific procurement contract with amendment to order, variation order or with negative slippage.
34	(c) Timely payment of procurement contracts	On or before 30 days	3.00		Ask Finance or Accounting Head of Agency for average period for the release of payments for procurement contracts
<b>Average III</b>					
<b>PILLAR IV. INTEGRITY AND TRANSPARENCY OF AGENCY PROCUREMENT SYSTEM</b>					
<b>Indicator 13. Observer Participation in Public Bidding</b>					
35	(a) Observers are invited to all stages of every public bidding activity	Compliant	3.00		Verify copies of Invitation Letters to CSOs and professional associations and COA (List and average number of CSOs and PAs invited shall be noted.)
36	(b) Attendance of Observers in public bidding activities	60.00%	0.00		PMRs and Abstract of Bids
<b>Indicator 14. Internal and External Audit of Procurement Activities</b>					
37	(a) Creation and operation of internal audit unit as prescribed by DBM (Circular Letter No. 2008-5, April 14, 2008)	Partially Compliant	1.00		Verify copy of Order or show actual organizational chart showing IAU, audit reports, action plans and IAU recommendations
38	(b) Agency Action on Prior Year's Audit Recommendations (APYAR) on procurement related transactions	Above 90-100% compliance	3.00	No audit findings on procurement related activities	Verify COA Annual Audit Report on Action on Prior Year's Audit Recommendations

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Name of Evaluator: \_\_\_\_\_  
 Position: \_\_\_\_\_

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<b>Indicator 15. Capacity to Handle Procurement-Related Complaints</b>					
39	(a) The Procuring Entity has an efficient procurement complaints system and has the capacity to comply with procedural requirements	Fully Compliant	3.00	No protest or procurement-related complaint received by the agency or any quasi-judicial body in 2015.	Verify copies of BAC resolutions on Motion for Reconsiderations, Protests and Complaints; Office Orders adopting measures to address procurement-related complaints.
<b>Indicator 16. Anti-Corruption Programs Related to Procurement</b>					
40	(a) Agency has a specific anti-corruption program/s related to procurement	Substantially Compliant	2.00	No Gift Policy; Code of Corporate Governance	Verify documentation of anti-corruption program
		Average IV			
<b>GRAND TOTAL (Average I + Average II + Average III + Average IV / 4)</b>			<b>2.10</b>		

\* APCPI Rating is based on the APCPI Rating System found in Annex C of the User's Guide. Please use this rating system for the self-assessment. After completing the assessment, identify those Indicators with ratings of between 0 to 2 and formulate a procurement capacity development plan called the APCPI Action Plan based on the attached format and submit to GPPB for monitoring.

\* For sub-indicators that are not applicable to your specific agency, please write the word Not Applicable in the second column and do not put a rating.

**Summary of APCPI Scores by Pillar**

APCPI Pillars	Ideal Rating	Agency Rating
Pillar I: Compliance with Legislative and Regulatory Framework	3.0000	1.67
Pillar II: Agency Institutional Framework and Management Capacity	3.0000	2.88
Pillar III: Procurement Operations and Market Practices	3.0000	1.85
Pillar IV: Integrity and Transparency of Agency Procurement Systems	3.0000	2.00
<b>Total (Pillar I+Pillar II+Pillar III+ PillarIV)/4</b>	<b>3.0000</b>	<b>2.10</b>

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**ANNEX B  
GOVERNMENT PROCUREMENT POLICY BOARD  
CONSOLIDATED PROCUREMENT MONITORING REPORT  
(Page 1 of 2)**

Period Covered: CY 2015

Name of Agency: MWSS Regulatory Office

Column 1	Column 2	Column 3	Column 4	Column 5	Column 6	Column 7	Column 8	Column 9	Column 10	Column 11
	Total Amount of Approved APP	Total Number of Procurement Activities	No. of Contracts Awarded	Total Amount of Contracts Awarded	No. of Failed Biddings	Total No. of Entries who Acquired Bid Docs	Total No. of Bidders who Submitted Bids	Total No. of Bidders who Passed Eligibility Stage	No. of Bid Opportunities Posted at PhilGEPS	No. of Contract Award Posted at PhilGEPS
<b>1. Public Bidding*</b>										
1.1. Goods	25,430,000.00	6	4	22,012,522.00	2	15	8	6	5	4
1.2. Works	0.00									
1.3. Consulting Services	23,527,674.00	6	1	11,916,968.00	5	10	6	2	6	1
Sub-Total	48,957,674.00	12	5	33,929,490.00	7	25	14	8	11	5
<b>2. Alternative Modes</b>										
2.1.1 Shopping (52.1.b above 50K)	145,000.00	2	2	135,000.00						
2.1.2 Shopping (Others)	23,178,772.00	185	185	2,167,748.52						
2.2. Direct Contracting	1,359,288.00	0	0	0.00						
2.3. Repeat Order										
2.4. Limited Source Bidding										
2.5.1 Negotiation (Common-Use Supplies)	130,000.00	5	5	117,006.60						
2.5.2 Negotiation (TFB 53.1)	9,322,808.00	1	0	0.00						
2.5.3 Negotiation (SVP 53.9 above 50K)	978,600.00	2	2	765,000.00						
2.5.4 Negotiation (Others)	522,000.00	12	12	207,000.00						
Sub-Total	35,636,468.00	207	206	3,389,255.12						
<b>3. Foreign Funded Procurement**</b>										
3.1. Publicly-Bid										
3.2. Alternative Modes	0.00	0	0	0.00						
Sub-Total	0.00	0	0	0.00						
<b>4. Others, specify:</b>										
<b>TOTAL</b>	<b>84,594,142.00</b>	<b>219</b>	<b>211</b>	<b>37,318,745.12</b>						

\* Should include foreign-funded publicly-bid projects per procurement type

\*\* All procurement using Foreign Funds excluding National Competitive Bidding (NCB) contracts; conversion to peso will be at BSP rates at the time the bids/quotations were submitted

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**ANNEX B  
GOVERNMENT PROCUREMENT POLICY BOARD  
CONSOLIDATED PROCUREMENT MONITORING REPORT  
(Page 2 of 2)**

Period Covered: CY 2015

Name of Agency: MWSS Regulatory Office

	Column 12 Total No. Of Contracts that Incurred negative slippage	Column 13 Total No. of contracts with amendments to order or variation orders	Column 14 Ave. No. of Days for Approval of Resolution/Issuance of Notice of Award	Column 15 No. of Contracts with Observers Attending	Column 16 No. of Contracts with COA Observers Attending	Column 17 Ave. No. of Days to Resolve Requests for Reconsiderations / Protests	Column 18 No. of Contracts Awarded within prescribed timeframes
<b>1. Public Bidding*</b>							
1.1: Goods	0	0	23	2	2	5	3
1.2: Works							
1.3: Consulting Services	0	0	25	1	1	5	1
Sub-Total	0	0	N/A	3	3	5:00	4
<b>2. Alternative Modes</b>							
2.1: Shopping (52.1 b above 50K)							
2.1.1 Shopping (Others)							
2.2: Direct Contracting							
2.3: Repeat Order							
2.4: Limited Source Bidding							
2.5: Negotiation (Common-Use Supplies)							
2.5.1 Negotiation (TFB 53:1)							
2.5.2 Negotiation (SVP 53:9 above 50K)							
2.5.3 Negotiation (Others)							
2.5.4 Negotiation (Others)							
Sub-Total							
<b>3. Foreign Funded Procurement**</b>							
3.1: Publicly-Bid							
3.2: Alternative Modes							
Sub-Total							
<b>4. Others, Specify:</b>							
<b>TOTAL</b>							

\* Should include foreign-funded publicly-bid projects per procurement type

\*\* All procurement using Foreign Funds excluding National Competitive Bidding (NCB) contracts; conversion to peso will be at BSP rates at the time the bids/quotations were submitted

Prepared by:

*Christopher D. Chuegan*  
CHRISTOPHER D. CHUEGAN  
BAC Secretariat Head

Recommending Approver:

*Jewel C. Yu*  
JEWEL C. YU  
Chief Regulator

Annex D

PROCUREMENT CAPACITY DEVELOPMENT ACTION PLAN TEMPLATE

Period: 2015

Name of Agency: MWSS Regulatory Office

Indicators	Key Area for Development	Proposed Actions to Address Key Areas	Responsible Entity	Timetable	Resources Needed
3(a)(b)(c)	Improvement in the number of participants in the bidding process of the agency	Breakdown the projects into several lots, in order to encourage more participants.	End-user units	CY 2016	No additional resources needed
7(b)	Timely submission of the Procurement Monitoring Report (PMR), and posting the same in the website	Assign a member of the Secretariat that is dedicated to the regular updating of the PMR as the BAC proceeds with the procurements	BAC Secretariat / BAC / Head of Procuring Entity (HOPE)	CY 2016	No additional resources needed
8(a)	Increase in percentage of contracts awarded through competitive bidding against amount approved in the APP	Regular monitoring of scheduled procurement for the year and amendment of the APP, whenever necessary, for procurements that may be cancelled.	BAC Secretariat / BAC / Head of Procuring Entity (HOPE)	CY 2016	No additional resources needed
10(a)	Performance evaluation system for procurement personnel	Ask copies of evaluation tools used by other agencies to be used a guide in the development an evaluation tool for MWSS RO	BAC Secretariat / BAC	CY 2016	No additional resources needed
11(a)	Improve the system for keeping and maintaining procurement records	Request for a separate office to serve as central repository of procurement documents with dedicated computer for the processing and storage of the soft copies of the procurement documents	BAC Secretariat / BAC / Head of Procuring Entity (HOPE)	CY 2016	Budget for office renovation, and storage facilities, including computers and peripherals

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