

DIRECT SALES

Overview

Direct Sales is a mode of procurement of Non-CSE where a Procuring Entity directly purchases from a supplier that has satisfactorily delivered Non-CSE to another government agency under a completed contract.



Conditions

Direct Sales may only be resorted to when all of the following conditions are met:



a) The procurement project is included in the approved APP of the Procuring Entity;



b) The original Non-CSE was procured and awarded through Competitive Bidding, Limited Source Bidding, Competitive Dialogue or Unsolicited Offer with Bid Matching;



c) The government agency that originally procured the Non-CSE has inspected and accepted the same, and has issued a certification that the supplier has satisfactorily performed its obligations under the contract;



d) The procurement for the same Non-CSE by the Procuring Entity shall only be initiated once within six (6) months from the acceptance of the Non-CSE by the original government agency;



e) The contract to be executed between the Procuring Entity and the supplier must be within the amount of the contract executed with the original government agency, and that the supplier must offer the Non-CSE to the Procuring Entity at the same or lower unit price offered to the original government agency; and



f) The supplier agreed to the terms offered by the Procuring Entity and remains legally, technically, and financially capable to undertake the contract with the Procuring Entity.

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Process

Under this mode of procurement, the following procedure shall be observed:

- a) The original government agency, when requested by the Procuring Entity, shall provide a copy of the original procurement documents and papers, such as but not limited to, the actual Bidding Documents, Notice of Award, signed contract or Purchase Order, Notice to Proceed, Inspection and Acceptance Report, Certificate of Satisfactory Performance and Completion, and other relevant documents;
- b) The End-User or Implementing Unit shall carefully review the procurement documents obtained from the original government agency, and prepare the necessary Purchase Request for the procurement of the goods;
- c) Direct Sales Request (DSR) shall be issued by the Procuring Entity to the supplier. In the event of acceptance by the supplier, the same shall be made in writing and communicated to the Procuring Entity within five (5) calendar days from receipt of the request. The acceptance shall contain a statement of compliance with the technical requirements stated in the DSR, computation of the NFCC, and the supplier's offer which must be the same or lower unit price as in the original contract, and accompanied by a copy of its valid and updated PhilGEPS Certificate of Registration (Platinum Membership); otherwise, the supplier shall notify the Procuring Entity in writing of its non acceptance of the request within the same period; and
- d) When all the conditions are present, the BAC of the Procuring Entity shall recommend to the HoPE the award of contract through Direct Sales to the supplier. The award of contract shall be made in accordance with Section 66 of this IRR.

