

ARTICLE XXIII - ADMINISTRATIVE SANCTIONS

[Section 69 - Imposition of Administrative Penalties](#)

[Section 70 - Preventive Suspension](#)

[Section 71 - Lifting of Suspension and Removal of Administrative Disabilities](#)

SEC. 69. Imposition of Administrative Penalties.

A.Provisions of Articles XXI and XXII of this Act

A1.Submission of eligibility requirements

A2.Submission of Bids that contain false information

A3.Allowing the use of one's name

A4.Withdrawal of a Bid

A5.Refusal

A6.Termination of the contract

Refusal to clarify or validate in writing its Bid during post-qualification within a period of seven (7) calendar days from receipt of the request for clarification.

Any documented unsolicited attempt by a bidder to unduly influence the outcome of the bidding in his favor.

All other acts that tend to defeat the purpose of the Competitive Bidding.

B.Penalty of suspension

C.The Head of the Procuring Entity

(a) In addition to the provisions of Articles XXI and XXII of this Act, the Head of the Procuring Entity, subject to the authority delegated to the BAC, if any, shall impose on bidders or prospective bidders, the administrative penalty of suspension for one (1) year for the first offense, and suspension of two (2) years for the second offense from participating in the public bidding process, for the following violations:

(1) Submission of eligibility requirements containing false information or falsified documents.

(2) Submission of Bids that contain false information or falsified documents, or the concealment of such information in the Bids in order to influence the outcome of eligibility screening or any other stage of the public bidding.

(3) Allowing the use of one's name, or using the name of another for purposes of public bidding.

(4) Withdrawal of a Bid, or refusal to accept an award, or enter into contract with the government without justifiable cause, after he had been adjudged as having submitted the Lowest Calculated Responsive Bid or Highest Rated Responsive Bid.

(5) Refusal or failure to post the required performance security within the prescribed time.

(6) Termination of the contract due to the default of the bidder.

(b) In addition to the penalty of suspension, the Bid security or the performance security posted by the concerned bidder or prospective bidder shall also be forfeited.

(b) In addition to the penalty of suspension, the Bid security or the performance security posted by the concerned bidder or prospective bidder shall also be forfeited.

SEC. 70. Preventive Suspension. - The head of the procuring entity may preventively suspend any member of the Technical Working Group or the Secretariat, or the BAC if there are strong reasons or prima facie evidence showing that the officials or employees concerned are guilty of the charges filed against them under Articles XXI and XXII of this Act or for dishonesty as defined by the Civil Service Laws. In all cases, procedural and substantive due process as mandated by the Constitution and Civil Service Laws, rules and regulations, shall be strictly observed.

SEC. 71. Lifting of Suspension and Removal of Administrative Disabilities. - Lifting of preventive suspension pending administrative investigation, as well as removal of administrative penalties and disabilities shall be in accordance with the provisions of Sections 52 and 53, Chapter 6 (Civil Service Commission), Book V of Executive Order No. 292, the Administrative Code of 1987.