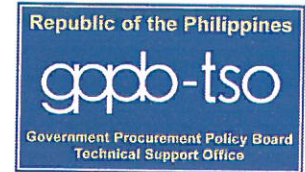


Republic of the Philippines
GOVERNMENT PROCUREMENT POLICY BOARD
TECHNICAL SUPPORT OFFICE



NPM No. 002-2019

4 March 2019

MR. CESAR ARVIN R. MACABASCO

BAC Secretariat

National Power Corporation

BIR Road corner Quezon Avenue

Diliman, Quezon City

Re: Supplemental/Bid Bulletin

Dear Mr. Macabasco:

This refers to your electronic mail¹ inquiring whether the Bid Bulletins issued during the first public bidding can be used for the second bidding for the same project.

At the outset, it bears stressing that each procurement activity is distinct and separate from one another, even if the subject matter happens to be one and the same, as in the case of the second procurement following a failure of bidding.² Being separate and distinct from one another, each procurement activity necessitates its own set of Bidding Documents. This is particularly true given the mandatory review of the Bidding Documents after every failure of bidding under Section 35.2³ of the 2016 revised Implementing Rules and Regulations (IRR) of Republic Act (RA) No. 9184, in order to determine the reason for its failure and the necessary changes that ought to be made in the Bidding Documents for the succeeding bidding.

Accordingly, the Bids and Award Committee concerned shall prepare and make the Bidding Documents for the second bidding available in accordance with Section 17.3⁴ of the 2016 IRR of RA No. 9184. Relatedly, Procuring Entities may issue Supplemental/Bid Bulletins to amend any portion of the Bidding Documents or respond to requests for clarifications in compliance with Section 22.5⁵ of the 2016 IRR of RA 9184.

¹ Dated 6 September 2018 and received on even date.

² Non-Policy Matter Opinion No. 68-2013, dated 28 June 2013.

³ Section 35.2. In order to determine the reason for the failed bidding, the BAC shall conduct a mandatory review and evaluation of the terms, conditions, and specifications in the Bidding Documents, including its cost estimates.

⁴ Section 17.3. To provide prospective bidders ample time to examine the Bidding Documents and to prepare their respective bids, the concerned BAC shall make the Bidding Documents available from the time the Invitation to Bid / Request for Expression of Interest is first advertised/posted until the deadline for the submission and receipt of bids.

⁵ Section 22.5. Supplemental/Bid Bulletins

22.5.1. Requests for clarification(s) on any part of the Bidding Documents or for an interpretation must be in writing and submitted to the BAC of the Procuring Entity concerned at least ten (10) calendar days before the deadline set for the submission and receipt of bids. The BAC shall respond to the said request by issuing a Supplemental/Bid Bulletin, duly signed by the BAC Chairperson, to be made available to all those who have properly secured the Bidding Documents, at least seven (7) calendar days before the deadline for the submission and receipt of bids.

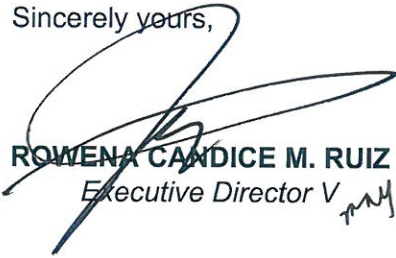
22.5.2. For purposes of clarifying or modifying any provision of the Bidding Documents, Supplemental/Bid Bulletins may be issued upon the Procuring Entity's initiative at least seven (7) calendar days before the deadline for the submission and receipt of bids. Any modification to the Bidding Documents shall be identified as an amendment.

In fine, the Supplemental/Bid Bulletins issued for the first public bidding cannot be used to clarify or effect the amendments to the Bidding Documents for the second bidding.

The above opinion was made on the basis of the particular facts presented and circumstances availing, and may not, therefore, be applicable given a different set of facts and circumstances.

We hope to have sufficiently clarified the matter at hand.

Sincerely yours,



ROWENA CANDICE M. RUIZ
Executive Director V

MRB
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22.5.3. Any Supplemental/Bid Bulletin issued by the BAC shall also be posted in the PhilGEPS, the website of the Procuring Entity concerned, if available, and at any conspicuous place within the premises of the Procuring Entity. It shall be the responsibility of all those who have properly secured the Bidding Documents to inquire and secure Supplemental/Bid Bulletins that may be issued by the BAC. However, bidders who have submitted bids before the issuance of the Supplemental/Bid Bulletin must be informed and allowed to modify or withdraw their bids in accordance with Section 26 of this IRR.