



Republic of the Philippines
GOVERNMENT PROCUREMENT POLICY BOARD
TECHNICAL SUPPORT OFFICE



NPM No. 009-2017

19 June 2017

MR. ARNEL SD. GUBALLA

Regional Director

BUREAU OF INTERNAL REVENUE (BIR)

REVENUE REGION NO. 6 - MANILA

BIR Regional Office Bldg., Tuazon Bldg.,

Solana cor. Beatrico, Intramuros, Manila 1002


Subject: Bid Form

Dear Regional Director Guballa:

This refers to your letter requesting our opinion on whether the failure to indicate the sub-total and amount in words and figures in the Bid Form (Bid Price Form) may be a ground for the disqualification of a bidder. The request stems from the public bidding conducted by the BIR Revenue Region No. 6 – Manila on 14 February 2017 for the procurement of Janitorial and Manpower Services at the BIR Revenue Region No. 6 (Manila) and Revenue District Office Nos. 34 (Paco, Pandacan, Sta. Ana and San Andres, Manila) and 36 (Puerto Princesa City, Palawan).

At the outset, we would like to clarify that the Government Procurement Policy Board (GPPB) and its Technical Support Office (TSO) render policy and non-policy opinions, respectively, on issues purely pertaining to the interpretation and application of procurement laws, rules and regulations. We have no jurisdiction to rule over actual controversies with regard to the conduct of bidding, since this office has no quasi-judicial functions or investigatory powers under the law. Moreover, we adhere to the position that we cannot, nor any other agency, authority, or official, except courts of competent jurisdiction, encroach upon or interfere with the exercise of the functions of the Head of the Procuring Entity and the Bids and Awards Committee, since these duties and responsibilities fall solely within the ambit of their authority and discretion. In this regard, we shall limit our discussion on the interpretation of relevant procurement rules and regulations pertinent to the issues presented.

Prescribed Bid Form

We note that the Bid Form (Bid Price Form) submitted by the bidder is not in accordance with that prescribed by the GPPB in the Philippine Bidding Documents (PBDs) for Goods. In the 5th Edition of the PBDs for Goods, bidders are mandated to complete and submit with its Bid the Bid Form and Price Schedules in accordance with Instruction to Bidders (ITB) Clause 15 with the requirements of the Bidding Documents and the format set in Section VIII, Bidding Forms.¹ Under ITB Clause 15.1, the bidder shall complete the appropriate Schedule of Prices, stating the unit prices, total price per item and the total amount, among others. Pointedly, ITB Clause 6.2(a) of the 5th Edition of the PBDs provides that the bidder shall be responsible for having taken steps to carefully examine all of the Bidding Documents. 

¹ Notes on the Bidding Forms, 5th Edition of the PBDs for Goods, p. 77.

In this regard, we wish to clarify that failure of the bidder to comply with the prescribed Bid Form, including the Schedule of Prices, is a cause for the bidder's disqualification, unless the mistake was committed due to the procuring entity's failure to provide the correct and updated form of the Bid Form in its bidding documents. Relative thereto, we would like to reiterate that procuring entities are mandated to use the **Philippine Bidding Documents (PBDs)** and other standard forms issued by the GPPB pursuant to Section 6.2 of the 2016 Revised IRR of RA 9184.

Completeness of Bid Form

We wish to clarify that under Section 32.2.1(a) of the 2016 Revised Implementing Rules and Regulations (IRR) of Republic Act (RA) No. 9184, in the conduct of detailed evaluation of all bids using non-discretionary criterion, the BAC shall consider the completeness of the bid, thus:

Unless the Instructions to Bidders specifically allow partial bids, bids not addressing or providing all of the required items in the Bidding Documents including, where applicable, bill of quantities, shall be considered non-responsive and, thus, automatically disqualified. In this regard, where a required item is provided, but no price is indicated, the same shall be considered as non-responsive, but specifying a zero (0) or a dash (-) for the said item would mean that it is being offered for free to the Government, except those required by law or regulations to be provided for.

Based on the above-cited provision, a bid will be considered incomplete, non-responsive and automatically disqualified if it does not indicate the bid price in all of the *required* items in the Bidding Documents. The completeness of the bid therefor depends on whether a bid price is offered in all of such *required* items in the Schedule of Prices. For purposes of evaluation, apart from the unit prices, bids shall also reflect other details such as the sub-total of grouped items, and total of all items written in words and figures.

Pointedly, under Section 32.2.3(c) of the 2016 Revised IRR of RA 9184, in case of discrepancies, the actual sum of prices of component items shall prevail over the stated total price. Accordingly, even in the absence of stated sub-total and the corresponding amount in words and figures in the Schedule of Prices, and provided that the bid is complete, as explained above, detailed bid evaluation may continue. The procuring entity may use the actual sum of prices of component items for purposes of evaluation and determination of the bidder with the Lowest Calculated Bid (LCB) during the Bid Evaluation stage.

We hope that this opinion issued by the GPPB-TSO provided sufficient guidance on the matter. Note that this is issued on the basis of particular facts and situations presented, and may not be applicable given a different set of facts and circumstances. Should there be other concerns, please do not hesitate to contact us.

Very truly yours,


DENNIS S. SANTIAGO
Executive Director V 

