

NPM No. 064-2017

21 December 2017

MR. ROLAND SOTELO
PHIL-ASIA SALES AND SERVICES
288 P. Burgos St. Tanqui
San Fernando City, La Union

Re: PhilGEPS Platinum Membership and Registration -

Dear Mr. Sotelo:

This refers to your electronic mail seeking advice on whether a bidder is indeed a registered Platinum member of the PhilGEPS where, during the opening of bids, the Bids and Awards Committee (BAC) immediately declared it compliant without showing the certificate to you.

At the outset, please be advised that the list of registered suppliers, including the membership type, can be validated in the PhilGEPS website, under the Open Data feature, which is actually accessible to the public.

We also wish to clarify that Section 30 of the 2016 revised Implementing Rules and Regulations (IRR) of Republic Act (RA) No. 9184 only requires that the opening of envelopes be in public to determine each bidder's compliance with the documents required to be submitted. In addition, it requires that the opening of bids or the preliminary examination of bids be conducted by merely checking for the presence or absence of the documentary requirements using the non-discretionary "pass/fail" criterion. Be that as it may, the BAC shall check for the completeness of the bids during the detailed bid evaluation stage; and verify, validate and ascertain all the documents submitted and representations made by the bidders during the post-qualification stage.

During the preliminary examination of bids, the BAC may conduct a cursory check or inspection of the documents submitted by bidders, and later on conduct a more detailed scrutiny during the bid-evaluation and post-qualification stage. However, if a document submitted, even on quick examination or on its face, is patently insufficient¹, the BAC may find the bidder ineligible and declare him failed. In addition, the BAC has the right to review the qualifications of a bidder during the same stage if it has reasonable grounds to believe that a misrepresentation has been made or there have been changes in the bidder's capability to undertake the project.²

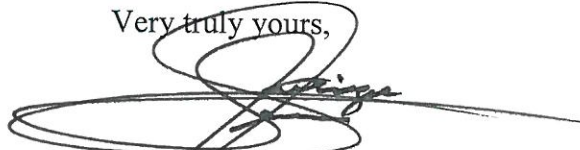
¹ Section 30.1, 2016 IRR, RA 9184 – "In this regard, bids that fail to include any requirement or are incomplete or patently insufficient shall be considered as "failed."

² Section 23.6 of the IRR of RA 9184.


In sum, the current government procurement policy adopts the more efficient process of simple eligibility checking during the preliminary examination of bids, subject to the more rigorous and detailed bid evaluation and post-qualification stages later.

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,

A handwritten signature in black ink, appearing to read 'Dennis S. Santiago', with a large, stylized flourish extending to the right.

DENNIS S. SANTIAGO

Executive Director 

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