

NPM No. 070-2017

21 December 2017

MS. ELSIE MARIA FLORES
<elmari_flores@yahoo.com>

Re: Participation of Observers in Public Bidding -

Dear Ms. Flores:

This refers to your electronic mail (e-mail) requesting for clarification and guidance relative to Observers participation in public bidding activities. Specifically, you interposed the following queries:

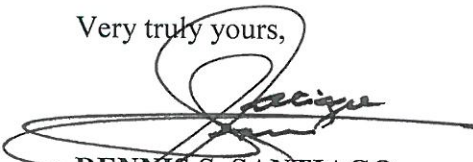
1. Are observers invited to attend your pre-procurement activities?
2. What does it mean by all stages of the procurement process?
3. When is the start of the bidding activities wherein observers are invited?

Section 13 of the 2016 revised Implementing Rules and Regulations (IRR) of Republic Act (RA) No. 9184¹, the Government Procurement Reform Act, provides for the participation, composition and responsibilities of Observers in Government Procurement. More specific to your query, Section 13.1 of the 2016 IRR of RA 9184 provides that “[t]he BAC shall, during the *eligibility checking, shortlisting, pre-bid conference, preliminary examination of bids, bid evaluation, and post-qualification*, invite at least two (2) Observers, in addition to the representative of COA.” (Emphasis supplied)

From the foregoing, observers are not required to be invited to the Procuring Entity’s pre-procurement activities. The phrase “all stages of the procurement process” pertains only to the identified stages specified in Section 13.1 of the 2016 IRR of RA 9184. Thus, the start of the bidding activities wherein observers are invited by Procuring Entities shall be the Pre-Bid Conference for the Procurement of Goods and Infrastructure Projects and the Eligibility Checking for the Procurement of Consulting Services.

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

DS/rd7

¹ Published on 29 August 2016 and took effect on 28 October 2016