

NPM No. 101-2016

15 November 2016

MS. MA. VILMA H. MATIBAG
Bids and Awards Committee (BAC) Secretariat
TAGKAWAYAN WATER DISTRICT
Gulf View Subdivision, Barangay Poblacion
Tagkyawan, Quezon

**Re: PhilGEPS Posting for Negotiated Procurement (Two Failed Biddings)
under Section 53.1 of the Revised Implementing Rules and Regulations
(IRR) of Republic Act (RA) No. 9184**

Dear Ms. Matibag:

This refers to your letter requesting for guidance on whether posting of the Request for Quotations (RFQs) in the PhilGEPS website is necessary when Negotiated Procurement (Two Failed Biddings) under Section 53.1 of the IRR of RA 9184 is resorted to.

Section 54.2 of the IRR of RA 9184 explicitly provides that when a procuring entity resorts to alternative methods of procurement, the advertisement and posting requirements under Section 21.2.1 may be dispensed with. However, for Negotiated Procurement (Two Failed Biddings) under Sections 53.1 of the IRR, and Section 54.2, further provides that the RFQs shall be posted for a period of seven (7) calendar days by the BAC Secretariat in the following places:

1. PhilGEPS website;
2. The website of the procuring entity concerned, if available; and
3. At any conspicuous place reserved for this purpose in the premises of the procuring entity.

Accordingly, we wish to inform you that the 2016 Revised Implementing Rules and Regulations (2016 IRR) of RA 9184 was published on 29 August 2016 in the Official Gazette and took effect sixty (60) days after its publication or on **28 October 2016**. Hence, in case the subject procurement activity is to be posted on or after 28 October 2016, the provisions of the 2016 IRR shall take effect, otherwise the old rules will apply. In this regard, please be guided that the period for posting of RFQs has been reduced to three (3) calendar days in accordance with the amendment of Section 54.2 under the 2016 IRR.

We hope that our advice provided sufficient guidance on the matter. Please note that this opinion is being rendered on the basis of the facts and particular situation presented, and may not be applicable given a different set of facts and circumstances. Should you have additional questions, please do not hesitate to contact us.

Very truly yours,


DENNIS S. SANTIAGO
Executive Director V

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