

**NPM No. 03-2010**

07 January 2010

**MS. DELIA C. AGATEP**

*Corporate Auditor*

**GOVERNMENT SERVICE INSURANCE SYSTEM**

Financial Center, Pasay City, Metro Manila

**Re: Repeat Order**

Dear Ms. Agatep:

We respond to your letter dated 24 November 2009 seeking clarification as to what stage in the procurement process can repeat order be considered to be within the reglamentary period of six months as provided under Section 51 (c) of the revised Implementing Rules and Regulations (IRR) of Republic Act No. 9184 (R.A. 9184), viz:

“Except in cases duly approved by the GPPB, the repeat order shall be availed of only within six (6) months from the contract effectivity date stated in the Notice to Proceed arising from the original contract.”

It is clear from the foregoing provision that the reckoning period for computing the six (6) month period is the effectivity date of the contract as stated in the Notice to Proceed (NTP).

It bears stressing, however, that, the contract effectivity date, as provided in the NTP, shall not be later than seven (7) calendar days from its issuance, as stated under Section 37.4.1 of the IRR, to wit:

“The procuring entity shall issue the Notice to Proceed together with a copy of the approved contract to the successful bidder within three (3) calendar days from the date of approval of the contract by the appropriate government approving authority. xxx **The contract effectivity date shall be provided in the Notice to Proceed by the procuring entity, which date shall not be later than seven (7) calendar days from its issuance.**“ (Emphasis ours.)

Thus, we opine that repeat order may be undertaken any time within the six (6) month period reckoned from the effectivity date of the contract which should in no case be later than seven (7) calendar days from the issuance of the NTP. In any event, please note that all the conditions under Section 51 of the IRR must be complied with before a repeat order may be carried out.

In the same manner, therefore, it may be said that, the repeat order is deemed to be within the six (6) month reglamentary period if such mode of procurement has been duly approved by the head of the procuring entity, upon recommendation through a resolution by the Bids and Awards Committee that all the conditions for resorting thereto have been complied with, and the previous winning supplier has been notified thereof, before the lapse of the said period.

We trust that this sufficiently addresses your concern. Should you have additional questions, please do not hesitate to contact us.

Very truly yours,

*Ruby U. Alvarez*  
for **RUBY U. ALVAREZ**  
*Executive Director III*



## TECHNICAL SUPPORT OFFICE

Unit 2506 Raffles Corporate Center,  
F. Ortigas Jr. Road, Ortigas Center,  
Pasig City, Philippines 1605

1 December 2009

**MS. DELIA D. AGATEP**

*Corporate Auditor*

**COMMISSION ON AUDIT**

3<sup>rd</sup> Flr. Government Service Insurance System

Roxas Blvd., Pasay City

**Re: Section 51 © of the Implementing Rules and Regulations of R.A. 9184**

Dear Ms. Agatep:

We respond to your letter dated 24 November 2009 seeking clarification regarding the starting point of the reglamentary period of six (6) months for Repeat Order under Section 51 (c) of the revised IRR of R.A. 9184, to wit:

Section 51 Repeat Order – xxx

c) Except in cases duly approved by the GPPB, the repeat order shall be availed of only within six (6) months from the contract effectivity date stated in the Notice to Proceed arising from the original contract;

From the foregoing, and based on previous deliberations by the GPPB on the matter, it is submitted that, under the Revised Implementing Rules and Regulations of RA 9184, From the contract effectivity, which is stated in the Notice to Proceed is the starting point that can be considered that the repeat order is within the reglamentary period of six (6) months.

This opinion is being rendered on the basis of the facts and particular circumstances as represented. It may not necessarily be applicable upon a different set of facts or circumstances.

We trust that this clarifies matters. Should you have additional questions, please do not hesitate to contact us.

Very truly yours,

**EMILUISA C. PEÑANO**  
*Executive Director II*



PASEGURAHAN NG MGA NAGLILINGKO  
(GOVERNMENT SERVICE INSURANCE SYSTEM)  
Financial Center, Pasay City, Metro Manila 1308

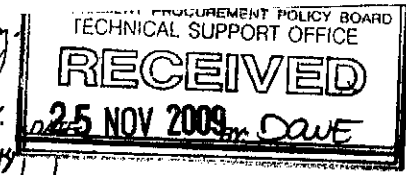
OFFICE OF THE CORPORATE AU

*Emilio,*  
*Pls. handle. Sign it*  
*my behalf.*  
*11/26/09*

*Win,*

November 24, 2009

*Pls. draft reply*



**ATTY. RUBY U. ALVAREZ**  
Executive Director III  
Technical Support Office, GPPB  
Unit 2506 Raffles Corporate Center, F. Ortigas Jr. Road,  
Ortigas Center, Pasig City

Madam:

Good day!

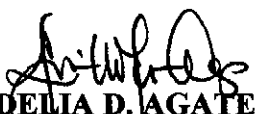
We would like to make an inquiry regarding Section 51 (c) of Implementing Rules and Regulations of R.A. 9184, otherwise known as Government Procurement Reform Act, which states –

*“Except in cases duly approved by the Government Procurement Policy Board or GPPB, the repeat order shall be availed of only within six (6) months from the contract effectivity date stated in the Notice to Proceed (NTP) arising from the original contract.”*

While it is clear from the above provision that the starting point of the reglamentary period of six (6) months is the receipt of Notice to Proceed of the original contract, may we be clarified as to what stage in the procurement process can we consider that the repeat order is within the reglamentary period of six months.

We will appreciate receiving your reply soonest.

Yours truly,

  
**DELIA D. AGATEP**  
Corporate Auditor  
Commission on Audit, 3<sup>rd</sup> flr. Government Service Insurance System  
Roxas Boulevard, Pasay City