



Department of Budget and Management
GOVERNMENT PROCUREMENT POLICY BOARD
TECHNICAL SUPPORT OFFICE

NPM No. 13-2013

1 March 2013

GEN. ARNULFO R. PEREZ, DPA, PESE
Police Director, Directorate for Logistics
PHILIPPINE NATIONAL POLICE (PNP)
NATIONAL HEADQUARTERS (NHQ)
Camp Crame, Quezon City

Re: Post-Qualification for Repeat Order

Dear PDir. Perez:

We respond to your letter dated 8 January 2013, requesting clarification on the requirement of post-qualification when resorting to Repeat Order under Section 51 of the revised Implementing Rules and Regulations (IRR) of Republic Act (RA) No. 9184.

It is represented that three (3) personnel from the PNP NHQ sought guidance from this office on 19 December 2012 on the conduct of post-qualification for Repeat Order based on Section 51¹ of RA 9184. During the discussion with one of the officers of the Government Procurement Policy Board-Technical Support Office (GPPB-TSO), the PNP personnel were advised that the conduct of post-qualification as mentioned in this provision refers to Competitive Bidding and not to Repeat Order. In addition, the post-qualification requirement for Repeat Order has consistently been omitted from the IRR and the Generic Procurement Manuals for the Procurement of Goods to be consistent with the actual intention of the framers of RA 9184. Guided by our verbal opinion, the Bids and Awards Committee (BAC) of PNP NHQ proceeded with its procurement through Repeat Order without conducting Post-Qualification. Nonetheless, in anticipation of the requirement of Executive Order (EO) No. 423², you are requesting that our verbal advice be reduced in writing to serve as reference for the Honorable Secretary of the Department of the Interior and Local Government.

¹ Section 51 *Repeat Order* – When provided for in the Annual Procurement Plan, Repeat Order may be allowed wherein the Procuring Entity directly procures Goods from the previous winning bidder whenever there arises a need to replenish goods procured under a contract previously awarded through Competitive Bidding, subject to post-qualification process prescribed in the Bidding Documents and provided all the following conditions are present: (*underline ours*)

- (a) The unit price must be equal to or lower than that provided in the original contract;
- (b) The repeat order does not result in splitting of requisitions or purchase orders;
- (c) Except in special circumstances defined in the IRR, the repeat order shall be availed of only within six (6) months from the date of the Notice to Proceed arising from the original contract; and,
- (d) The repeat order shall not exceed twenty-five percent (25%) of the quantity of each item of the original contract.

² Entitled "Repealing Executive Order No. 109-A dated September 18, 2003 Prescribing The Rules and Procedures on the Review and Approval of All Government Contracts to Conform with Republic Act No. 9184, Otherwise Known as "The Government Procurement Reform Act"

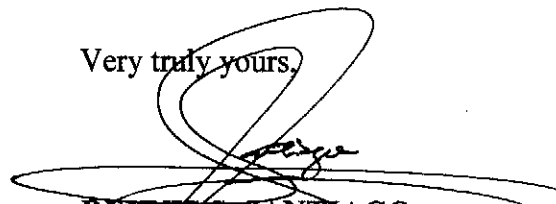
We wish to confirm that Repeat Order under Section 51 of RA 9184 does not require post-qualification because the phrase "subject to post-qualification process described in the Bidding Documents", as stated in the provision, refers to Competitive Bidding and not to Repeat Order. The interpretation can be gleaned from its counterpart provision in the IRR as the said phrase no longer appears in Section 51 of the IRR of RA 9184.

Please note that one of the conditions before Repeat Order may be resorted to is that there is a need to replenish goods procured under a contract previously awarded through Competitive Bidding. The fact that Repeat Order stems from a prior Competitive Bidding necessarily implies that the winning bidder has been post-qualified since post-qualification forms part of the mandatory procedures in the Competitive Bidding process. Thus, it would be redundant or superfluous to post-qualify a bidder in the event a Repeat Order is made considering that it has been previously post-qualified during the initial Competitive Bidding activity for the project.

Based on the foregoing, we wish to affirm the previous verbal opinion given by this office that the requirement for post-qualification as mentioned in Section 51 of RA 9184 refers to the post-qualification process undertaken during the original Competitive Bidding activity and not to the Repeat Order process to be conducted by the Procuring Entity (PE). Thus, the PE is not required to conduct post-qualification prior to resorting to Repeat Order since the bidder who won in the original Competitive Bidding activity has already been post-qualified.

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 III