



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

NPM No. 19-2013

27 March 2013

MR. JOSE GIRO P. ALCARDE

OIC-Head, Bids and Awards Committee (BAC) Secretariat

PROVINCE OF ILOILO

5/F BAC Office, New Iloilo Provincial Capitol,
Iloilo City

**Re: Philippine Government Electronic Procurement System (PhilGEPS)
Registration Certificate**

Dear Mr. Alcarde:

We respond to your electronic mail dated 6 November 2012 forwarding the letter of Atty. Dennis T. Ventilacion dated 29 October 2012 addressed to the Government Procurement Policy Board (GPPB), inquiring whether the procuring entity can again recommend an award to a bidder with a previously expired PhilGEPS registration certificate, but which has since been renewed.

As represented in the letter of Atty. Ventilacion, the BAC of the Province of Iloilo conducted public bidding for consulting services of Architectural and Engineering Design for the construction/upgrading/improvement/renovation and completion of its various district hospitals. In the process, the BAC shortlisted three consultants, among which is G.H. Hisancha Architects Builders (GHHAB) who submitted a copy of its PhilGEPS registration certificate valid until 15 April 2012. GHHAB was eventually declared the bidder with the Highest Rated and Responsive Bid (HRRB) on 22 June 2012, and issued a Notice of Award on 28 June 2012. However, before the Governor of Iloilo could sign the contract with GHHAB, it was discovered that the PhilGEPS registration certificate of GHHAB has already expired, resulting in the recall of the recommendation of award. Thereafter, GHHAB submitted a renewed PhilGEPS registration certificate on 14 September 2012. It is in this context that inquiry is being made on the propriety of recommending the award of contract to GHHAB after it has submitted a valid PhilGEPS registration certificate.

Please note that Section 8.5.1 of the revised Implementing Rules and Regulations (IRR) of Republic Act (RA) 9184 provides that a bidder should maintain its registration current and updated in accordance with the provisions of the IRR in order that it may be allowed to participate in a procurement undertaken by any procuring entity. The submission of a PhilGEPS registration certificate is required under Section 34.2 of the revised IRR, where the bidder with the Lowest Calculated Bid (LCB)/Highest Rated Bid (HRB) should submit, among others, its PhilGEPS registration certificate within three (3) calendar days from receipt of the notice from the BAC. It further provides that failure to submit any of the

requirements on time or a finding against the veracity of the submitted documents shall be a ground for disqualification and forfeiture of bid security.

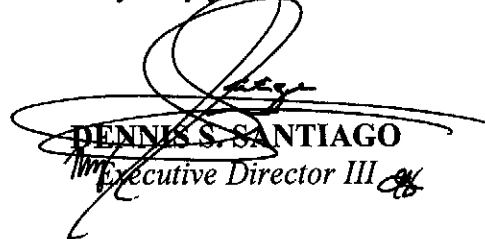
Moreover, we wish to emphasize that although bidders are not precluded from submitting the post-qualification documents required under Section 34.2 of the revised IRR during the submission of bids, it is prudent for the procuring entity to request for the latest and current legal documents to ascertain, validate, and verify the authenticity and currency of the documents and establish the eligibility and responsiveness of the bidder to the requirements,¹ specifically prior to the post-qualification of the bidder with the LCB/HRB.


In this regard, it is imperative for a bidder to have its PhilGEPS registration certificate updated, and submitted to the procuring entity, within three (3) calendar days from receipt of the BAC's notice that it has been determined to be the bidder with the LCB/HRB. Failure to submit the requirements within said period should result in the disqualification of the bidder and forfeiture of its bid security.

Based on the foregoing, we are of the view that the Province of Iloilo-BAC cannot recommend the award of contract to the bidder with the HRB if it failed to submit a current and updated PhilGEPS registration certificate within three (3) calendar days from its receipt of the notice from the BAC. Its belated submission of a renewed PhilGEPS registration certificate does not cure the defect inasmuch as the mandatory and non-extendible period of three (3) calendar days within which to comply with the requirement has already lapsed.

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

Very truly yours,


DENNIS S. SANTIAGO
Executive Director III

//lsd3 

¹ Non Policy Matter No. 152-2012 dated 14 December 2012.