



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

NPM No. 32-2014

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ENGR. MICO P. CRUZADO

Technical Audit Specialist II

Technical Services Office

COMMISSION ON AUDIT

Commonwealth Avenue,

Quezon City 0880

Re: Reference to Brand Names

Dear Mr. Cruzado:

This is in response to your electronic mail dated 24 June 2014 seeking our opinion on the following:

1. Is [p]reference to brand names for the materials in Infrastructure Projects covered by Section 18 of the IRR-A of RA 9184?
2. Can Procuring Entity (PE) indicate brand names in the Technical Specifications for Infrastructure Project?

At the outset, we wish to clarify that the revised Implementing Rules and Regulations (IRR) of Republic Act No. (RA) 9184, which took effect on 2 September 2009, had already repealed Memorandum Order No. 119 dated 18 September 2003 containing the IRR-A of RA 9184¹. Nonetheless, the provisions of Section 18 of the IRR of RA 9184 remain the same, to wit:

"Specifications for the procurement of goods shall be based on relevant characteristics and/or performance requirements. Reference to brand names shall not be allowed."

It is apparent from the above-quoted provision that the prohibition against reference to brand names applies only to procurement of goods.² Consequently, materials included in the procurement of Infrastructure Projects are beyond the ambit of the prohibition. This is on the assumption that the infrastructure materials were procured together with the Infrastructure Project itself. However, it would be different if the infrastructure materials will be procured separately from the Infrastructure Project. In which case, the procurement of infrastructure

¹ Section 75 of the IRR of RA 9184.

² NPM No. 104-2004 dated 30 Jul 2004.

materials may be considered as Procurement of Goods that is covered by the restriction against reference to brand names.

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 you have further questions, please do not hesitate to contact us.

Very truly yours,



DENNIS S. SANTIAGO
Executive Director V

1/17/23