



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

NPM No. 34-2014

8 October 2014

MR. FRANCIS JOSE DV AZCARRAGA
Chief II, Administrative Division
OIC-Department Manager, Admin & GSD
ZAMBOANGA CITY SPECIAL ECONOMIC ZONE AUTHORITY
(ZAMBOANGA SEZA)
San Ramon, Zamboanga City

Re: Statement of all ongoing contracts


Dear Mr. Azcarraga:

This refers to your letter sent by electronic mail on 29 September 2014 seeking clarifications on whether a bidder may be disqualified for failure to include any ongoing projects in the Statement of all ongoing government and private contracts.

As represented, Zamboanga SEZA conducted competitive bidding for a road construction. During the post-qualification stage, the bidder was found to have failed to include some ongoing projects in its Statement of all ongoing government and private contracts as required under *Section 23.1(a)(iii) of the IRR of RA 9184*, as amended by *GPPB Resolution 29-2012*.¹ It is in this context that our opinion is being requested relative to the eligibility of the bidder and what penalty applies to the latter.

Failure to include an immaterial ongoing contract or failure to disclose complete information in the statement of contracts shall result in the following:²

- a. Disqualification of the bidder for non-compliance with the eligibility requirement under Section 23.1 or 24.1 of the revised IRR.
- b. Blacklisting under Section 65.3(a) or (b) of the revised IRR.

It bears stressing that all ongoing contracts must be included in the Statement of all ongoing government and private contracts of the prospective bidder, hence, non-compliance is a ground for disqualification, and may also result in blacklisting if proven that such failure amounts to submission of false information or false documents. 

¹ Statement of the prospective bidder of all its ongoing government and private contracts including contracts awarded but not yet started, if any, whether similar or not similar in nature and complexity to the contract to be bid, within the relevant period as provided in the Bidding Documents.

² GPPB Resolution 29-2012

In addition, *Section 23.7* of the IRR states that if the procuring entity uncovers any misrepresentation made in the eligibility requirements, statements or documents, it shall consider the prospective bidder as ineligible and shall be disqualified from obtaining an award of contract.

Accordingly, the Statement of all ongoing contracts should include all ongoing contracts, without qualification, including awarded but not yet started, whether similar or not in nature and complexity to the contract to be bid.

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 there be other concerns, please do not hesitate to contact us.

Very truly yours,



DENNIS S. SANTIAGO
Executive Director V

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