



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

NPM No. 35-2014

8 October 2014

CHARLOTTE M. CHIONG

Vice Chancellor

UNIVERSITY OF THE PHILIPPINES MANILA (UP MANILA)

The Health Sciences Center, 8/F Central Block Building

UP-PGH Compound, Taft Avenue, Manila

Re: Brand Names; Small Value Procurement

Dear Vice Chancellor Chiong:

This refers to your letter dated 4 July 2014 seeking clarification on the following issues:

1. The propriety of specifying brand names or of equivalent standard/quality in the Bill of Quantities for infrastructure project; and
2. The effect of having a sole bidder for small value procurement.

Brand Names

Section 18 of the Republic Act (RA) No. 9184 and its revised Implementing Rules and Regulations imposes an absolute prohibition on reference to brand names, to wit:

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

As discussed in our previous opinion, the above-quoted prohibition applies to procurement of goods¹ and not in procurement of infrastructure projects.

Sole Bidder for Small Value Procurement

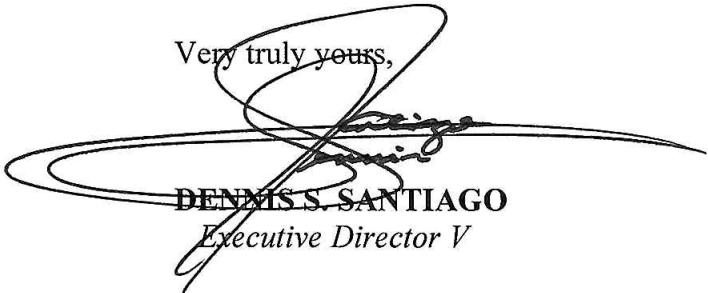
GPPB Resolution 09-2009, dated 23 November 2009, provides for the Guidelines for Shopping and Small Value Procurement (Guidelines). Under Section 3(c) of the Guidelines, the Request for Quotation (RFQ) shall be sent to at least three (3) suppliers, contractors, or consultants of known qualification. However, unlike in Shopping under Section 52.1(b) of the IRR, in Small Value Procurement (SVP), the procuring entity is required to draw up a list of at least three (3) suppliers of known qualifications from whom the quotations are

¹ NPM No. 104-2004 dated 30 July 2004.

obtained²; thus, it will suffice to request quotations from three (3) suppliers under SVP, but it is not required to actually wait and receive three (3) quotations in order to proceed with the bid evaluation³. Hence, the receipt of a single price quotation for SVP from any of the suppliers in the list can be considered for award of contract.

We hope that the opinion issued by GPPB-TSO provided sufficient guidance on the matter. Note that this is issued on the basis of particular facts and 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 V

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² Section 53.9.1 of the IRR of RA 9184.

³ NPM No. 08-2013 dated 11 February 2013.