



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

**NPM No. 36-2012**

17 April 2012

**HON. ALLAN Q. UMALI**  
*Assistant Secretary*  
**OFFICE OF THE SECRETARY**  
**DEPARTMENT OF AGRICULTURE (DA)**  
Elliptical Road, Diliman, Quezon City

**Re: Failure to Fill in Rates and Prices in the Bill of Quantities**

Dear Assistant Secretary Umali:

We respond to your letter dated 2 April 2012 requesting guidance in regard to the bidding for the construction of the proposed Benguet Agri-Pinoy Trading Center at La Trinidad, Benguet in relation to Republic Act (RA) 9184 and its Implementing Rules and Regulations (IRR).

As represented, three (3) firms participated in the public bidding conducted by the DA but only one bidder was found eligible following the non-discretionary pass/fail criterion under Section 30 of the IRR of RA 9184. Upon evaluation of the bid proposal, the members of the Technical Working Group (TWG) have conflicting views on the failure of the lone bidder to completely fill up the bill of quantities. Two members of the TWG concluded that a detailed evaluation of the bill of quantities is not required, while one member opined that a failure of bidding should be declared based on Clause 28.3 of the Instruction to Bidders (ITB) in the Philippine Bidding Documents (PBDs) for Goods.

For your guidance, Clause 28.3 of the ITB is a reiteration of Section 32.2.1 (a) of the IRR. As clearly stated in this provision, bids not addressing or providing all of the required items in the bidding documents, including, where applicable, bill of quantities, shall be considered nonresponsive and, thus, automatically disqualified.

Considering that the subject project pertains to construction, the more appropriate reference is the PBDs for Infrastructure Projects, specifically, Clause 15.2 thereof, which reflects the same policy under Section 32.2.2 (a) of the IRR of RA 9184 as follows:

The Bidder shall fill in rates and prices for all items of the Works described in the Bill of Quantities. **Bids not addressing or providing all of the required items in the Bidding Documents including, where applicable, bill of quantities, shall be considered non-responsive and, thus,**


**automatically disqualified.** In this regard, where a required item is provided, but no price is indicated, the same shall be considered as non-responsive, but specifying a "0" (zero) for the said item would mean that it is being offered for free to the Government. (*Emphasis ours*)

Owing to the clear and categorical statement of the IRR and the PBDs on the matter, there is no further need for interpretation, but only implementation in line with the plain-meaning rule or *verba legis* doctrine in statutory construction. The general rule in construing words and phrases used in a statute is that in the absence of legislative intent to the contrary, they should be given their plain, ordinary, and common usage meaning.<sup>1</sup>

Based on the foregoing, we are of the opinion that the failure of the lone bidder to completely fill up the bill of quantities amounts to a non-responsive bid, and consequently, a ground for automatic disqualification.

We hope our advice provided sufficient guidance on the matter. Should you have further questions, please do not hesitate to contact us.

Very truly yours,

  
**DENNIS S. SANTIAGO**  
*Executive Director III*

//mbq

---

<sup>1</sup> Secretary of Justice vs. Koruga, G.R. No. 166199, 24 April 2009.