



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

NPM No. 40-2012

23 April 2012

MR. TOMAS P. FRANCIA
Chairman, Bids and Awards Committee
NATIONAL IRRIGATION ADMINISTRATION (NIA)
Panganiban Drive, Naga City

Re: Compliance with the Technical Specifications

Dear Mr. Francia:

We respond to your letter dated 12 March 2012 seeking our opinion on the following technicalities identified by the Technical Working Group of NIA Region 5 during its post qualification for the procurement of contract for the Repair/Rehabilitation of Matogdon RIS, Labo, Camarines Norte:

- 1) In the detailed estimate, the bidder used 10 mm reinforced steel bar (RBS) against the specified 12 mm RSB;
- 2) In the required 211 kgs per square centimeter reinforced concrete the bidder used a steel bar factor of 8.98 kgs/cubic meter of concrete against the NIA specifications of 40 kgs/cubic meter of concrete; and
- 3) The contractor's estimate used a daily wage of P180.00 per day against the PhP247.00 per day set by the DOLE in Region 5, contrary to his affidavit that the contractor is following Labor Laws.

Please be reminded that during the post-qualification stage of the bidding process, the Bids and Awards Committee (BAC) determines the responsiveness of the Lowest Calculated Bid (LCB) against the requirements specified in the Bidding Documents. In case the BAC finds that the LCB does not comply with the requirements specified in the Bidding Documents using non-discretionary pass/fail criterion, it shall notify the bidder of its disqualification.

Considering that the foregoing technicalities amount to non-compliance with the requirements in the Bidding Documents, this office urges you to use the non-discretionary pass/fail criterion, as stated in the Bidding Documents, in verifying, validating, and ascertaining all statements made and documents submitted by the bidder, and to immediately notify the bidder in writing in case of post-disqualification pursuant to Sections 34.3¹ and 34.5² of the Implementing Rules and Regulations of Republic Act 9184.

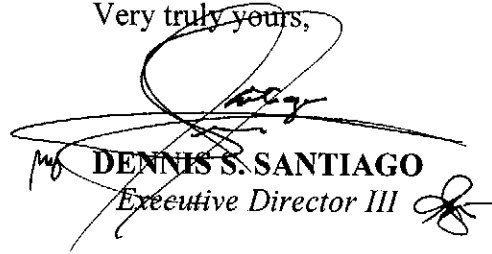
¹The post-qualification shall verify, validate, and ascertain all statements made and documents submitted by the bidder with the Lowest Calculated Bid/Highest Rated Bid, using non-discretionary criteria, as stated in the Bidding Documents...

²If, however, the BAC determines that the bidder with the Lowest Calculated Bid/Highest Rated Bid fails the criteria for post-qualification, it shall immediately notify the said bidder in writing of its post-qualification and the grounds for it.

We wish to stress that this office does not have the authority to pass upon or impose on actions or decisions of procuring entities in relation to their procurement activities. In the interest of efficiency, we encourage you to render timely decisions on these matters within the proper guidance of existing rules and regulations.

We hope that our advice sufficiently addresses your concern. Should you have further questions, please do not hesitate to contact us.

Very truly yours,



DENNIS S. SANTIAGO
Executive Director III

//mms