



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

NPM No. 51-2012

02 May 2012

MR. FROILAN R. KAMPITAN
Assistant General Manager
Vice Chairperson, Bids and Awards Committee
NATIONAL HOUSING AUTHORITY
Quezon Memorial Elliptical Road,
Diliman, Quezon City

Re: Technical Requirements for Infrastructure Projects

Dear Mr. Kampitan:

We respond to your letter seeking clarification on whether the procuring entity may require the submission of different sets of personnel for different projects of the National Housing Authority (NHA) in different geographical locations as part of its project requirements.

Based on the letter, aside from the required personnel as stated in Section 25.2 (b) (iii) of the IRR, NHA requires a specific list of personnel per project if a bidder wants to participate in a particular bidding. It has required Project Engineers who will provide significant dedication as manpower complement to supervise the project depending on the types of works to be undertaken, such as Geodetic Engineer, Electrical Engineer, and Safety Officer/Engineer. It is further represented that NHA maintains the position that the sets of key personnel to be assigned to the project as well as the equipment to be used therein should be different to determine the bidder's capability to undertake the projects simultaneously, should they be declared as the lowest calculated and responsive bidder for more than one (1) project.

On the other hand, one of the prospective bidders contended that requiring bidders to submit different names from the list of contractor's personnel would result to injustice as contractors would be constrained to secure different personnel in a project, even if they are not sure on winning the bid. Moreover, it is seeking clarification on whether the submission of a list of contractor's personnel containing the same names by a bidder who participates in two (2) or more projects results in his disqualification.

Specificity of Personnel Requirement

As you have noted, Section 25.2 (b) (iii) of the IRR prescribes the minimum technical information/documents that must be complied by the bidders as it comprises their technical bid proposals. One of the project requirements included the list of contractor's personnel to

be assigned to the contract to be bid, with their complete qualification and experience data. Said section merely provides for the examples of contractor's personnel, thus, aside from what was enumerated therein, procuring entities may require other personnel to be assigned to the contract which it deems necessary for the requirements of the project, provided it is stated in its bidding documents.

We wish to note, however, that the determination on the assignment of personnel for a particular project lies within the discretion of the concerned bidder. What is required is that the manpower to be provided by the bidder should be included in the aforementioned list. Requiring that the personnel be confined to a specific project for the entire duration of a particular project may be too limiting on the part of the contractor and may discourage participation since it will require contractors to put in additional cost and resources, despite the uncertainty of winning in any or all of the projects. Indeed, the inclusion of the same personnel by the same bidder in several of its bid proposals should not be a ground for disqualification for being too restrictive and limiting.

Bids and Awards Committee (BAC) to Ensure Contractor's Capacity

It bears stressing that what is more important is the availability of these personnel when their services are needed. While the procuring entity should not require the submission of different sets of names in the list of contractor's personnel per project, it is incumbent upon the BAC to determine during the evaluation of the bids as to whether the bidder concerned may make available its personnel at the time they are needed for the project in the event it is awarded to them. In doing so, the evaluation of the bids should be carefully undertaken by the members of the BAC, taking into account the bidders' technical and financial proposals; as it is the duty of the BAC to determine whether the bidder has the capacity, capability, and ability to undertake the projects simultaneously.

It shall be understood, however, that the foregoing opinion is rendered solely based on the facts disclosed in the query and relevant solely to the particular issues raised therein, and shall not be used in the nature of standing rule binding upon this office in other cases, whether similar or dissimilar circumstances.

Very truly yours,


DENNIS S. SANTIAGO
Executive Director III

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