

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

NPM No. 67-2013

27 June 2013

MR. GERZON O. LISAY
Proprietor
G.O. LISAY MARKETING
148-C Marquez Street, Ilawod West,
Legazpi City

Re: Refusal to Accept Price Quotation

Dear Mr. Lisay:

This is in response to your letter dated 22 March 2013, which we received on 22 April 2013, inquiring on whether a procuring entity could validly and legally refuse to accept a sealed bid containing an accomplished Request for Quotation (RFQ) from a qualified supplier.

It is represented that G.O. Lisay Marketing attempted to submit its accomplished RFQ and other documents to the Department of Public Works and Highways - Camarines Sur 3rd Engineering District Office (DPWH) before the closing date and time of submission for the procurement of Reflectorized Paints indicated in its RFQ posted in the Philippine Government Electronic Procurement System (PhilGEPS), but the DPWH Bids and Awards Committee (BAC) Secretariat Member, BAC Chairperson, and Head of the Procuring Entity (HOPE) all refused to receive the same, explaining that the items subject of the RFQ have already been "advanced".

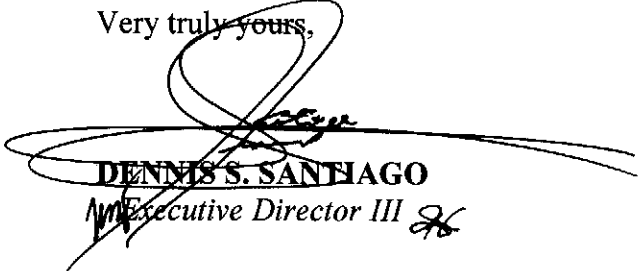
Section 3 of the Guidelines for Shopping and Small Value Procurement⁶ (Guidelines) provides that the procedural requirements that must be followed in the conduct of Shopping. Section 3(b) thereof provides that RFQ must prescribe the manner by which price quotations shall be submitted *i.e.*, by sealed or open quotation, and the deadline for their submission. Section 3(e) of the Guidelines provides that after the deadline for submission of price quotations, an abstract of quotations shall be prepared setting forth the names of those who responded to the RFQ, their corresponding quotations, and the lowest quotation submitted. Section 3(h) of the Guidelines provides that award of contract may be made only after determination that the lowest quotation received complies with the specifications and other terms and conditions stated in the RFQ, and validation of the legal, technical, and financial capability of the bidder. B


⁶ Issued through GPPB Resolution 09-2009 dated 23 November 2009.

Based on the foregoing, it is clear that a procuring entity cannot validly and legally refuse to accept a bid submitted before the deadline for the submission indicated in the RFQ. A contrary action on the part of the procuring entity opens a ground for the aggrieved bidder to file a request for reconsideration and, subsequently, protest as provided in Section 55 of RA 9184 and its IRR, without prejudice to the institution of civil, administrative and/or criminal actions against the erring officials under applicable laws and rules.

We hope our advice provided sufficient guidance on the matter. Note that this opinion is being issued on the basis of facts and particular situations presented, and may not be applicable given a different set of facts and circumstances. Should you have other concerns, please do not hesitate to contact us.

Very truly yours,



DENNIS S. SANTIAGO
Executive Director III 

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