



Republic of the Philippines
GOVERNMENT PROCUREMENT POLICY BOARD
TECHNICAL SUPPORT OFFICE



NPM No. 84-2015

13 October 2015

MR. DANILO D. FACUNDO

Supply Officer Designate

DEPARTMENT OF SCIENCE AND TECHNOLOGY (DOST) CARAGA

Butuan City

Re: Advertisement and Posting

Dear Mr. Facundo:

This refers to your email, dated 15 September 2015 seeking clarification on whether the Request for Expression of Interest (REI) should be re-advertised in a newspaper of general circulation during the re-bidding of its consulting services.

As represented, the Bids and Awards Committee (BAC) declared a failure of bidding for consulting service with an Approved Budget for the Contract (ABC) of One Million Five Hundred Seventy-Five Thousand Pesos (PhP1,575,000.00), due to the disqualification of the lone bidder. The BAC intends to re-bid the contract. It is in this context that the foregoing query is being raised.

Under Section 35.3 of the revised Implementing Rules and Regulations (IRR) of Republic Act (RA) No. 9184, upon the conduct of mandatory review after the first failure of bidding, the BAC shall conduct a re-bidding of the project with re-advertisement and/or posting, as provided for in Section 21.2 of the IRR of RA 9184.

With the re-advertisement and/or re-posting of the REI, the public is notified that the procurement opportunity is again being opened to all who may be interested and qualified to participate, under the same terms, conditions, specifications of the Project, including its ABC; or with revisions, including an adjustment of the ABC, after the conduct of the mandatory review. Notably, Section 21.2 of the IRR imposes compliance with the mandatory requirement of advertisement and posting, without distinguishing whether the procurement is a totally new activity or a re-bidding of an earlier failed procurement opportunity.

Considering that the BAC will be re-bidding a project with an ABC of more than PhP1,000,000.00, the REI should also be advertised at least once in a newspaper of general nationwide circulation in accordance with Section 21.2.1(a) of the IRR of RA 9184.

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

may not be applicable given a different set of facts and circumstances. Should there be other concerns, please do not hesitate to contact us.

Very truly yours,



DENNIS S. SANTIAGO
Executive Director V

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