



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

**NPM No. 115-2013**

26 December 2013

**ATTY. CARLO JOLETTE S. FAJARDO**  
*City Legal Officer*  
*Chairman, Bids and Awards Committee (BAC)*  
**CITY GOVERNMENT OF MALOLOS (MALOLOS CITY)**  
Malolos, Bulacan

**Re : Period of Submission of Bids; Contents of the  
Invitation to Bid**

Dear Atty. Fajardo:

We write in relation to your letter dated 21 November 2013, seeking clarification on whether the Procuring Entity is required to give prospective bidders sixty-five (65) calendar days to submit their bids; and inquiring whether its Invitation to Bid (IB) complies with the requirement that source of funding should be specified, as well as the effect in case of failure to comply with the said requirement.

Based on your letter, Malolos City is conducting a bidding for its New City Hall (Project) with an Approved Budget for the Contract (ABC) of Three Hundred Fifty Million Pesos (PhP350,000,000.00). The IB for the Project was published and posted in the Philippine Government Electronic Procurement System on 5 December 2012, with the deadline for the submission of bids pegged on 2 January 2013. It is in this context that Malolos City is inquiring whether adopting twenty one (21) calendar days between the last day of posting and the submission of bids complies with Section 25.4 of the revised Implementing Rules and Regulations (IRR) of Republic Act No. (RA) 9184.

**Period of Submission of Bids**

Section 25.4 of the IRR of RA 9184 provides that for infrastructure projects, the maximum periods to be observed from the last day of posting of the IB up to the submission and receipt of bids are fifty and sixty five calendar days for projects with an ABC of Fifty Million Pesos and below and above Fifty Million, respectively. In line with this, please note that Annex "C" of the IRR of RA 9184 provides the latest allowable time and the earliest possible time for each stage of the procurement process.

In this regard, we wish to clarify that the procuring entity may adopt a shorter period than that provided in Section 25.4 for the deadline of submission and receipt of bids. Thus, it is not necessary for Malolos City to adopt the maximum period of sixty-five (65) calendar days for its Project.

Based on the table for the earliest possible time in Annex "C", and considering the details of the Project vis-à-vis the relevant provisions of the IRR, the earliest possible time within which the submission and receipt of bids for an infrastructure project that is above Fifty Million Pesos can be conducted is twenty (20) calendar days from the last day of advertisement/posting of the IB. This is under the presumption that the pre-bid conference is conducted the next day after the last day of advertisement/posting of the IB, *i.e.*, the eighth day, and the procuring entity adopted the minimum period between the pre-bid conference and the submission and receipt of bids, *i.e.*, twelve (12) calendar days.

### **Source of Funds in the Invitation to Bid**


As regards the propriety of the IB issued for the Project, we wish to inform you that this office does not have the mandate to validate compliance with the mandatory forms contained in the Philippine Bidding Documents (PBDs) issued by the Government Procurement Policy Board in accordance with Section 6 of the IRR of RA 9184.

For your guidance, please note that the PBDs require significant and relevant information on the project to be clearly and adequately defined in the Bidding Documents. For its part, the IB provides information that enables prospective bidders to decide whether to participate in the procurement activity. As provided in the template for the IB in the PBDs for the Procurement of Infrastructure Projects, the source of funding and the year to be indicated shall be the Budget for the contract approved by the respective *Sanggunian* of the local government unit.

In this regard, we wish to stress that the information required in the IB should be clear and adequate for the prospective bidder to understand and identify in accordance with the guide notes provided in the PBDs, failure to comply with which may affect the validity of the process.

We hope that this opinion issued by the GPPB-TSO 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 further questions, please do not hesitate to contact us.

Very truly yours,

  
**DENNIS LORNE S. NACARIO**  
*Officer-in-Charge*