



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

NPM No. 117-2013

26 December 2013

MR. JONATHAN C. MARTIR

Director

GOVERNMENT ARSENAL (GA)

DEPARTMENT OF NATIONAL DEFENSE

Camp General Antonio Luna, Limay, Bataan

Re : Composition of Post-qualification Team

Dear Director Martir:

This is in response to your letter, which we received on 29 October 2013, seeking clarification on the composition of a post-qualification team, and whether the same should be headed by a Bids and Awards Committee (BAC) member.

Based on your representation, the GA has been observing delay in its conduct of post-qualification for its procurement activities brought about by the seemingly contrasting views on the composition of the post-qualification team. You are of the opinion that the BAC acts based on the output of the Technical Working Group (TWG), but has the power to reject or reverse the recommendation(s) of the latter based on its own interpretation of facts.

Section 34 of Republic Act No. (RA) 9184 states that the bidder determined to have submitted the Lowest Calculated Bid (LCB) shall undergo post-qualification in order to establish its compliance with and responsiveness to all the requirements and conditions specified in the Bidding Documents. To provide additional guidance to procuring entities, Rule X of the revised Implementing Rules and Regulations (IRR) of RA 9184 specifies the details of the post-qualification process that should be complied with. The post-qualification process is to be undertaken primarily by the BAC, with the assistance of its TWG, pursuant to Sections 12.1 (f) and (k) of the IRR of RA 9184. Once the BAC determines that the bidder with the LCB passed all the criteria for post-qualification, it will declare the bidder's bid as the LCRB, and recommend to the Head of the Procuring Entity the award of contract to said bidder.

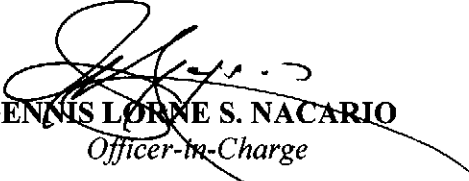
In line with this, it is worth stressing that the TWG provides assistance to the BAC by recommending actions or decisions based on its legal, technical, and/or financial expert assessment of the LCB, but it does not and cannot decide whether the bidder with the LCB passed the post-qualification. The authority to exercise such decision belongs with the BAC, which, on its discretion, may or may not adopt or rely on the recommendations of the TWG.

Based on the foregoing, we wish to clarify that neither RA 9184 nor its IRR provide for the establishment of a post-qualification team that is separate and distinct from the BAC, since the responsibility and authority of conducting the post-qualification is categorically delegated to the BAC under Section 12.1 of the IRR of RA 9184. Differently stated, the post-qualification team shall be the BAC, which can be assisted by the TWG, and shall be responsible in

determining the compliance of the bidder with the LCB with all the requirements and conditions specified in the Bidding Documents.

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

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