



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

NPM No. 119-2013

26 December 2013

MR. TOMAS Y. MACROHON

Head, Project Management Department

BASES CONVERSION AND DEVELOPMENT AUTHORITY (BCDA)

2nd Floor, Bonifacio Technology Center, 31st Street cor. 2nd Avenue,
Bonifacio Global City, Taguig City

**Re : Additional Deliverables in an Existing Design
Consultancy Contract**

Dear Mr. Macrohon:

We write in response to your letter dated 3 October 2013, requesting for our opinion on whether BCDA could revise and include additional deliverables to its existing design consultancy contract.

As represented, BCDA entered into a consultancy contract for the design of a proposed ramp that will connect C-5 Road to McKinley Parkway Road within Bonifacio Global City (BGC). The final design submitted by the consultant to, and is now pending approval of, BCDA was conceptualized prior to the construction of SM Aura in a parcel of land considered as a civic center in the Master Development Plan of BGC to which the ramp was designed to connect at level with the McKinley Parkway Road. However, BCDA feels that the present design will no longer be responsive to the traffic condition in the area due to the presence of SM Aura. BCDA deems it necessary to have the ramps re-designed in a way that will improve traffic movement and circulation in the area and the rest of BGC. Such re-design, however, will entail additional costs for the consultant. It is in this context that the above-mentioned request is being made.

We have previously explained in an earlier opinion¹ on a similar matter that Section 61.1 of the revised Implementing Rules and Regulations (IRR) of Republic Act No. (RA) 9184 provide that all bid prices shall be considered as fixed prices, and therefore not subject to price adjustment and escalation during the contract implementation. Moreover, Section 2 of Annex "F" of the IRR of RA 9184 reiterates the principle that all consultancy contracts shall be fixed price contracts and any extension of contract time shall not involve any additional cost. Lastly, Clause 55.6 of the General Conditions of Contract of the Philippine Bidding Documents for the Procurement of Consulting Services provides that no additional payment for variation order, if any, shall be allowed for the consultancy contract.


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¹ Non Policy Matter No. 70-2013 dated 2 August 2013.

In this regard, we are of the view that BCDA may revise the existing design contract to include additional deliverables, provided, however, that such revision will entail no additional payment or cost on the part of the procuring entity.

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 other concerns, please do not hesitate to contact us.

Very truly yours,


DENNIS LORNE S. NACARIO
Officer-in-Charge

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