



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

**NPM No. 146-2012**

13 November 2012

**HON. CONSTANCIA P. DE GUZMAN**  
*Commissioner*  
*Chairperson, Oversight Committee*  
**NATIONAL POLICE COMMISSION (NAPOLCOM)**  
Makati City

**Re: Post-disqualification**

Dear Commissioner de Guzman:

This is in response to the email of the NAPOLCOM Oversight Committee dated 30 July 2012, seeking our guidance on the propriety of allowing a bidder, who failed post-qualification, to re-submit its bid for purposes of compliance with the required technical specifications imposed by the Procuring Entity (PE), as raised by Mr. Mario B. Bisoy, NAPOLCOM Logistics Management Officer I, in the After Mission Report dated 27 July 2012.

It is represented that Toyota was post-disqualified in the procurement of Sixty Nine (69) Units of Patrol Utility Vehicles for having submitted a 14-inch *Steel* rim instead of a 14-inch rim (minimum) made of *Aluminum/Magnesium Alloy*, as required by the minimum standard specifications of the Philippine National Police (PNP). It is likewise represented that Toyota requested the PNP National Headquarters-Bids and Awards Committee (NHQ-BAC) that it be allowed to pull out its submitted vehicle sample, and then re-submit another vehicle sample to conform to the required technical specification. The BAC-Technical Working Group (BAC-TWG) is in dilemma whether to grant Toyota's request considering that the PNP NHQ-BAC allowed Foton to re-submit another sample in a previous bidding after its originally submitted sample was found to be non-compliant with the technical specifications during post-qualification. It is in this context that our opinion is sought on whether Toyota should be post-disqualified outright for non-compliance with the technical specifications, or given a chance to re-submit a new sample vehicle that is compliant with the requirements.

The objective of post-qualification under Section 34 of Republic Act (RA) No. 9184 and its revised Implementing Rules and Regulations (IRR) is to determine whether the bidder complies with and is responsive to all the requirements and conditions specified in the

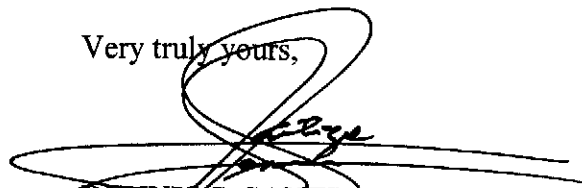
bidding documents.<sup>1</sup> During post qualification, the PE verifies, validates and ascertains all statements made and the documents submitted by the bidder with the lowest calculated bid (LCB) or highest rated bid (HRB), as the case may be, **using non-discretionary pass/fail criteria.**<sup>2</sup>


These criteria shall consider the legal, technical and financial requirements, such as, but not limited to, the bidder's stated competence and experience, the availability and commitment, and/or inspection and testing of the equipment units to be owned/leased/under purchase by the bidder for use in the contract under bidding. Hence, the verification under the post-qualification stage is not limited to the examination of documents submitted by the bidder, but also **includes inspection of the subject equipment vis-à-vis the technical specifications** specified in the bidding documents.<sup>3</sup>

In the event that the verification, validation, and ascertainment conducted by the PE yield a negative result; or on the scheduled date of inspection, the bidder fails to present the sample good or equipment for examination or evaluation, **the BAC has the prerogative to declare the bidder post-disqualified for failure to comply with the requirements.**<sup>4</sup> Additionally, in case the BAC determines that the bidder with the LCB or HRB fails the criteria for post-qualification, **it shall immediately notify** the said bidder in writing of its post-disqualification and the grounds therefor pursuant to Sections 34.3 and 34.5 of the revised IRR of RA 9184.<sup>5</sup>

We hope that our advice provided sufficient guidance on the matter. This opinion is being rendered on the basis of the 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 S. SANTIAGO**  
*Executive Director III* 

Copy furnished:

**MR. MARIO B. BISO**  
*Logistics Management Officer I*  
**NATIONAL POLICE COMMISSION**  
Makati City

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<sup>1</sup> NPM 069-2007 dated 3 December 2007.

<sup>2</sup> NPM 064-2012 dated 25 May 2012.

<sup>3</sup> *Id.*

<sup>4</sup> *Id.*

<sup>5</sup> *Id.*