



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

NPM No. 150-2012

11 December 2012

MR. GERARDO A.I. ESQUIVEL

Administrator

METROPOLITAN WATERWORKS AND SEWERAGE SYSTEM (MWSS)

4th Floor, Administration Building, MWSS Complex,
489 Katipunan Avenue, Balara, Quezon City

Re: Invitation to Bid

Dear Administrator Esquivel:

We respond to your letter dated 5 October 2012 requesting the review of your proposed Invitation to Bid (IB) for the Angat Dam and Dyke Strengthening Project.

The Government Procurement Policy Board (GPPB) and its Technical Support Office (TSO) render policy and non-policy opinions respectively, on issues purely relating to the interpretation and application of our procurement laws, rules and regulations.¹ The GPPB-TSO, on the other hand, does not review the Bidding Documents of Procuring Entities (PEs) since the GPPB issued templates for the recommended forms, which are contained in the Philippine Bidding Documents (PBDs) for the Procurement of (1) Goods; (2) Infrastructure Projects; and (3) Consulting Services. In addition, Section 6 of the Implementing Rules and Regulations (IRR) of Republic Act (RA) 9184 provides that once issued by the GPPB, the use of the Generic Procurement Manuals (GPMs), PBDs and other standard forms shall be mandatory upon all PEs.

However, a simple perusal of the attached IB reveals that it failed to include two (2) standard provisions, specifically the second paragraphs of IB Clauses 3² and 5³. Please note that the Clauses contained in the IB for the PBDs for the Procurement of Infrastructure Projects⁴ are the minimum provisions that should appear in the PE's IB. We would like to reiterate that MWSS need not submit to this office their Bidding Documents for review as it may refer to the appropriate PBDs for guidance.

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¹ NPM No. 127-2012 dated 10 October 2012.

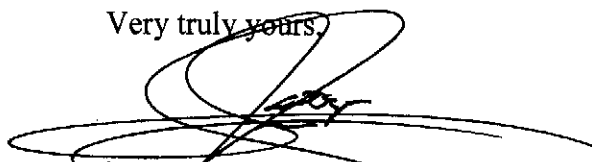
² Bidding is restricted to Filipino citizens/sole proprietorships, partnerships, or organizations with at least seventy five percent (75%) interest or outstanding capital stock belonging to citizens of the Philippines.

³ It may also be downloaded free of charge from the website of the Philippine Government Electronic Procurement System (PhilGEPS) and the website of the Procuring Entity, provided that bidders shall pay the fee for the Bidding Documents not later than the submission of their bids.

⁴ Fourth Edition, December 2010.

We hope that our advice provided sufficient guidance on the matter. Please note that this opinion is being rendered on the basis of the facts and particular situation presented, and may not be applicable given a different set of facts and circumstances. Should you have additional questions, please do not hesitate to contact us.

Very truly yours,



DENNIS S. SANTIAGO
Executive Director III

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