

NPM No. 160-2015

22 December 2015

MS. ANTHEA MARIE C. ROSETE
Administrative Officer I/ BAC Secretariat
NATIONAL MARITIME POLYTECHNIC
 National Maritime Polytechnic Training Complex
 Cabalawan, Tacloban City, Leyte

**Re: Statement of Ongoing and Completed
 Government and Private Contracts**

Dear Ms. Rosete:

This refers to your electronic mail dated 11 December 2015, which we received on 14 December 2015, inquiring on whether there has been any revision on the statement of the prospective bidder of all its ongoing government and private contracts in relation to your procurement of security services.

By virtue of Section 63 of Republic Act (RA) No. 9184, the Government Procurement Policy Board (GPPB) was established to formulate and amend, whenever necessary, the Implementing Rules and Regulations (IRR). Since the effectivity of RA 9814 and its associated IRR, the GPPB has adopted several procurement policies, which includes the amendment of Section 23.1(a)(iii)¹ of the IRR of RA 9184 through GPPB Resolution No. 29-2012² issued on 23 November 2012.

Subsequently, the GPPB, through GPPB Resolution No. 16-2014 dated 20 June 2014³, resolved to amend Section 23.1(a)(iv) of the IRR and Clauses 12.1 of the Instructions to Bidders (ITB) and 12.1(a)(iii) of the Bid Data Sheet (BDS) of the Philippine Bidding Documents (PBDs) for Goods and Infrastructure Projects, thus:

ORIGINAL	AMENDED
<i>Section 23.1(a)(iv), IRR of RA 9184</i>	
Statement of the prospective bidder of all its ongoing government and private contracts, including contracts awarded but not yet started, if any, whether similar or not similar in nature and complexity to the contract to be	Statement of the prospective bidder of all its ongoing government and private contracts, including contracts awarded but not yet started, if any, whether similar or not similar in nature and complexity to the contract to be bid; and

¹ Renumbered as Section 23.1(a)(iv) due to the amendments introduced by GPPB Resolution 21-2013, dated 30 July 2013, entitled *Approving Amendments to Sections 23.1(a), 24.1(a) and 34.2 of the revised Implementing Rules and Regulations of Republic Act No. 9184 and the Philippine Bidding Documents for Goods, Infrastructure Projects and Consulting Services.*

² Published in the Manila Business Insight on 9 September 2013.

³ Published in the Manila Times on 15 May 2015.

ORIGINAL	AMENDED
<i>Section 23.1(a)(iv), IRR of RA 9184</i>	
bid, <i>within the relevant period as provided in the Bidding Documents; and</i>	

Philippine Bidding Documents for Goods

<i>Instructions to Bidders</i>	
<p>Clause 12.1. Unless otherwise indicated in the BDS, the first envelope shall contain the following eligibility and technical documents:</p> <p>(a) Eligibility Documents –</p> <p>Class “A” Documents:</p> <p>...</p> <p>(iii) Statement of all its ongoing and—completed government and private contracts within the period stated in the BDS, including contracts awarded but not yet started, if any. The statement shall include, for each contract, the following...</p>	<p>Clause 12.1. Unless otherwise indicated in the BDS, the first envelope shall contain the following eligibility and technical documents:</p> <p>(a) Eligibility Documents –</p> <p>Class “A” Documents:</p> <p>...</p> <p>(iii) Statement of all its ongoing government and private contracts, including contracts awarded but not yet started, if any, <i>whether similar or not similar in nature and complexity to the contract to be bid; and</i></p> <p><i><u>Statement identifying the bidder’s single largest completed contract similar to the contract to be bid, except under conditions provided for in Sec. 23.5.1.3 of the IRR, within the relevant period as provided in the BDS.</u></i></p> <p>The statement shall include, for each contract, the following...</p>
<i>Bid Data Sheet</i>	
<p>Clause 12.1(a)(iii). The statement of all ongoing <i>and completed</i> government and private contracts shall include all such contracts within <i>[state relevant period as provided in the Invitation to Bid]</i></p>	<p>Clause 12.1(a)(iii). The statement of all ongoing government and private contracts shall include all such contracts within <i>[state relevant period as provided in the Invitation to Bid]</i> prior to the deadline for the</p>

prior to the deadline for the submission and receipt of bids.	submission and receipt of bids.
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As can be gleaned from the foregoing, the statement of all ongoing government and private contracts was distinguished from the “statement identifying the single largest completed contract” and “the ten (10) year period for the completed similar contract”; and the phrase “within the relevant period as provided in the Bidding Documents” were deleted, and the associated provisions in the PBDs were amended to reflect the changes pursuant to GPPB Resolution 16-2014.

In sum, the following are the latest amendments effected anent the statement of all ongoing government and private contracts concerning the procurement of security services:

1. Distinction between the statement of all ongoing government and private contracts from the statement identifying the single largest completed contract; and
2. Deletion of the ten (10) year period for the completed similar contract and the phrase “within the relevant period as provided 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 there be other concerns, please do not hesitate to contact us.

Very truly yours,


DENNIS S. SANTIAGO
Executive Director V