



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

NPM No. 17-2011

28 September 2011

F/CSUPT. RUBEN F. BEARIS, JR., MPA

Deputy Chief for Operations

Chairperson, Bids and Awards Committee

BUREAU OF FIRE PROTECTION

145 Union Square Condominium,

15th Avenue, Cubao, Quezon City

Re : No Contact Rule

Dear F/CSupt. Bearis:

We respond to your letter dated 15 July 2011 inquiring on the application of Section 32.1 of the revised Implementing Rules and Regulations (IRR) of Republic Act (RA) 9184, specifically, (i) whether the no-contact rule prohibits the Bids and Awards Committee (BAC) from answering/replying to a correspondence sent by the bidder inquiring on the status of a particular procurement, and (ii) at what stage of the procurement process should the no-contact rule apply.

Please note that under Section 32.1 of the IRR, the communication which the BAC is prohibited from making or accepting pertains to those regarding the evaluation of bids, except when the BAC itself requests for clarification on the bids received. Moreover, as the section provides, the proscription applies during the evaluation of bids and lasts until the issuance of the Notice of Award. This policy seeks to ensure the confidentiality of the bids and to discourage collusion or influence over the outcome of the bidding process.

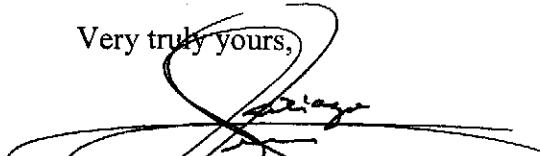
Anent the first concern, it is our view that mere inquiry or follow-up on the status of a procurement activity, *i.e.*, the stage or progress of the bidding process where the procurement activity is at, is not within the scope of the prohibited communication contemplated under the rules, and may thus be accepted and responded to by the BAC. Accordingly, we wish to stress that the response of the procuring entity should only indicate the status of the procurement activity and not include any other information relative to the evaluation of bids, such as, but not limited to, the result of the evaluation process, outcome of the post-qualification, and the name of the winning bidder.

As regards the second concern, reference to Section 32.1 and consideration of the rationale behind the policy dictate that the prohibition attaches at the bid evaluation stage,

which commences immediately after the preliminary examination of bids, and ends upon the issuance of the Notice of Award.

We hope we have provided sufficient guidance on the matter. Should you have further questions, please do not hesitate to contact us.

Very truly yours,



DENNIS S. SANTIAGO
Executive Director III

