

**NPM No. 173-2015**

29 December 2015

**MR. CHARLITO R. LEROG**  
*Chairman, Bids and Awards Committee (BAC)*  
**CITY OF BISLIG**  
Province of Surigao Del Sur

**Re : Technical Specifications**

Dear Chairman Lerog:

This refers to your letter requesting our opinion relative to the validity of the procedures adopted by the BAC in the procurement of three (3) units of Motorcycles through the selection of two (2) different models for the same procurement activity.

As represented, the City of Bislig conducted a canvass from four (4) suppliers for the procurement of three (3) units of motorcycle. Two (2) suppliers responded that they had no available stocks. One quoted to supply one (1) model of motorcycle; while the fourth supplier, Visayas Ram Cycles, Inc., quoted to supply three (3) different models of motorcycle. The end-user opted to choose two (2) different models since both models meet the requirements. Thus, you seek our guidance on whether the procurement of two (2) different models for the purchase of the motorcycles under the same procurement activity is in accord with Republic Act (RA) No. 9184 and its revised Implementing Rules and Regulations (IRR).

In the preparation of technical specifications, procuring entities are presumed to have carefully considered the necessity and underlying reason for the procurement of the intended goods base on its needs. Consequently, Section 17.2 of the IRR of RA 9184 provides that “[t]he specifications and other terms in the Bidding Documents shall reflect **minimum requirements** or **specifications** required to meet the needs of the procuring entity in clear and unambiguous terms.” Hence, the bidder complying with the minimum technical specifications, whose price proposal is determined to be the lowest, must be awarded the contract.

Accordingly, a procuring entity, guided by lawful, valid, and reasonable limitations, may acquire goods of different models so long as it complies with the specified minimum requirements provided in its Technical Specifications. Otherwise stated, goods that consist of various models may be offered by the prospective bidder, and the procuring entity may procure different models in the same procurement activity provided that the different goods being offered meet the minimum specifications and identified limitations required in the Technical Specifications and that the offered price for the different models are the same.

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We hope that this opinion issued by the GPPB-TSO provided sufficient guidance on the matter. Note that this is issued on the basis of particular facts and 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*

