

NPM No. 20-2006

9 November 2006

Col. CARLOS M. PATTUGALAN (ret.)
President/General Manager
BESSANG PASS SECURITY AGENCY, INC.
140 Kalayaan Avenue Cor. Mayaman St.
Diliman, Quezon City

Re : No Contact Rule

Dear Col. Pattugalan:

We respond to your letter dated 13 September 2006 inquiring on whether the communication of relevant information to the Bids and Awards Committee (BAC) after bid opening violates Section 32.3 of the Implementing Rules and Regulations Part A (IRR-A) of Republic Act (R.A.) No. 9184.

Section 32.3 of the IRR-A of R.A. 9184 or the "no contact rule" states, as follows:

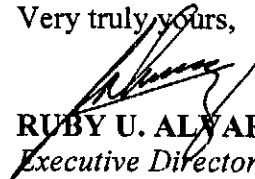
Members of the BAC, including its staff and personnel, as well as its Secretariat and TWG, are prohibited from making or accepting any kind of communication with any bidder regarding the evaluation of their bids until the issuance of the Notice of Award, unless otherwise allowed in this IRR-A.

It is our opinion that this prohibition is absolute and covers all kinds of information. The rationale of the "no contact rule" is to erase any opportunity for bidders to influence or collude with employees or officials of the procuring entity. Hence, it does not distinguish between the types of information received.


We advise your office to simply await the issuance of the Notice of Award and communicate your information through the appeals mechanism prescribed by R.A. 9184.

We hope to have clarified the matter. Should you have any other questions, please do not hesitate to contact us.

Very truly yours,



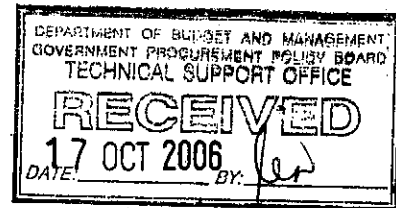
RUBY U. ALVAREZ
Executive Director III

BESSANG PASS  security
agency, inc.

October 16, 2006

ATTY. RUBY V. ALVAREZ

Executive Director
Government Procurement Policy Board
Unit 2506 Raffles Corporate Center
F. Ortigas Jr. Avenue, Ortigas Center
Pasig City



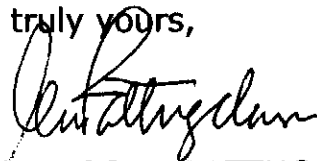
Dear Madame:

Under date of September 13, 2006, we wrote you a letter, photocopy attached hereto for your ready reference, inquiring on the proper interpretation or construction of Section 32.3 of the Implementing Rules and Regulations (IRR) of Republic Act 9184.

If it is not much of a request, we would like to know from your good office the action taken on our aforestated inquiry.

Thank you.

Very truly yours,



COL. CARLOS M. PATTUGALAN (RET)
President/General Manager