

REPUBLIC OF THE PHILIPPINES
GOVERNMENT PROCUREMENT POLICY BOARD
Technical Support Office

Unit 2506 Raffles Corporate Center, Emerald Avenue, Ortigas Center, Pasig City
Telefax Nos. (02) 900-6741 to 44

NPM No. 023-2005

April 11, 2005

HON. JUAN MIGUEL M. LUZ
Undersecretary
Department of Education
DepEd Complex, Meralco Avenue
Pasig City

**Re : 2005 Call for Submission of Textbooks and Teacher's
Manual**

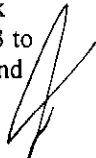
Dear Undersecretary Luz:

Reference is made to your request for opinion and/or policy guidance on whether the planned 2005 Call for Submission of Textbooks and Teacher's Manuals is in accordance with the provisions of Republic Act No. 9184 (R.A. 9184) and its Implementing Rules and Regulations Part A (IRR-A).

In your letter-request, dated 16 March 2005 and addressed to the Hon Secretary Emilia T. Boncodin in her capacity as Chairperson of the Government Procurement Policy Board (GPPB), it is stated that the Department of Education is scheduled to bid out textbooks and teacher's manuals for MAKABAYAN (Social Studies Component) Grades 1 to 6 and First and Second Year High School for use in public schools nationwide starting SY 2006-2007 and ENGLISH for all grade and year levels for use in SY 2007-2008.

Further, the Content Evaluation of the textbooks and teacher's manuals will undergo a four-level evaluation process.¹ Recommendations for either Major Revision

¹ Level 1 to test completeness of coverage, organization, and internal consistency; Level 2 to check accuracy of facts and information, integrity of concepts and sequence of learning concepts; Level 3 to test the appropriateness of the language and visuals used; and Level 4 to ensure correct grammar and syntax.



or Minor Revision of the materials may then be made for implementation of the publishers in order that the materials will conform to prescribed contents and pre-set standards. Under this process, participating publishers are required to pay an evaluation fee for each set of textbook and teacher's manual to be evaluated to cover expenses for service fees, transportation and board and lodging of evaluators. All materials – whether recommended for Major Revision or Minor Revision – may be submitted for purposes of bidding.

It was also clarified during a telephone conversation with Dir. Aida Carpentero, of your Department, that the Content Evaluation process sought to be undertaken shall be done preparatory to the Bidding proper. The 2005 Call for Submission of Textbooks and Teacher's Manuals shall be advertised in the same manner as required in the publication of Invitations to Apply for Eligibility and to Bid.

In a supplemental letter dated 5 April 2005, it was clarified that the procurement of the MAKABAYAN textbooks shall be sourced from the 2005 Textbook Budget under the Social Expenditure Management Project (SEMP 2)² while the textbooks and teachers' manuals for ENGLISH shall be from the General Appropriations Act (GAA 2006) budget.

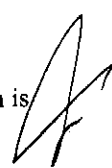
This Office takes it that confirmatory opinion is sought on the matter of conformity of the planned 2005 Call for Submission of Textbooks and Teacher's Manuals with the provisions of R.A. 9184 and its IRR-A.

In view of rendering its opinion, this office operates on the basis of the following premises/assumptions: (1) The Call for Submission of materials, undertaken to ensure that all materials to be offered comply with a prescribed content or pre-set standard, is done preparatory to a contemplated bidding for the procurement of textbooks and teacher's manuals; (2) The Call for Submission of the materials is to be advertised to afford dissemination of the same to the widest latitude and open the procurement opportunity to the general public; and (3) The Content Evaluation is to be done merely to identify the correctness of the materials submitted and to allow revisions per recommendations made by evaluators. It does not constitute, in any manner, eligibility check or otherwise a process to qualify or disqualify bidders outright.

Subject to the foregoing statements and having regard to applicable rules and regulations that may be relevant in the determination of the conformity of the Department's undertaking to present procurement laws, this Office is of the opinion that, subject to certain conditions, the 2005 Call for Submission of Textbooks and Teacher's Manuals does not under the premises conflict with the provisions of R.A. 9184.

The Department of Education shall, in view of bidding out the procurement of subject textbooks and teacher's manuals, consider the following:

² Notice is taken that Social Expenditure Management Project II of the Department of Education is funded by the World Bank.



- a. The Call for Submission of Textbooks and Teacher's Manuals shall not limit the bidding opportunity to those who have participated in the said activity or otherwise amount to pre-qualification of bidders by making participation thereto a criterion for eligibility. Equal opportunity shall be extended to other contracting parties who are capable of complying with the Department's requirements.
- b. Pursuant to Section 7.3 of the Implementing Rules and Regulations Part A (IRR-A) of Republic Act No. 9184 (R.A. 9184), the packaging of the procurement contract shall be divided into two components: 1) development of the manuscript; and 2) printing of the textbooks.

However, while these conditions apply on all fours to the case of the textbooks and teacher's manuals for ENGLISH inasmuch as the same shall be funded from GAA 2006 Budget, the procurement for MAKABAYAN textbooks where funds therefor are sourced from World Bank Loan shall be governed primarily by the applicable procurement guidelines of the foreign lending institution. In the latter case, the 2005 Call for Submission of Textbooks and Teacher's Manuals shall be viewed vis-à-vis relevant World Bank guidelines.

This opinion is being rendered on the basis of the facts and particular circumstances as represented. It may not necessarily be applicable upon a different set of facts or circumstances.

We trust that this clarifies matters.

Very truly yours,



JOSE MARTIN C. SYQUIA
Executive Director III