

REPUBLIC OF THE PHILIPPINES
GOVERNMENT PROCUREMENT POLICY BOARD
Technical Support Office
Mezzanine 125, Mabini Hall, Malacañang, Manila
Telefax Nos. (02) 735-4962; (02) 736-5758

NPM No. 029-2004

March 17, 2004

MS. ARMINDA A. ALARAS
Chairperson, BAC
Public Estates Authority
7/F Legaspi Towers 200,
Paseo de Roxas, Makati

Re : Posting at the G-EPS of Procurements Conducted through Alternative Methods

Dear Ms. Alaras:

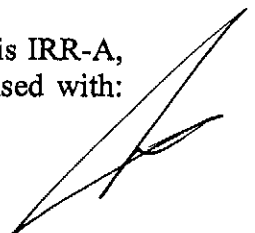
This refers to your letter dated March 1, 2004, which we received on March 4, 2004, requesting for clarification on the need for posting at the Government Electronic Procurement System ("G-EPS") of procurements made through any of the alternative methods provided under the Implementing Rules and Regulations Part A ("IRR-A") of Republic Act 9184 ("R.A. 9184"); and if simultaneous posting at the G-EPS and requesting of quotations is allowed under R.A. 9184 and its IRR-A. The pertinent issues to be resolved are as follows:

1. Whether or not posting at the G-EPS website of procurements conducted through alternative methods is mandatory; and
2. Whether or not requesting of quotations may be simultaneously done with the posting at the G-EPS website if the procurement is conducted through shopping.

Posting at the G-EPS Website of Procurements Conducted through Alternative Methods

Adhering to the basic principle of transparency and competition, R.A. 9184 and its IRR-A ensures fair and equal opportunity to all eligible persons and entities that may be interested to participate in government procurement. This is one of the reasons for requiring several modes for posting or advertising procurement opportunities in government entities. This is not limited to procurements conducted by way of competitive bidding, rather, it also covers procurements through any of the alternative methods provided under Rule XVI of the IRR-A. Section 21.2.4 supports this as follows:

For alternative method of procurement as provided for in Rule XVI of this IRR-A, advertisement in a newspaper as required in this Section may be dispensed with:



Provided, however, That posting shall be made in the website of the procuring entity concerned, if available, the G-EPS, and posted at any conspicuous place reserved for this purpose in the premises of the procuring entity concerned, as certified by the head of the BAC Secretariat of the procuring entity concerned, during the same period as above.

It is clear from the above-quoted provision that posting at the website of the procuring entity, if any, the G-EPS, and at any conspicuous place reserved for that purpose in the premises of the procuring entity concerned is required even for alternative methods of procurement. The only posting requirement from which alternative methods of procurement are exempted from is the posting or advertising in a newspaper of general nationwide circulation.

As such, it is evident that even for procurements by way of alternative methods, posting at the internet, specifically, at the G-EPS website or at the website of the procuring entity, if any, is mandatory.

Requesting for Quotations Simultaneous with Posting at the G-EPS Website

Section 52 of the IRR-A of R.A. 9184 defines shopping as an alternative method of procurement, to wit:

Shopping is a method of procurement of goods whereby the procuring entity simply requests for the submission of price quotations for readily available off-the-shelf goods or ordinary/regular equipment to be procured directly from suppliers of known qualifications. This method of procurement shall be employed only in any of the following cases:

X X X X

There is apparently no prohibition provided under Section 52 as above-quoted regarding the simultaneous conduct of posting at the G-EPS and requesting for quotations from suppliers or contractors of known qualifications.

In this regard, it is our opinion that a procuring entity, in employing shopping as an alternative method of procurement, may request for quotations from suppliers of known qualifications simultaneously with the posting of its requirements at the G-EPS.

We trust that this clarifies matters.

Very truly yours,



JOSE MARTIN C. SYQUIA
Executive Director