



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

NPM No. 30-2011

27 December 2011

MS. MARIA LUISA R. SOLIVEN
University President
CENTRAL MINDANAO UNIVERSITY
University Town, 8710 Musuan Bukidnon

Re: Request for Copy of the Minutes of the Opening of Bid

Dear Ms. Soliven:

We respond to your letter dated 7 December 2011 seeking opinion on whether a non-participating entity may be given a copy of the minutes of the opening of bid upon its request.

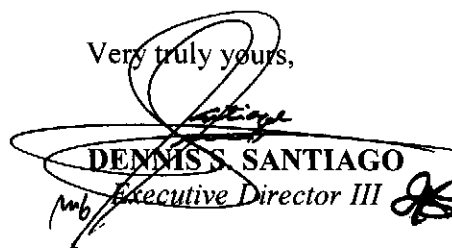
As represented, the Bids and Awards Committee (BAC) of the Central Mindanao University (CMU) conducted bidding for security services. Chevron Security and Investigation Agency, Inc. (Chevron), as the former security service provider, did not participate in the bidding despite notice. Subsequently, the BAC received a letter-request from Chevron for a copy of the minutes of the opening of bids. Chevron, invoking its right as a taxpayer, demanded that it be furnished a copy of the minutes of the opening of bids pursuant to Section 29 of Republic Act (RA) 9184.

We wish to inform you that Section 29¹ of RA 9184 is explicit in stating that "the minutes of the bid opening shall be made available to the public upon written request and payment of a specified fee". Clearly, said Section mentions that a copy of the minutes of the opening of bids should be available to the public without distinguishing between participants and non-participants to the bidding. Hence, based on the principle, "*ubi lex non distinguit nec nos distinguere debemos*"², participants or non-participants to the bidding may be given a copy of the minutes of the opening of bids upon compliance with the conditions provided by law.

In light of the foregoing, we are of the view that Chevron may be provided a copy of the minutes of the opening of bids despite not having participated in the bidding, subject to the submission of a written request and payment of a specified fee.

We hope that our advice sufficiently addresses your concern. Should you have further questions, please do not hesitate to contact us.

Very truly yours,


DENNIS S. SANTIAGO
Executive Director III

¹ Section 29. Bid Opening. - The BAC shall publicly open all bids at the time, date, and place specified in the bidding documents. The minutes of the bid opening shall be made available to the public upon written request and payment of a specified fee.

² "where the law does not distinguish, neither do we distinguish": *Colgate-Palmolive Philippines, Inc. vs. Hon. Pedro M. Gimenez, as Auditor General and Ismael Mathay as Auditor of the Central Bank of the Philippines* (G.R. No. L-14787 January 28, 1961).