



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

**NPM No. 32-2011**

28 December 2011

**MS. TEODORA M. DIAZ**

*Officer-in-Charge*

*Office of the Assistant Director for Administration and Rehabilitation*

**BUREAU OF CORRECTIONS**

Muntinlupa City

**Re: Posting Requirement in the Procuring Entity's Website**

Dear Assistant Director Diaz:

We refer to your letter dated 14 November 2011 seeking clarification on whether the failure to post the Invitation to Bid (IB) in the procuring entity's website is a material ground or fatal defect that could be a basis for concluding a failure of bidding.

We understand from your letter that in a bidding concluded by the Bureau of Corrections (BuCor) last May 10, 2011, the IB was duly advertised in a newspaper of general nationwide circulation, posted in the PhilGEPS website, and posted in conspicuous places at the BuCor. However, the former Bids and Awards Committee (BAC) failed to post the IB in BuCor's own website.

Pursuant to Section 21.2 of the revised Implementing Rules and Regulations (IRR) of Republic Act No. 9184 (RA 9184), aside from the required advertisement in one (1) newspaper of general nationwide circulation and posting at any conspicuous place reserved for the purpose in the premises of the procuring entity, the Invitation to Bid/Request for Expression of Interest shall be posted continuously in the PhilGEPS website, **the website of the procuring entity concerned, if available**, and the website prescribed by the foreign government/foreign or international financing institution, if applicable, for seven (7) calendar days starting on date of advertisement.

As we have mentioned in a previous opinion<sup>1</sup>, posting in the procuring entity's website is mandatory. Conformity with the advertisement and posting requirements, absent the required posting in BuCor's own website, is not sufficient compliance with the aforementioned advertisement and posting requirements. The non-posting of the IB in the BuCor's website is considered a failure to follow the prescribed bidding procedures. B

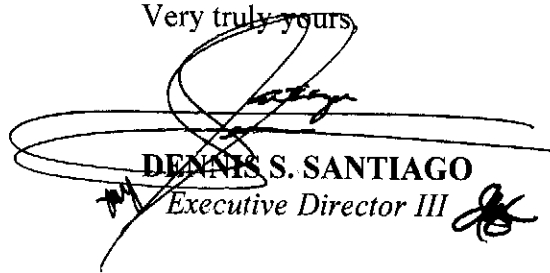
<sup>1</sup> Non-Policy Matter (NPM) No. 04-2009 dated 13 January 2009.

In this regard, it is our view that such non-compliance is a material defect in the procurement process. Accordingly, the Head of the Procuring Entity (HOPE) may exercise the reservation under Section 41 of RA 9184 and the IRR.

We hope that our advice sufficiently addresses your concern. We wish to stress that this opinion is being rendered on the basis of the facts and particular circumstances as presented.

Should you have additional questions, please do not hesitate to contact us.

Very truly yours,



**DENNIS S. SANTIAGO**  
*Executive Director III*

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