

NPM No. 36-2008

6 October 2008

MR. RUBEN B. CUBERO, JR.

Administrative Officer III

Head, BAC Secretariat

REGIONAL FIELD UNIT No. 02

DEPARTMENT OF AGRICULTURE

Tuguegarao City, Cagayan 3500

Re. : Single Calculated and Responsive Bid

Dear Mr. Cubero:

This pertains to your letter requesting elucidation on Section 36 of the Implementing Rules and Regulations Part A (IRR-A) of Republic Act No. 9184 (R.A. 9184).

Specifically, you seek clarification on whether or not a single calculated/rated and responsive bid shall be considered for award, particularly in the procurement of consultancy services.

Please note that Section 36 of R.A. 9184, as iterated under same section of the IRR-A provide as follows:

A single calculated and responsive bid shall be considered for award if it falls under any of the following circumstances:

- a) If after advertisement, only one prospective bidder submits an LOI and/or applies for eligibility check, in accordance with the provisions of this IRR-A, and it meets the eligibility requirements or criteria, after which it submits a bid which is found to be responsive to the bidding documents;*
- b) If after advertisement, more than one prospective bidder submits an LOI and/or applies for eligibility check, in accordance with the provisions of this IRR-A, but only one bidder meets the eligibility requirements or criteria, after which it submits a bid which is found to be responsive to the bidding requirements; or*
- c) If after eligibility check, more than one bidder meets the eligibility requirements, but only one bidder submits a bid, and its bid is found to be responsive to the bidding requirements.*

In all instances, the procuring entity shall ensure that the ABC reflects the most advantageous prevailing price for the Government.(Emphasis supplied)

Clearly, the intention of the legislature is to mandate the procuring entities to consider a single calculated and responsive bid for award of procurement contracts, subject only to the foregoing limitations.

Corollary thereto, we would like to quote the pertinent portion of Section 4 of the IRR-A which provides for the scope and coverage of R.A. 9184's application, viz:

" Section 4. Scope and Application of IRR-A

4.1 This IRR-A shall govern and apply to the procurement of: a) infrastructure projects; b) goods; and c) consulting services, by any branch, agency, department, bureau, office, or instrumentality of the Government, including Government-Owned and Controlled corporations (GOCCs), government financial institutions (GFIs), state universities and colleges (SUCs), and local government units." (Emphasis supplied).

Following the rule in statutory construction that when the law speaks in clear and categorical language, there is no room for interpretation or construction, but only application, then it is undeniable that the provision of Section 36 of IRR-A allowing for a possible award of contract to a single calculated/rated and responsive bid applies to all types of procurement undertaking, whether it be of goods, infrastructure projects, or consulting services.

Hence, your agency may consider a single calculated/rated and responsive bid specifically in your procurement of consultancy services, if such an eventuality happens.

We trust that this clarifies matters. Should you have any additional questions, please do not hesitate to contact us.

Very truly yours,


RUBY U. ALVAREZ
Executive Director III

Eny,

Pls. finalize draft 503651

*FN: DA Single Calculated
in my shared Docs.*



Republic of the Philippines
DEPARTMENT OF AGRICULTURE
Regional Field Unit No. 02
Tuguegarao City, Cagayan 3500
Tel. Nos. 844-1324/1312 Fax Nos. 844-1031 / 846-9131
TIN: 000-845-895

*T.Y.
up
1/1/08*

DEPARTMENT OF AGRICULTURE AND MANAGEMENT GOVERNMENT PROCUREMENT POLICY BOARD TECHNICAL SUPPORT OFFICE	
RECEIVED	
DATE: 4/4/08	BY: <i>pen</i>

April 4, 2008

HON. EMILUISA C. PEÑANO
Executive Director II
Government Procurement Policy Board
Technical Support Office

*Atty. Agate,
Please draft reply in
the affirmative. Coordinate w/
them, if necessary.*

*Atty. Enrique,
Pls. handle. Sign
in behalf of the office.*

*T.Y.
1/1/08*

pen 4/18/08

Dear Director Penano;

in line with the provision of Section 35, Single Calculated/Rated and Responsive Bid Submission, R.A. 9184, IRR-A, we would like to inquire if a single calculated/rated and responsive bid shall be considered for award, particularly in the case of Procurement of Consultancy Services.

Attached herewith are the Re-invitation to Apply for Eligibility and to Bid and Phil-Geps Advertisement on this particular procurement.

Your comment/decision on this matter shall guide us in the conduct of award of contract.

Thank you.

Very truly yours,

RUBEN E. CUBERO, JR.
Admin Officer III/
Head BAC Secretariat

GOVERNMENT PROCUREMENT POLICY BOARD
TECHNICAL SUPPORT OFFICE



Republic of the Philippines
DEPARTMENT OF AGRICULTURE
 Regional Field Unit No. 02
 Tuguegarao City, Cagayan 3500
 Tel. Nos. 844-1324/1312 Fax Nos. 844-1031 / 844-9151

RE-INVITATION TO APPLY FOR ELIGIBILITY AND TO BID
(IAB No. 03-01-2008)

The Department of Agriculture – Regional Field Unit No. 02 (DA-RFU 02) through its Bids and Awards Committee (BAC) hereby invites private sector proponents for government information technology (IT) projects, to apply for eligibility, and if found eligible, to bid for the hereunder contract:

Name of Contract : Provision of Technical Expertise, Training and Related Materials for Redesigning/Enhancement of E-Trading Webpage (www.agritradephil.com)
 Brief Description : Features to be added: chat, forums, Short Messaging System (SMS), Feedback and Rating Mechanism, Multi-Commodity and Related Links
 Location : DA-RFU 02, Tuguegarao City, Cagayan Region 02
 Approved Budget : P250,000.00
 for the Contract (ABC)
 Contract Duration : 24 months

The list of minimum eligibility requirements is indicated in the Eligibility Form. Eligibility of prospective bidders shall be checked using non-discretionary "pass/fail" criteria. Shortlisting of eligible consultants will be done based on the following criteria: experience of the consultant, qualification of personnel and current workload. Only five (5) eligible bidders shall make up/compose the shortlist, if possible. The evaluation procedure to be adopted shall be classified under a situation/selection.

All particulars relative to Eligibility Check/Screening, Bid Security, Performance Security, Pre-Bidding Conference, Evaluation of Bids, Post-Qualification and Award of Contract shall be governed by the pertinent provisions of Consulting Services of R.A. 9184 and its Implementing Rules and Regulations, Part A (IRR-A) and Manual of Procedures for the Procurement of Consulting Services.

The schedule of activities is as follows:

Activities	Schedule	Venue/Office
Advertisement Period	March 5-19, 2008	G-SPS, D.A. Stations, Local Cable TV, etc.
Receipt of Letters of Intent (LOI)	March 24-28, 2008	BAC Secretariat, DA-RFU 02, Tug. City, Cagayan
Issuance of Eligibility Forms	March 24-28, 2008	-do-
Receipt of Eligibility Requirements	March 25-31, 2008	-do-
Notice of Results of Eligibility Check	April 01, 2008	-do-
Issuance of TOR & Bid Documents	April 02, 2008 onwards	-do-
Pre-bid Conference	April 08, 2008 / 2:00 pm	DA-R02 MPC Bldg., San Gabriel, Tug. City, Cagayan
Receipt of Technical and Financial Proposals Deadline	April 29, 2008 / 12:00 noon	BAC Secretariat, DA-RFU 02, Tug. City, Cagayan
Opening of Technical Proposals	April 23, 2008 / 2:00 pm	DA-R02 MPC Bldg., San Gabriel, Tug. City, Cagayan
Opening of Financial Proposals	April 23, 2008 / 2:00 pm	DA-R02 MPC Bldg., San Gabriel, Tug. City, Cagayan
Bid Evaluation	Prescribed minimum periods of action	
Post-Qualification	on Consulting Services, R.A. 9184, IRR-A	
Approval of Resolution, Issuance of Notice of Award		
Contract Preparation and Signing, Issuance of Notice of Award		

The Eligibility Forms shall be issued to prospective bidders upon payment of non-refundable amount of P300.00 to the DA-RFU 02 Cashier and submission of Letter of Intent. Bid Documents and Terms of Reference will be available only to shortlisted bidders upon payment of a non-refundable amount of P2,000.00 to the DA-RFU 02 Cashier.

The DA-RFU 02 assumes no responsibility whatsoever to compensate or indemnify bidders for any expenses incurred in the preparation of bids, and reserves the right to accept or reject any bid, to annul the bidding process and to reject all bids at any time prior to contract award, without thereby incurring any liability to the affected bidders.

Furthermore, the DA-RFU 02 shall not assume any responsibility regarding erroneous interpretation or conclusion by the prospective or eligible bidder out of the data furnished by the procuring entity.

Approved by:

LUCRECIO R. ALVAREZ, JR.
 Chairman, BAC/Regional Technical Director



PHILGEPS

Philippine Government Electronic Procurement System

Bid Notice Abstract

Invitation to Apply for Eligibility and to Bid

Reference Number: 542334
 Issuing Entity: DEPARTMENT OF AGRICULTURE - REGION II
 Title: Provision of Technical Expertise, Training and Related Materials for Re-designing Enhancement of E-Trading Webpage (www.agritradephilis.com)
 Mode of Delivery: Cagayan

Invitation Number:	IAEB No. 03-01-2008	Status	In Preparation
Terms Agreement:	Implementing Rules and Regulations	Associated Components	
Procurement Mode:	Public Bidding		
Classification:	Consulting Services	Bid Supplements	
Category:	Information Technology		
Approved Budget for the Contract:	PHP 250,000.00	Document Request List	
Contract Period:	24 Month/s		
Contract Agency:		Date Published	11/03/2008 17:00:00
Contact Person:	JOSELYN P BOSITO Administrative Officer IV Corner Bagay and Diversion Road, San Gabriel Village Tuguegarao City Cagayan Philippines 3500 63-78-8462295 63-78-8462295 june1061@yahoo.com		
		Last Updated / Time	11/03/2008 17:00:00
		Closing Date / Time	22/04/2008 17:00:00

Description

Services to be added: Chat, Forum, Short Messaging System (SMS), Feedback and Rating Mechanism
 Related Commodity and Related Links

Related Conference

Date	Time	Venue
11/03/2008	2:00:00 PM	DA-RO2 MPC Building, San Gabriel Tuguegarao City, Cagayan

Issued by: JOSELYN P BOSITO
 Date Created: 28/01/2008

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