



NPM No. 36-2009

15 July 2009

ENGR. ERNESTO C. TICAO
BAC Chairman
MUNICIPALITY OF OTON, ILOILO

Re: Suspension and Blacklisting

Dear Sir:

We respond to your letter dated 30 June 2009, which was indorsed to our office by DILG Regional Director Evelyn A. Trompeta in letter dated 02 July 2009, requesting for opinion on whether suspended contractors can validly continue participating in future government projects.

We wish to inform you that the Government Procurement Policy Board (GPPB) has already issued the *Uniform Guidelines for Blacklisting of Manufacturers, Suppliers, Distributors, Contractors and Consultants* through GPPB Resolution No. 09-2004 dated 20 August 2004. Said Guidelines provides guidance on the status of a blacklisted person/entity under Section 7 thereof, to wit:

Before the issuance of a Blacklisting Order, the erring contractor may participate in the procurement of any government project except in the agency where he is suspended. But if the Blacklisting Order is issued prior to the date of the notice of award ("NOA"), the blacklisted person/entity shall not be qualified for award and such project/contract shall be awarded to another bidder pursuant to Republic Act No. 9184 and its Implementing Rules and Regulations Part A.

If the Blacklisting Order is issued after the award of a government project/contract to the blacklisted person/entity, the awarded project/contract shall not be prejudiced by the said order: *Provided, however*, that the said offense(s) committed by the blacklisted person/entity is/are not connected with the awarded project/contract.

It can be deduced from the foregoing that a suspended contractor may still be allowed to participate in future government projects, except in the agency where said contractor has been suspended, until a Blacklisting Order shall have been issued and become final and executory, subject to the conditions provided therein.

We trust that this sufficiently addresses your concern. Should you have any additional questions, please do not hesitate to contact us.

Very truly yours,

Emiluisa C. Peñano
EMILUISA C. PEÑANO
Officer-In-Charge

Copy furnished: Evelyn A. Trompeta, CESO III
Regional Director, DILG Region VI
Fort San Pedro, Iloilo City



Republika ng Pilipinas

KAGAWARAN NG INTERYOR AT PAMAHALAANG LOKAL
(DEPARTMENT OF THE INTERIOR AND LOCAL GOVERNMENT)

TANGGAPANG PANGREHIYON 6
Fort San Pedro, Iloilo City

7/8/09

Jan

Andy,

Please draft & give me a copy
of the June 16, 2009 article in Philippine
Star re: list of suspended contractors

10/1/09

→ Ennie,
Pls. handle. Sign
in my behalf. 7/9/09

02 July 2009

MS. RUBY U. ALVAREZ
Executive Director
Government Procurement Policy Board
Technical Support Office (GPPB-TSO)
Unit 2506 Raffles Corporate Center,
F. Ortigas, Jr. Avenue, Ortigas Center,
1605 Pasig City

Dear Director Alvarez:

Greetings!

We are respectfully referring herewith the letter-query of Engineer Ernesto C. Ticao, BAC Chairman, Municipality of Oton, Province of Iloilo, which is self-explanatory and which we believe is within your competence to resolve to.

Thank you.

Very truly yours,


EVELYN A. TROMPETA, CESO III
Regional Director

ORD:LU
FLP/peachie

Cc: ENGR. ERNESTO C. TICAO
BAC Chairman, Oton, Iloilo

Thru: LGOO V GRACE NATALIE N. AZARRAGA
MLGOO, Oton, Iloilo

Municipality of Oton, Iloilo, Philippines
BIDS AND AWARDS COMMITTEE
(BAC)

June 30, 2009

ATTY. FERDINAND L. PANES

Legal Officer
DILG-Region VI
Fort San Pedro, Iloilo City

THRU: **MS. GRACE N. AZARRAGA**
MLGOO, Oton, Iloilo

Sir:

This has reference to the article in the Philippine Star dated June 16, 2009 containing the list of suspended Contractors all over the country.

In this connection, may I respectfully request your legal opinion *whether* the suspended Contractors can validly continue participating in future government projects subject of bidding, particularly in the Local Government Unit of Oton, Iloilo.

Likewise, if the suspension is under Appeal, can they join the bidding of future projects?

Hoping for your immediate and preferential attention.

Very truly yours,


ENGR. ERNESTO C. TICA
BAC Chairman

Peache, let's refer this to TSO-GPPB

