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NPM No. 37-2009

16 July 2009

DR. NATHANIEL T. SERVANDO, Ph. D
Chairman, Bids and Awards Committee
**PHILIPPINE ATMOSPHERIC GEOPHYSICAL AND
ASTRONOMICAL SERVICES ADMINISTRATION**
Science Garden Complex, Agham Road, Quezon City

Re : Period of Availability of the Bidding Documents

Dear Dr. Servando:

This is in response to your letter dated 24 June 2009, received by this office on 1 July 2009, seeking guidance relative to the Philippine Atmospheric Geophysical and Astronomical Services Administration (PAGASA)'s procurement for the project "Design, Supply, Delivery at sites, Installation, Testing, Integration and Commissioning of Two (2) Sets of Marine Weather Buoy Systems at Visayan and Sibuyan Seas, including Provision and Configuration of Communication Links to PAGASA Central Site.

Specifically, you are requesting if your office can extend the period for the issuance of the bidding documents to accommodate additional participants, in view of your agency's earlier decision to grant the prospective bidders' request to set the opening of bids to a later date.

Please be advised that under Section 12.1 of the Implementing Rules and Regulations Part A (IRR-A) of Republic Act No. 9184 (R.A. 9184), the conduct of the bidding process is within the responsibility of the Bids and Awards Committee (BAC). Thus, the BAC is the one accountable for providing the procurement timelines in a particular bidding activity, including, the period of availability of bidding documents, and, the date of bid opening.

Nevertheless, the aforesaid responsibility of the BAC must be exercised consistent with the periods prescribed under the IRR-A of R.A. 9184. Specifically, Section 21.1 of the IRR-A requires that the period of availability of the bidding documents must be specified in the IAEB. Likewise, under Section 21.2.2 thereof, a maximum period of thirty (30), thirty-six/fifty (36/50), and sixty (60) calendar days shall be observed from the date of advertisement and/or posting of the IAEB up to opening of bids for the procurement of goods, infrastructure projects, and consulting services, respectively.

Furthermore, the BAC is also mandated to convene at least one (1) pre-bid conference for contracts to be bid with an Approved Budget for the Contract (ABC) amounting to One

Million Pesos (Php. 1,000,000.00) and above, at least twelve (12) calendar days before the deadline for submission and receipt of bids. The pre-bid conference is a forum where discussion and clarifications on the bidding documents and the project's requirements are made.

In case any clarification and/or modification on any provisions of the bidding documents is made, a Supplemental/Bid Bulletin shall be issued not later than seven (7) calendar days before the deadline for the submission and receipt of bids, and posted on the website of the procuring entity concerned, if available, and on the website of the Philippine Government Electronic Procurement System (PhilGEPS).

From the foregoing, it may be said that the BAC of PAG-ASA may extend the period of availability of the bidding documents provided, that, it is expressly stated during the pre-bid conference, in case one has not yet been conducted, and a Supplemental/Bid Bulletin is issued for the purpose. However, if a pre-bid conference had already been conducted, the BAC of PAG-ASA still has to issue a Supplemental/Bid Bulletin and post the same in the websites of PAG-ASA and the PhilGEPS. In addition, the BAC may conduct another pre-bid conference.

In any event, extension of the period for the availability of bidding documents should not exceed the appropriate maximum period prescribed for the type of procurement at hand, from the date of advertisement and/or posting of the IAEB up to the opening of bids.

We trust that this clarifies matters. Should you have any additional questions, please feel free to contact us.

Very truly yours,

Rubyn C. Alvarez
for **RUBY U. ALVAREZ**
Executive Director III

NPM No. 37-2009

16 July 2009

DR. NATHANIEL T. SERVANDO, Ph. D*Chairman, Bids and Awards Committee***PHILIPPINE ATMOSPHERIC GEOPHYSICAL AND
ASTRONOMICAL SERVICES ADMINISTRATION**

Science Garden Complex, Agham Road, Quezon City

Re : Period of Availability of the Bidding Documents

Dear Dr. Servando:

This is in response to your letter dated 24 June 2009, received by this office on 1 July 2009, seeking guidance relative to the Philippine Atmospheric Geophysical and Astronomical Services Administration (PAGASA)'s procurement for the project "Design, Supply, Delivery at sites, Installation, Testing, Integration and Commissioning of Two (2) Sets of Marine Weather Buoy Systems at Visayan and Sibuyan Seas, including Provision and Configuration of Communication Links to PAGASA Central Site.

Specifically, you are requesting if your office can extend the period for the issuance of the bidding documents to accommodate additional participants, in view of your agency's earlier decision to grant the prospective bidders' request to set the opening of bids to a later date.

Please be advised that under Section 12.1 of the Implementing Rules and Regulations Part A (IRR-A) of Republic Act No. 9184 (R.A. 9184), the conduct of the bidding process is within the responsibility of the Bids and Awards Committee (BAC). Thus, the BAC is the one accountable for providing the procurement timelines in a particular bidding activity, including, the period of availability of bidding documents, and, the date of bid opening..

Nevertheless, the aforesaid responsibility of the BAC must be exercised consistent with the periods prescribed under the IRR-A of R.A. 9184. Specifically, Section 21.1 of the IRR-A requires that the period of availability of the bidding documents must be specified in the IAEB. Likewise, under Section 21.2.2 thereof, a maximum period of thirty (30), thirty-six/fifty (36/50), and sixty (60) calendar days shall be observed from the date of advertisement and/or posting of the IAEB up to opening of bids for the procurement of goods, infrastructure projects, and consulting services, respectively.

Furthermore, the BAC is also mandated to convene at least one (1) pre-bid conference for contracts to be bid with an Approved Budget for the Contract (ABC) amounting to One

Million Pesos (Php. 1,000,000.00) and above, at least twelve (12) calendar days before the deadline for submission and receipt of bids. The pre-bid conference is a forum where discussion and clarifications on the bidding documents and the project's requirements are made.

In case any clarification and/or modification on any provisions of the bidding documents is made, a Supplemental/Bid Bulletin shall be issued not later than seven (7) calendar days before the deadline for the submission and receipt of bids, and posted on the website of the procuring entity concerned, if available, and on the website of the Philippine Government Electronic Procurement System (PhilGEPS).

From the foregoing, it may be said that the BAC of PAG-ASA may extend the period of availability of the bidding documents provided, that, it is expressly stated during the pre-bid conference, in case one has not yet been conducted, and a Supplemental/Bid Bulletin is issued for the purpose. However, if a pre-bid conference had already been conducted, the BAC of PAG-ASA still has to issue a Supplemental/Bid Bulletin and post the same in the websites of PAG-ASA and the PhilGEPS. In addition, the BAC may conduct another pre-bid conference.

In any event, extension of the period for the availability of bidding documents should not exceed the appropriate maximum period prescribed for the type of procurement at hand, from the date of advertisement and/or posting of the IAEB up to the opening of bids.

We trust that this clarifies matters. Should you have any additional questions, please feel free to contact us.

Very truly yours,

Rubyn U. Alvarez
RUBY U. ALVAREZ
Executive Director III

Bry,
 Kindly print the revised draft,
 NPM No. 37-2009, in my Shared Docs,
 for my signature.

NPM No. ___-2009

J.V.
 7/16/09

16 July 2009

DR. NATHANIEL T. SERVANDO, Ph. D
Chairman, Bids and Awards Committee
PHILIPPINE ATMOSPHERIC GEOPHYSICAL AND
ASTRONOMICAL SERVICES ADMINISTRATION
 Science Garden Complex, Agham Road, Quezon City

Re : Period of Availability of the Bidding Documents

Dear Dr. Servando:

This refers to your letter dated 24 June 2009, received by this office on 1 July 2009 requesting for some clarifications relative to the procurement of the Philippine Atmospheric Geophysical and Astronomical Services Administration (PAGASA) for the project "Design, Supply, Delivery at sites, Installation, Testing, Integration and Commissioning of Two (2) Sets of Marine Weather Buoy Systems at Visayan and Sibuyan Seas, including a Provision and Configuration Links to PAGASA Central Site. Specifically, you are requesting if your office can extend the period for the issuance of the bidding documents to accommodate additional participants and in view of the recent approval of the request of one of its prospective bidders to extend the date for the opening of bids.

Please be advised that under Section 12.1 of the Implementing Rules and Regulations Part A (IRR-A) of Republic Act No. 9184 (R.A. 9184), the conduct of the bidding process is within the responsibility of the Bids and Awards Committee (BAC). Thus, the BAC is the one accountable in providing the procurement timelines in a particular bidding activity, including the period of availability of bidding documents.

In addition, it may be noted under Section 21.1 of the IRR-A of R.A. 9184, one of the minimum information that procuring entities need to provide to the prospective bidders in their Invitation to Apply for Eligibility and to Bid (IAEB) is the period of availability of the bidding documents, the place where the bidding documents may be secured and, where applicable, the price of the bidding documents. Likewise, under Section 21.2.2 of the same IRR-A of R.A. 9184, a maximum period of thirty (30) calendar days shall be observed from the date of advertisement and/or posting of the IAEB up to opening of bids for the procurement of goods.

Furthermore, it may also be pointed out that under Section 22 of the IRR-A of R.A. 9184, the Bids and Awards Committee are mandated to convene at least one (1) pre-bid conference for contracts to be bid with an Approved Budget for the Contract (ABC)

amounting to One Million Pesos (Php. 1,000,000.00). The pre-bid conference is a forum where the BAC discusses the provisions of the bidding documents, requirements of the procurement activity and any possible modifications thereof. On the other hand, in case any clarification and/or modifications on any provisions of the bidding documents or within the procuring activity is made, a Supplemental Bid Bulletin may be issued in accordance with Section 22.5 of the IRR-A of R.A. 9184, provided that it is issued not later than seven (7) calendar days before the deadline for the submission and receipt of bids, provided further, that it shall be posted on the website of the procuring entity concerned, if available, and on the website of the Philippine Government Electronic Procurement System (PhilGEPS).

Moreover, we would also like to inform you that the position of the Government Procurement Policy Board (GPPB) is to make available the bidding documents for the procurement of goods from the time the IAEB is first advertised and/or posted until the deadline for the submission and receipt of bids. In fact, this will be clarified in the upcoming revised IRR of R.A. 9184.

From the foregoing, the BAC of PAG-ASA may extend the period of availability of the bidding documents provided that it is expressly stated during the pre-bid conference, in case, it has not yet been conducted and a Supplemental Bid Bulletin/Addenda be issued. However, if a pre-bid conference has already been conducted, the BAC of PAG-ASA may opt to conduct another pre-bid conference or just issue a Supplemental Bid Bulletin. Once the Supplemental Bid Bulletin is issued, it should be posted on the website of the PAG-ASA and on the PhilGEPS website.

However, the extension of the period for the availability of bidding documents should not exceed a maximum period of thirty (30) calendar days from the date of advertisement and/or posting of the IAEB up to opening of bids.

We trust that this clarifies matters. Should you have any additional questions, please feel free to contact us.

Very truly yours,

RUBY U. ALVAREZ
Executive Director III



Republic of the Philippines
 Department of Science and Technology
 PHILIPPINE ATMOSPHERIC, GEOPHYSICAL and
 ASTRONOMICAL SERVICES ADMINISTRATION (PAGASA)
 Science Garden Complex, Agham Road, Q.C.
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24 June 2009

Atty. RUBY U. ALVAREZ
 Executive Director
 GPPB-TSO
 Unit 2506 Raffles Corporate Center
 F. Ortigas Jr. Rd.,
 Ortigas Center, Pasig City

By...
 Kindly draft reply. I think
 they can provided that the pre-bid
 conference has not yet been done, or
 another one will be conducted.

DEPARTMENT OF BUDGET AND MANAGEMENT
 GOVERNMENT PROCUREMENT POLICY BOARD
 TECHNICAL SUPPORT OFFICE
RECEIVED
 DATE: 7/1/09 BY: [Signature]

7/1/09
 [Handwritten notes and signatures]

Dear Atty. Alvarez,

Good day! This is with reference to the project "Design, Supply, Delivery at sites, Installation, Testing, Integration and Commissioning of two (2) sets of Marine Weather Buoy Systems at Visayan and Sibuyan Seas including provision and configuration of communication links to PAGASA Central Site" for which we have posted an IAEB.

Since all the prospective bidders will be engaging through a Joint Venture arrangement with foreign partners, they requested the opening of bids be reset to a later date to give ample time for the latter to authenticate their documents with the Philippine Consulate. Since we have granted the bidders' request we are also contemplating on extending the issuance of bid docs to accommodate additional participants.

In view of the above, we would like to be enlightened by your good office if it is possible for the BAC to extend the issuance of bid documents as we extend the opening of bids.

Hoping for your kind response the soonest time possible. Thank you.

Very truly yours,

[Signature]
 NATHANIEL T. SERVANDO, Ph.D.
 Chairman, BAC