



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

NPM No. 47-2011

29 December 2011

MR. ACHILLES S. PONCE
Chairman – Bids and Awards Committee
MACTAN-CEBU INTERNATIONAL AIRPORT AUTHORITY
Lapu-Lapu City, Cebu

Re: Engagement of the Recognized Government Printers

Dear Mr. Ponce:

We respond to your letter dated 8 November 2011 inquiring whether Mactan-Cebu International Airport Authority (MCIAA) can no longer avail of the services of the APO Production Unit (APO)¹ for its standard and accountable forms through Section 53.5 of Republic Act (RA) 9184 and its Implementing Rules and Regulations (IRR).

As represented, MCIAA received a letter from Ready Form, Inc. (RFI) dated 12 September 2011, stating that GPPB Resolution 03-2011 revoked APO Production Unit's (APO) authority to act as servicing agent for the printing of government Accountable Forms. In addition, RFI informed MCIAA that Department of Transportation and Communications (DOTC) attached agencies, among others, "no longer make procurement through the NPO or APO subcontract printing and instead now exercise their mandate under RA 9184 by making their own procurement of accountable forms".

At the outset, we would like to inform you that GPPB Resolutions 05-2010² and 03-2011³ refer to two distinct subject matters. The former lays down the rules in acquiring printing services for accountable forms while the latter updates references to the IRR Part A of RA 9184 found in guidelines issued prior to the revised IRR of RA 9184.

GPPB Resolution 05-2010 states that procuring entities should resort to public bidding for all their printing and publication expenditures. However, in the case of printing of Accountable Forms and Sensitive High Quality/Volume Requirements, procuring entities are required to source such service from any of the three (3) recognized government printers (RGPs), namely, NPO, APO, and *Bangko Sentral ng Pilipinas* (BSP) through an Agency-to-Agency Agreement⁴ pursuant to Section 53.5 of the IRR of RA 9184.

¹ We note that the letter of MCIAA inquired about NPO but the RFI letter referred to APO; hence, for consistency, we reflected the correct reference to APO.

² Guidelines on the Procurement of Printing Services issued 29 October 2010

³ Amendments to the Guidelines issued by the GPPB and the Revised IRR of RA 9184 issued 28 January 2011

⁴ GPPB Resolution No. 18-2007 dated 31 May 2007

On the other hand, GPPB Resolution 03-2011 harmonizes eleven (11) Guidelines⁵ with the revised IRR by changing all references to the IRR Part A into the corresponding references in the IRR. In amending the references, said resolution neither expanded nor deleted any policy in the affected guidelines. It should be emphasized also that GPPB Resolution 05-2010 is excluded from the coverage of GPPB Resolution 03-2011 since the former was issued at the time the revised IRR was already in effect, and, thus, does not have the inconsistent references as in the eleven affected guidelines.

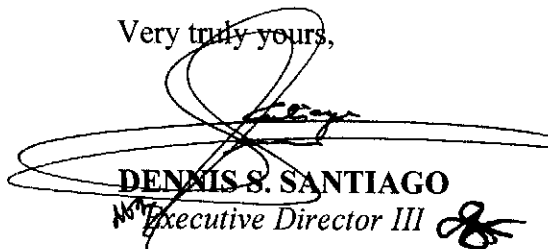
It is clear from the foregoing discussion that no conflict exists between GPPB Resolutions 05-2010 and 03-2011 since each has different and separate application and objective. Thus, it cannot be gainsaid that GPPB Resolution 03-2011 revoked any of the RGPs' authority to act as servicing agent under GPPB Resolution 05-2010 with respect to the printing of Accountable Forms and Sensitive High Quality/Volume Requirements as claimed by RFI in its letter.

At this point, we wish to clarify that as discussed in a previous opinion⁶, government agencies are not precluded from engaging APO as a Servicing Agency, provided that the Agency-to-Agency Agreement involves printing of Accountable Forms and Sensitive High Quality/Volume Requirements as provided under GPPB Resolution 05-2010.

In this regard, we are of the view that procuring entities, such as MCIAA, are not precluded from availing of the services of APO, BSP, and NPO, as the RGPs for printing of Accountable Forms and Sensitive High Quality/Volume Requirements.

We hope our advice provided sufficient guidance on the matter. Should you have further questions, please do not hesitate to contact us.

Very truly yours,


DENNIS S. SANTIAGO
Executive Director III

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5 Uniform Guidelines for Blacklisting of Manufactures, Suppliers, Distributors, Contractors and Consultants (2004); Guidelines on Termination of Contracts (2004); Guidelines on the Use of Ordering Agreement (2005); Guidelines in the Determination of Eligibility of Foreign Suppliers, Contractors, and Consultants to Participate in Government Procurement Projects (2005); Guidelines on Procurements Involving Foreign-Denominated Bids, Contract Prices and Payment Using Letters of Credit (2005); Guidelines on Procurement of Water, Electricity, Telecommunications and Internet Service Providers (2006); Guidelines on Non-Governmental Organization Participation in Public Procurement (2007); Guidelines on Agency-to-Agency Agreements (2007); Guidelines on the Procurement of Security and Janitorial Services (2007); Revised Guidelines on Contract Price Escalation, and Contract Implementation Guidelines for the Procurement of Infrastructure Projects (Annex "E")

6 NPM No. 46-2011 dated 29 December 2011