

REPUBLIC OF THE PHILIPPINES  
**GOVERNMENT PROCUREMENT POLICY BOARD**  
**Technical Support Office**

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**NPM No. 060-2004**

May 4, 2004

**MR. DANTE V. FIDEL**  
Chairman, Bids and Awards Committee  
Bureau of Plant Industry  
692 San Andres St., Malate, Manila

**Re : Single Calculated and Responsive Bid**

Dear Mr. Fidel:

This refers to your letter dated January 26, 2004, which was forwarded to our office on even date by the Office of the Executive Director of the Department of Budget and Management – Procurement Service, requesting for clarification on the Implementing Rules and Regulations Part A (“IRR-A”) of Republic Act 9184 (“R.A. 9184”), specifically on the following issue:

Whether or not the bidding process for two (2) infrastructure projects may be continued even if only one bidder satisfied the eligibility requirements and therefore qualified to bid.

**Single Calculated and Responsive Bid Submission Allowed**

Section 36 of the IRR-A of R.A. 9184 provides that a single calculated/rated and responsive bid shall be considered for award if it falls under any of the circumstances mentioned therein, one of which is when after advertisement, more than one prospective bidder submits a letter of intent and/or applies for eligibility check but only one meets the eligibility requirements, and submits a bid which is later found to be responsive. Section 36 (b) of the IRR-A of R.A. 9184 provides thus:



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

It is apparent in the above-quoted provision that regardless of the fact that only one bidder meets the eligibility requirements and submits a bid, the bidding process may still proceed and a declaration of a failure of bidding is not necessary.

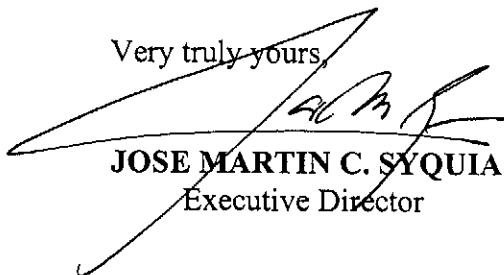
In relation to this, a failure of bidding may be declared only in the cases provided under Sections 35.1 and 41.1 of the IRR-A of R.A. 9184, as follows:

- a) No prospective bidder submits an LOI or no bids are received;
- b) All prospective bidders are declared ineligible;
- c) All bids fail to comply with all the bid requirements or fail post-qualification, or, in the case of consulting services, there is no successful negotiation;
- d) The bidder with the Lowest Calculated Responsive Bid/Highest Rated Responsive Bid refuses, without justifiable cause to accept the award of contract, and no award is made in accordance with Section 40 of the Act and this IRR-A;
- e) If there is *prima facie* evidence of collusion between appropriate public officers or employees of the procuring entity, or between the BAC and any of the bidders, or if the collusion is between or among the bidders themselves, or between a bidder and a third party, including any act which restricts, suppresses or nullifies or tends to restrict, suppress or nullify competition;
- f) If the BAC is found to have failed in following the prescribed bidding procedures; or
- g) For any justifiable and reasonable ground where the award of the contract will not redound to the benefit of the Government as follows: (i) if the physical and economic conditions have significantly changed so as to render the project no longer economically, financially or technically feasible as determined by the head of the procuring entity; (ii) if the project is no longer necessary as determined by the head of the procuring entity; and (iii) if the source of funds for the project has been withheld or reduced through no fault of the procuring entity.

In view of the foregoing, the Bureau of Plant Industry may continue with the conduct of the bidding process for the two (2) infrastructure projects even if only one bidder is qualified to submit a bid.

We trust that this clarifies matters.

Very truly yours,



**JOSE MARTIN C. SYQUIA**  
Executive Director

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