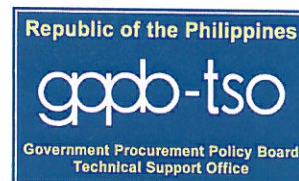




Republic of the Philippines
GOVERNMENT PROCUREMENT POLICY BOARD
TECHNICAL SUPPORT OFFICE



NPM No. 017-2017

9 November 2017

MR. EDISON C. GASCON
DEPARTMENT OF TRADE AND INDUSTRY
Trade & Industry Building
361 Senator Gil J. Puyat Avenue
Makati City, Metro Manila

Re: PhilGEPS Posting for Consulting Services

Dear Mr. Gascon:

This refers to your electronic mail inquiring whether Philippine Government Electronic Procurement System (PhilGEPS) posting is compulsory for Consulting Services with an Approved Budget for the Contract (ABC) of less than Fifty Thousand Pesos (₱50,000.00).

At the outset, we wish to emphasize the PhilGEPS posting is mandatory for procurement undertaken through Competitive Bidding in accordance with Sections 21.2¹, 37.1.6², and 37.4.2³ of the 2016 revised Implementing Rules and Regulations (IRR) of Republic Act (RA) No. 9184.

For alternative modes of procurement, Section 54.2 of the 2016 IRR of RA 9184 provides that the Procuring Entity may dispense with the posting requirement as prescribed in Section 21.2.1 of the 2016 Revised IRR. However, the Bids and Awards Committee

¹ Section 21.2. Advertising and Posting of the Invitation to Bid/Request for Expression of Interest

21.2.1. Except as otherwise provided in Section 54.2 of this IRR and for the procurement of common-use goods and supplies, the Invitation to Bid/Request for Expression of Interest shall be:

- a) Posted at any conspicuous place reserved for this purpose in the premises of the Procuring Entity concerned for seven (7) calendar days as certified by the head of the BAC Secretariat of the Procuring Entity concerned.
- b) Posted continuously in the PhilGEPS website, the website of the Procuring Entity concerned, if available, and the website prescribed by the foreign government/foreign or international financing institution, if applicable, for seven (7) calendar days starting on date of advertisement; and
- c) Advertised at least once in one (1) newspaper of general nationwide circulation which has been regularly published for at least two (2) years before the date of issue of the advertisement: Provided, That advertisement shall not be required for contracts to be bid with an ABC of Ten Million Pesos (₱10,000,000.00) and below for the procurement of goods, Fifteen Million Pesos (₱15,000,000.00) and below for the procurement of Infrastructure Projects, and Five Million Pesos (₱5,000,000.00) and below for the procurement of Consulting Services.

Two (2) years after the effectivity of this IRR, advertisement in a newspaper of general nationwide circulation shall no longer be required. However, a Procuring Entity that cannot post its opportunities in the PhilGEPS for justifiable reasons shall continue to publish its advertisements in a newspaper of general nationwide circulation.(a)

² Section 37.1.6. The BAC, through the Secretariat, shall post, within three (3) calendar days from its issuance, the Notice of Award in the PhilGEPS, the website of the Procuring Entity, if any, and any conspicuous place in the premises of the Procuring Entity.

³Section 37.4.2. The Procuring Entity, through the BAC Secretariat, shall post a copy of the Notice to Proceed and the approved contract in the PhilGEPS and the website of the Procuring Entity, if any, within fifteen (15) calendar days from the issuance of the Notice to Proceed.

(BAC), through its Secretariat, shall post the invitation or request for submission of price quotations/proposals in the PhilGEPS website, the website of the Procuring Entity concerned, if available, and at any conspicuous place reserved for this purpose in the premises of the Procuring Entity for a period of at least three (3) calendar days for the following procurement modalities:

- (1) Section 49 Limited Source Bidding;
- (2) Section 52.1(b) Shopping for ordinary office supplies and equipment not available in Department of Budget and Management-Procurement Service (DBM-PS) [for ABC above Fifty Thousand Pesos (₱50,000.00)];
- (3) Section 53.1 Two Failed Biddings;
- (4) Section 53.9 Small Value Procurement [for ABC above Fifty Thousand Pesos (₱50,000.00)]; and
- (5) Section 53.11 NGO Participation.

It also bears stressing that in all instances of alternative methods of procurement, under Section 54.3 of the 2016 IRR, the BAC, through its Secretariat, shall post, for information purposes, the notice of award, contract or purchase order, including notice to proceed (if necessary), in the PhilGEPS website, the website of the Procuring Entity concerned, if available, and at any conspicuous place reserved for this purpose in the premises of the Procuring Entity, except for contracts with ABC of Fifty Thousand Pesos (₱50,000.00) and below.

PhilGEPS posting is mandatory for procurement through Competitive Bidding. Similarly, "*posting of procurement opportunities*" at the PhilGEPS is required for procurement undertaken through Limited Source Bidding, Shopping for ordinary office supplies and equipment not available in DBM-PS for ABC above Fifty Thousand Pesos (₱50,000.00), Two Failed Biddings, Small Value Procurement for ABC above Fifty Thousand Pesos (₱50,000.00), and NGO Participation. Meanwhile, PhilGEPS *posting of the notice of award, contract or purchase order, including notice to proceed*(if necessary), is compulsory in all instances of alternative methods of procurement, except for contracts with ABC of Fifty Thousand Pesos (₱50,000.00) and below.

Corollarily, and to address the query posted, PhilGEPS posting is required if procurement of consulting services with an ABC of less than ₱50,000 is undertaken through Competitive Bidding, Limited Source Bidding, Two Failed Biddings, or through NGO Participation.

We hope that this opinion issued by the GPPB-TSO provided sufficient guidance on the matter. Note that this opinion is being issued on the basis of facts and particular situations presented, and may not be applicable given a different set of facts and circumstances. Should there be other concerns, please do not hesitate to contact us.

(sgd.)

DENNIS S. SANTIAGO
Executive Director V *msj*

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