

**NPM No. 017-2019**

24 July 2019

**MR. JAIME ALBERTO C. MELO**  
*Vice Chairperson, Bids and Awards Committee (BAC)*  
**Clark International Airport Corporation**  
Corporate Building, Civil Aviation Complex,  
Clark Freeport Zone, Pampanga 2009

**Re : Reckoning Period of Blacklisting Order**

**Dear Mr. Melo:**

This has reference to your letter requesting clarification on the reckoning point for the determination of the status of a blacklisted person or entity under the Revised Uniform Guidelines for Blacklisting of Manufacturers, Suppliers, Distributors, Contractors and Consultants<sup>1</sup> (Blacklisting Guidelines).

In this regard, Section 7 of the Blacklisting Guidelines is instructive, it reads:

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 **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 R.A. 9184 and its Implementing Rules and Regulations. (underscoring supplied)

...

As can be gleaned above, the reckoning point in the blacklisting of bidders is the issuance by the procuring entity (PE) of the blacklisting order. It is for this reason that in the conduct of post-qualification, the BAC should verify and validate the status of the bidder under evaluation from other government agencies, which it had previously contracted with. This is to ensure that there is no existing blacklisting order issued against the said bidder. The Consolidated Blacklisting Report (CBR) appearing on the Government Procurement Policy Board (GPPB) website is a supplementary source of information on blacklisting, as it only reflects the list of blacklisted persons or entities submitted to the GPPB pursuant to the Blacklisting Guidelines.<sup>2</sup>

Moreover, the posting of the names of the blacklisted manufacturer, supplier, distributor, contractor or consultant in the CBR does not operate to blacklist the person or entity but only to inform PEs that the former is disqualified from participating in, and receiving award of contract for, government procurement projects from the date of issuance of the blacklisting order by the PE until the lapse of said period. Further, as this is based only on the submissions made by PEs, the date of posting is dependent on the compliance therefrom, hence, not determinative of the effective date of blacklisting.

<sup>1</sup> Issued through GPPB Resolution No. 40-2017 dated 21 December 2017.

<sup>2</sup> Section 10.1 of the Blacklisting Guidelines.

In view of the foregoing, the determination of the status of a blacklisted person or entity is reckoned from the date of the issuance of the blacklisting order. The authority of the GPPB is to simply consolidate and post all blacklisting orders submitted by PEs. The posting does not operate to blacklist a person or entity, as this is made effective by the issuance of the PE of the blacklisting order. Thus, to ensure that the bidder, subject of post-qualification, has not been blacklisted, the BAC shall further verify and validate its status with other government agencies it had contracted with.

The above opinion was made on the basis of the particular facts presented and circumstances availing, and may not, therefore, be applicable given a different set of facts and circumstances.

We hope to have sufficiently clarified the matter at hand.

Sincerely yours,



**ROWENA CANDICE M. RUIZ**  
*Executive Director V*

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