

NPM No. 088-2017

29 December 2017

MR. ABNER D. NOTARTE

Manager

PENJAN BUILDERS AND SUPPLY

31 Cecilia Ave., Dona Juliana Hts.,
Bacolod City

Re: Earliest Possible Time -

Dear Mr. Notarte:

This refers to your letter inquiring whether a contract awarded sixteen (16) days from PhilGEPS posting is in conformity with Republic Act No (RA) 9184, the Government Procurement Reform Act, and its 2009 revised Implementing Rules and Regulations (IRR).

In your letter, it was disclosed that a Local Government Unit (LGU) advertised its Invitation to Bid for the procurement of Goods and Infrastructure Projects on 8 March 2016 and the Pre-Bid Conference was held on 11 March 2016. However, due to the Election Ban which took effect on 25 March 2016, the LGU dated the Purchase Order on 23 March 2016. Such that the whole procurement process was finished for only sixteen (16) days.

At the outset, please be advised that the Government Procurement Policy Board (GPPB) and its Technical Support Office (TSO) has no jurisdiction to rule over actual controversies with regard to the conduct of the bidding since it has no quasi-judicial functions under the law. Hence, this office has consistently refrained from passing upon decisions of the BAC or the procuring entities on its procurement activities.

Please be advised that Annex "C" of the 2009 IRR of RA 9184 provides for the Period of Action on Procurement Activities, specifically the latest allowable time and the earliest possible time for each stage of the procurement process.

Based on the table for the earliest possible time in Annex "C", and considering the details of the Project *vis-a-vis* the relevant provisions of the IRR, the earliest possible time to complete an entire procurement process from the advertisement/posting of Invitation to Bid (IB) or Request for Expression of Interest up to Issuance of Notice to Proceed is twenty-eight (28) calendar days for goods and infrastructure project, and thirty-four (34) calendar days for consulting services. This is based on the premise that the pre-bid conference is conducted on the day after the last day of posting of the IB and the procuring entity adopted the minimum period between the pre-bid conference and the submission and receipt of bids.

Thus, the rules allow Procuring Entities to adopt a shorter period provided for under the IRR relative to its procurement activity. However, prudence dictates that in setting the

