

NPM No. 102-2017

29 December 2017

MS. MARITA A. CALAJE
Bids and Awards Committee Chairperson
CITY GOVERNMENT OF PASIG
Pasig City

Re: Sale of Bidding Documents and its Standards Rates -

Dear Ms. Calaje:

This refers to your request for guidance on whether there are other laws or provisions that allow the Head of the Procuring Entity (HoPE) to adjust the range of the ABC and its corresponding cost of the Bidding Documents provided for under the *Guidelines on the Sale of Bidding Documents (Guidelines)*.

We wish to stress that Section 63 of Republic Act (RA) No. 9184, or otherwise known as the Government Procurement Reform Act, mandates that the Government Procurement Policy Board (GPPB) is the sole administrative authority imbued with quasi-legislative and incidental powers to determine the policy direction in the area of public procurement through the formulation of procurement rules, regulations and guidelines, which includes ensuring the proper implementation by Procuring Entities of RA 9184, and its 2016 revised Implementing Rules and Regulations (IRR) and all other relevant rules and regulations pertaining to public procurement.

Pursuant to this mandate provided by law, the GPPB issued the *Guidelines* through Resolution No. 04-2012¹, to provide standard rates for the sale of Bidding Documents to rationalize the fees primarily to regulate its price and to lessen the exercise of discretion of Procuring Entities in setting the fees at higher amounts, so as not to discourage market participation and competition.

Section 4.5 of the same *Guidelines* provides that: “[P]rocuring Entities are proscribed to adopt any internal rule or practice that establish fees that are inconsistent or beyond the standard rate for the sale of Bidding Documents set forth in these guidelines.” Hence, Procuring Entities are prohibited to adjust the range of ABC and their corresponding Bidding Documents fees, since the standard rate for the sale of the Bidding Documents on a fixed range of ABC are already provided for in the *Guidelines*.

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

(sgd.)

DENNIS S. SANTIAGO
Executive Director V

//sd2

¹ Dated 24 February 2012.