



Republic of the Philippines
GOVERNMENT PROCUREMENT POLICY BOARD
TECHNICAL SUPPORT OFFICE



NPM No. 121-2017

29 December 2017

AMANG RODRIGUEZ MEMORIAL MEDICAL CENTER (ARMMC)
Sumulong Highway Sto. Nino, Marikina

Re: Actions of the Bids and Awards Committee -

Dear Sir/Madam:


This refers to your letter requesting clarification on whether the members of the newly created BAC may sign and recommend its action to the Head of the Procuring Entity (HOPE) on the bidding conducted by the members of the previous BAC.

We wish to inform you that the 2016 revised Implementing Rules and Regulations (IRR) of Republic Act (RA) No. 9184, the Government Procurement Reform Act, is silent on the aforementioned matter. Nonetheless, we have clarified in an earlier opinion¹ that the new BAC members may effect lawful, necessary and appropriate changes in the decisions of the previous BAC which have not yet become final. This is intended to provide the new BAC members the opportunity to arrive at a sound and appropriate action on the pending procurement proceeding and to ensure that the most advantageous terms for the Government is obtained.

Based on the foregoing, we are of the opinion that the members of the newly created BAC, within the boundaries of its duties and responsibilities under Section 12² of the 2016 IRR of RA 9184, may make its own action and recommendation to the HOPE pertaining to a bidding conducted by the previous BAC provided that said procurement activity has not yet been concluded.

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.)

Executive Director 

//lrd6A

¹ Non-Policy Matter No. 072-2014 dated 20 October 2014.

²12.1. The BAC shall have the following functions: (a) advertise and/or post the invitation to bid/request for expressions of interest; (b) conduct pre-procurement and pre-bid conferences; (c) determine the eligibility of prospective bidders; (d) receive and open bids; (e) conduct the evaluation of bids; (f) undertake post-qualification proceedings; (g) resolve requests for reconsideration; (h) recommend award of contracts to the HoPE or his duly authorized representative; (i) recommend the imposition of sanctions in accordance with Rule XXIII; (j) recommend to the HoPE the use of Alternative Methods of Procurement as provided in Rule XVI hereof; (k) conduct any of the Alternative Methods of Procurement; (l) conduct periodic assessment of the procurement processes and procedures to streamline procurement activities pursuant to Section 3(c) of this IRR; and (m) perform such other related functions as may be necessary, including the creation of a Technical Working Group (TWG) from a pool of technical, financial, and/or legal experts.



Republic of the Philippines
GOVERNMENT PROCUREMENT POLICY BOARD
TECHNICAL SUPPORT OFFICE



NPM No. 121-2017

29 December 2017

AMANG RODRIGUEZ MEMORIAL MEDICAL CENTER (ARMMC)
Sumulong Highway Sto. Nino, Marikina

Re: Actions of the Bids and Awards Committee -

Dear Sir/Madam:

This refers to your letter requesting clarification on whether the members of the newly created BAC may sign and recommend its action to the Head of the Procuring Entity (HOPE) on the bidding conducted by the members of the previous BAC.

We wish to inform you that the 2016 revised Implementing Rules and Regulations (IRR) of Republic Act (RA) No. 9184, the Government Procurement Reform Act, is silent on the aforementioned matter. Nonetheless, we have clarified in an earlier opinion¹ that the new BAC members may effect lawful, necessary and appropriate changes in the decisions of the previous BAC which have not yet become final. This is intended to provide the new BAC members the opportunity to arrive at a sound and appropriate action on the pending procurement proceeding and to ensure that the most advantageous terms for the Government is obtained.

Based on the foregoing, we are of the opinion that the members of the newly created BAC, within the boundaries of its duties and responsibilities under Section 12² of the 2016 IRR of RA 9184, may make its own action and recommendation to the HOPE pertaining to a bidding conducted by the previous BAC provided that said procurement activity has not yet been concluded.

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.)

//lrd6

Executive Director V

¹ Non-Policy Matter No. 072-2014 dated 20 October 2014.

²12.1. The BAC shall have the following functions: (a) advertise and/or post the invitation to bid/request for expressions of interest; (b) conduct pre-procurement and pre-bid conferences; (c) determine the eligibility of prospective bidders; (d) receive and open bids; (e) conduct the evaluation of bids; (f) undertake post-qualification proceedings; (g) resolve requests for reconsideration; (h) recommend award of contracts to the HoPE or his duly authorized representative; (i) recommend the imposition of sanctions in accordance with Rule XXIII; (j) recommend to the HoPE the use of Alternative Methods of Procurement as provided in Rule XVI hereof; (k) conduct any of the Alternative Methods of Procurement; (l) conduct periodic assessment of the procurement processes and procedures to streamline procurement activities pursuant to Section 3(c) of this IRR; and (m) perform such other related functions as may be necessary, including the creation of a Technical Working Group (TWG) from a pool of technical, financial, and/or legal experts.