

NPM No. 078-2016

15 November 2016


[REDACTED]

Re: Contractor's Performance Evaluation Summary (CPES) Final Rating

Dear [REDACTED]:

This refers to your letter¹ requesting for guidance on whether the submission of a CPES Final Rating is a mandatory requirement in the Procurement of Infrastructure Projects.

At the outset, we would like to clarify that the Government Procurement Policy Board (GPPB) and its Technical Support Office (TSO) render policy and non-policy matter opinions, respectively, on issues purely pertaining to the interpretation and application of procurement laws, rules and regulations. We have no authority to dictate to the Procuring Entity how to decide or resolve issues relative to its procurement activities. Moreover, we adhere to the position that we cannot, nor any other agency, authority, or official, encroach upon or interfere with the exercise of the functions of the Head of the Procuring Entity (HOPE) and the BAC, since these duties and responsibilities fall solely within the ambit of their authority and discretion. In this regard, we limit our discussion on the interpretation of relevant procurement rules and regulations pertinent to the issues presented.


Section 23.5.2.4² of the Revised Implementing Rules and Regulations (IRR) of Republic Act (RA) No. 9184 expressly requires the submission of a Certificate of Final Acceptance or a CPES Final Rating and/or Certificate of Completion, which must be satisfactory. These documents ensure that the project identified in the Statement of Single Largest Completed Contract (SLCC) is not only completed, but also satisfactorily fulfilled and accepted by the project owner. Accordingly, since the two documents substantially attest to the status of the identified project, the submission of either document shall suffice. In other words, in order to substantiate its SLCC, the bidder may submit either a Certificate of Final Acceptance or a satisfactory CPES Final Rating and/or Certificate of Completion. 

¹ As indorsed by the Department of Interior and Local Government and by the Office of the Ombudsman.

² As amended by Section 23.4.2.5 of the 2016 revised IRR, which states, [t]he SLCC shall be supported by an Owner's Certificate of Final Acceptance issued by the project owner other than the contractor or a **final rating of at least Satisfactory in the Constructors Performance Evaluation System. In case of contracts with the private sector, an equivalent document shall be submitted.**

We hope that our advice provided sufficient guidance on the matter. Please note that this opinion is being rendered on the basis of the facts and particular situation presented, and may not be applicable given a different set of facts and circumstances. Should you have additional questions, please do not hesitate to contact us.

(sgd.)

~~DENNIS S. SANTIAGO~~
Executive Director V 

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