

**NPM No. 136-2016**

29 December 2016



**Re: Applicability of the 2016 Revised Implementing Rules and Regulations (IRR) of Republic Act (RA) No. 9184**

Dear [REDACTED]:

This refers to your email seeking clarification on the applicability of the 2016 Revised IRR.

It was represented that you had a public bidding posted in the PhilGEPS website last 26 October 2016. It is in this wise that you are asking for guidance as to which rules you should follow in the opening of bids, the old IRR or the 2016 Revised IRR.


Section 77.2 of the 2016 Revised IRR provides that “[I]n cases where the advertisements or invitations for bids were issued before the effectivity of this IRR, Procuring Entities may continue adopting the procurement procedures, rules, and regulations provided in the Revised IRR of 2009 or other applicable laws as the case may be.” Relative to thereto, the 2016 Revised IRR shall take effect sixty (60) calendar days after its publication in the Official Gazette or in a newspaper of general nationwide circulation and upon filing with the University of the Philippines Law Center of three (3) certified copies of the IRR pursuant to Section 78 thereof.

The 2016 Revised IRR was published in the Official Gazette on 29 August 2016 and became effective 60 days thereafter or on **28 October 2016**. Accordingly, for procurement activities with the advertisements or invitations for bids issued prior to such date, such as in the instant case, the procuring entity may continue to adopt the procedures, rules, and regulations of the 2009 revised IRR. But for procurement activities with advertisements or invitations for bids issued on 28 October 2016 onwards, the rules and procedures under the 2016 Revised IRR shall be applicable.

We hope that 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 there be other concerns, please do not hesitate to contact us.

Very truly yours,

(sgd.)

 **DENNIS S. SANTIAGO**  
Executive Director V

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