

NPM No. 80-2015

13 October 2015



Re: Purchase of Medicines

Dear [REDACTED]:

This refers to your letter through electronic mail requesting for guidelines relative to the purchase of medicines.

It is represented that the Bids and Awards Committee (BAC) – Goods and Services of the Cebu City Government complies with the provisions of Republic Act (RA) No. 9184 and its revised Implementing Rules and Regulations (IRR), and in doing so the purchase of medicines are always awarded to the Lowest Calculated and Responsive Bid. However, in several instances, the doctors of Cebu City Medical Center have complaints on the efficiency, effectiveness and potency of generic medicines which usually have the lowest calculated and responsive bid.

In an attached letter dated 2 December 2014, the nurses enumerated the following feedbacks on the use of Intravenous cannulas procured by BAC – Goods and Services:

- A. IV Cannula- Superflow (Gauge 26)
 - 1) The cannula is noted to be dull which makes it difficult for the end-users to insert.
 - 2) There is no safety lock which makes the client and the health care professional at risk to needle stick injury.
 - 3) It kinks easily.
- B. IV Cannula- Cathula (Gauges 18, 20 & 22)
 - 1) There is no safety lock which makes the client and the health care professional at risk to needle stick injury.
 - 2) It is not easily kinked.
 - 3) The intravenous cannula is noted to be sharp.
- C. The one-inch plaster ORMED Neotape is not hypoallergenic.

Anent your request, there is no specific guidelines for the procurement of medicines. Thus, the procurement of medicines follows the rules and procedures for the procurement of other goods and services. A careful review of the issues indicates that these concerns

identified by the nurses of Cebu City Medical Center were not due to inadequacy of the provisions of RA 9184 and its IRR but rather on the crafting and preparation of the technical specifications.

It can be inferred from the feedbacks provided that the goods procured lack certain features that could have been provided in the technical specifications. In the preparation of the technical specifications, the procuring entity should provide a set of precise and clear parameters reflective of all its requirements for the goods that it wishes to procure.¹ For example, the procuring entity can provide the thickness or sharpness of the cannula with reference to its requirements. In the same manner, it could require that the cannula should have a safety lock. By providing a set of precise and clear specifications, it is highly probable that the procuring entity will most likely procure the right products that will serve its needs efficiently and effectively.

We hope this opinion issued by 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.

(sgd.)

~~DENNIS S. SANTIAGO~~
Executive Director V

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¹ Section VII, Procurement of Goods, Philippine Bidding Documents, 4th ed.