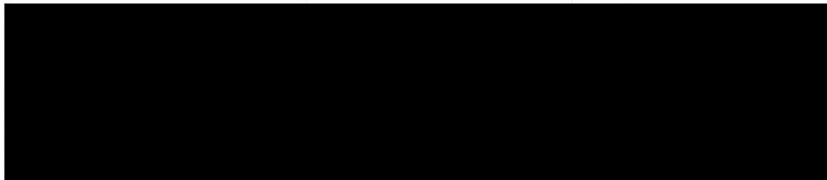


**NPM No. 157-2015**

22 December 2015



**Re: Procurement Timelines**

Dear [Redacted]

This refers to your letter seeking clarification on the application of the procurement timelines under

As represented, on 24 November 2015, NIPSC received, from the Department of Budget and Management (DBM) Region VI, a Special Allotment Release Order (SARO) amounting to One Hundred Million Four Hundred Twenty One Thousand Six Hundred Pesos (PhP 100,421,600.00) to cover the release of funds for the replacement/acquisition of equipment and facilities damaged by Typhoon Yolanda. The funding source was taken from the Regular Agency Fund, Continuing Appropriation (2014 General Appropriations Act) Rehabilitation and Reconstruction Program, which shall be valid for obligation until 31 December 2015.

NIPSC started the procurement process on 26 November 2015, and shall award the contracts to the Lowest Calculated Bidder on 12 December 2015. Based on the results of the bidding after Post-qualification process, NIPSC anticipated having savings amounting to PhP 19,918,791.60. NIPSC intends to conduct another bidding for the remaining funds. Thus, NIPSC is seeking guidance on whether its proposed procurement timelines are in accordance with Republic Act (RA) No. 9184 and its revised Implementing Rules and Regulations (IRR), thus:

Advertisement	– 14-28 December 2015
Issuance of Bid Documents	– 14-28 December 2015
Pre-bid Conference	– 16 December 2015
Submission and Opening of Bids	– 28 December 2015
Bid Evaluation	– 29 December 2015
Post-Qualification	– 30 December 2015
Notice of Award	– 31 December 2015

For your guidance, Annex “C” of the IRR of RA 9184 provides for the earliest possible time within which the procuring entity may award a contract, thus: (a) for goods and

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infrastructure projects – twenty-eight (28) calendar days, and (b) for consulting services – thirty-four (34) calendar days. Please note that based on NIPSC's proposed timeline, it will undertake the procurement process within eighteen (18) days.

Please be informed that under Section 21.2.2 of the IRR of RA 9184, aside from newspaper advertisement, the Invitation to Bid shall likewise be posted continuously in the Philippine Government Electronic Procurement System (PhilGEPS) website, website of the Procuring Entity and at any conspicuous place in the premises of the Procuring Entity for seven (7) calendar days, starting from the date of advertisement. After the seven (7)-day posting period, the pre-bid conference, for contracts with an approved budget of One Million Pesos PHP 1,000,000.00 and above, shall be held at least twelve (12) calendar days before the submission and receipt of bids. Thus, under the rules, the pre-bid conference must be conducted after the seven (7) calendar day posting period. Hence, NIPSC's proposal to conduct a pre-bid conference without completing the 7 day posting period is not in accordance with the IRR of RA 9184. Consequently, by adjusting the timelines *vis-à-vis* the respective procurement activities, the entire conduct of procurement may go beyond 31 December 2015.

At this juncture, we respectfully refer to the Procurement Timeline Calculator in our website<sup>2</sup>, which may assist in the computation of applicable procurement timelines for future procurement activities of procuring entities. All told, following the prescribed timelines for public bidding under Annex C of the IRR of RA 9184, the Notice of Award cannot be issued on or before 31 December 2015<sup>3</sup> to obligate the remaining funds covered by the 2014 GAA.

We hope that this opinion issued by the GPPB-TSO 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.

Very truly yours,

(sgd.)

 **DENNIS S. SANTIAGO**  
*Executive Director V*

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<sup>2</sup> <http://www.gppb.gov.ph/timelines/timelines.htm>.

<sup>3</sup> Section 59 of RA 10633, otherwise known as General Appropriations Act (GAA) of 2014 provides that appropriations for MOOE and Capital Outlays shall be available for release and obligation for a period extending to one (1) fiscal year after the end of the year in which such items were appropriated.