NPM 028-2026

30 October 2026

[redacted]

Subject : **Submission of Bid Modification**

Dear [redacted]:

We refer to your letter dated 22 October 2026[1] requesting from the Government Procurement Policy Board-Technical Support Office (GPPB-TSO) guidance on the application of Bid Modification provisions of Republic Act (RA) No. 12009 and its Implementing Rules and Regulations (IRR).

According to your letter, you submitted a sealed bid modification but was subsequently informed during bid opening that your original bid will not be opened because the bid modification should have consisted of an entirely new and complete bid submission.

At the outset, it bears stating that the GPPB and the GPPB-TSO render policy and non-policy opinions, respectively, on issues pertaining to the interpretation and application of procurement laws, rules and regulations. The GPPB-TSO does not possess quasi-judicial or investigatory powers and, thus, has no jurisdiction to resolve actual cases or controversies involving specific procurement activities. Neither the GPPB nor any other agency, authority, or official may encroach upon or interfere with the exercise of the functions of the Head of the Procuring Entity (HoPE) and the Bids and Awards Committee (BAC), as these fall exclusively within their authority and discretion under the law. Accordingly, we shall limit our reply to the relevant rules and regulations pertinent to the concern raised.

Section 55 of RA No. 12009 allows bidders to modify their bids provided that this modification is done before the deadline for the receipt of bids. Section 55.1 of the IRR further details the submission of bid modifications stating that for manual and electronic submissions, bidders shall submit **"another bid"** that is equally sealed/ secured, properly identified, linked to their original bid, and **marked as a "modification."**

[1] DMS Reference No. 2026-_AD-08276-C-LR

Section 5(c) of RA No. 12009 and its IRR defines a *bid* as a "signed offer or proposal submitted by a supplier, manufacturer, distributor, contractor, consultant, and service provider in response to the bidding document."

In this regard, the phrase "another bid" under Section 55.1 of the IR should be construed to require the submission of a new and completed bid package incorporating the intended modifications, rather than merely the modified portions of the original bid. This interpretation is consistent with the nature of a bid as a complete offer submitted in accordance with the requirements of the Bidding Documents. Requiring a complete bid package provides clarity as to the bidder's final offer and avoids uncertainty in determining which documents from the original bid remain applicable and which have been modified.

We hope to have sufficiently addressed your concern. Kindly note that the foregoing reply is based on existing laws, rules, and regulations and other related issuances, particular facts presented, and circumstances availing, and may not, therefore, be applicable to a different set of facts and circumstances.

Very truly yours,

(sgd)
ATTY. SOFIA C. YANTO-ABAD
Deputy Director General for the Legal and Research Division B