



RESOLUTION NO. 13-2019

APPROVING AMENDMENTS TO SECTIONS 8.5.2, 23.2, 24.2 of the 2016 REVISED IMPLEMENTING RULES AND REGULATIONS OF REPUBLIC ACT NO. 9184, CLAUSE 11 OF THE INSTRUCTIONS TO BIDDERS, PHILIPPINE BIDDING DOCUMENTS FOR THE PROCUREMENT OF GOODS, CLAUSE 11 OF THE INSTRUCTIONS TO BIDDERS, PHILIPPINE BIDDING DOCUMENTS FOR THE PROCUREMENT OF INFRASTRUCTURE PROJECTS, CLAUSE 2.2 OF THE ELIGIBILITY DOCUMENTS AND CLAUSE 9 OF THE INSTRUCTIONS TO BIDDERS, PHILIPPINE BIDDING DOCUMENTS FOR THE PROCUREMENT OF CONSULTING SERVICES, AND APPENDIX “9” OR THE GUIDELINES IN THE DETERMINATION OF ELIGIBILITY OF FOREIGN SUPPLIERS, CONTRACTORS, AND CONSULTANTS TO PARTICIPATE IN GOVERNMENT PROCUREMENT PROJECTS, AND RELEVANT PORTIONS OF THE GENERIC PROCUREMENT MANUALS

WHEREAS, Republic Act (RA) No. 9184 entitled “An Act Providing for the Modernization, Standardization and Regulation of the Procurement Activities of the Government and For Other Purposes,” took effect on 26 January 2003, while its 2016 revised Implementing Rules and Regulations (IRR) took effect on 28 October 2016;

WHEREAS, Section 6 of RA No. 9184 provides that in order to systematize the procurement process, avoid confusion and ensure transparency, the procurement process, including the forms to be used, shall be standardized insofar as practicable;

WHEREAS, Section 63.1 (b) of the 2016 revised IRR of RA No. 9184 mandates the Government Procurement Policy Board (GPPB) to formulate public procurement policies, rules and regulations, and amend the IRR of RA No. 9184, whenever necessary;

WHEREAS, the Philippines recently acceded to the “Hague Convention of 5 October 1961 Abolishing the Requirement of Legalisation for Foreign Public Documents” (the **Apostille Convention**)” which shall be effective 14 May 2019, wherein the Philippine foreign service establishment or post will now authenticate documents through an Apostille and these documents are strictly for the use of public documents abroad;

WHEREAS, relevant provisions in the 2016 revised IRR of RA No. 9184 prescribes that for foreign bidders whose eligibility documents are not in English, said documents must be translated in English and authenticated by the appropriate Philippine foreign establishment or post;

WHEREAS, the requirement for the English translation and authentication of documents not in English are in the Philippine Bidding Documents (PBDs) for Goods, Infrastructure Projects, and Consulting Services, Appendix 9 or the Guidelines in the Determination of Eligibility of Foreign Suppliers, Contractors, and Consultants to Participate in Government Procurement Projects (“Guidelines”) and the Generic Procurement Manuals (GPMs);

WHEREAS, due to the accession of the Philippines to the Apostille Convention, there is a need to revise and amend the relevant provisions in the 2016 revised IRR of RA No. 9184, the PBDs, the Guidelines, and the GPMs;

WHEREAS, during the 2nd Joint Regular Meeting of the GPPB and IATWG held on 23 May 2019, the GPPB- TSO presented the proposed amendments to Sections 8.5.2, 23.2, 24.2 of the 2016 revised IRR of RA No. 9184, Clause 11 of Instructions to Bidders, PBDs for the Procurement of Goods, Clause 11 of Instructions to Bidders, PBDs for the Procurement of Infrastructure Projects, Clause 2.2 of the Eligibility Documents and Clause 9 of Instructions to Bidders, PBDs for the Procurement of Consulting Services, the Guidelines and relevant portions of the GPMs;

WHEREAS, after careful review and due deliberations, the Board approved the recommendation of the GPPB-TSO;

NOW, THEREFORE, for and in view of all the foregoing, **WE**, the Members of the **GOVERNMENT PROCUREMENT POLICY BOARD**, by virtue of the powers vested on **US** by law and other executive issuances, hereby **RESOLVE** to confirm, adopt, and approve, as **WE** hereby confirm, adopt, and approve the amendments to Sections 8.5.2, 23.2, 24.2 of the 2016 revised IRR of RA No. 9184, Clause 11 Instructions to Bidders of the PBDs for Goods, Clause 11 Instructions to Bidders of the PBDs for Infrastructure Projects, Clause 2.2 of the Eligibility Documents and Clause 9 of Instructions to Bidders of the PBDs for the Procurement of Consulting Services, Appendix 9 of the 2016 revised IRR of RA No. 9184 or the *Guidelines in Determination of Eligibility of Foreign Suppliers, Contractors, and Consultants to Participate in Government Procurement Projects*, and relevant portions of the GPMs, a copy of which is attached as Annex "A", and made an integral part hereof.

These amendments to the 2016 revised IRR of RA No. 9184 shall take effect immediately.

APPROVED this 23rd day of May 2019 at Angeles City, Philippines.

SGD

**DEPARTMENT OF BUDGET AND
MANAGEMENT**

SGD

**NATIONAL ECONOMIC AND
DEVELOPMENT AUTHORITY**

SGD

DEPARTMENT OF EDUCATION

SGD

DEPARTMENT OF ENERGY

DEPARTMENT OF FINANCE

SGD

DEPARTMENT OF HEALTH

**DEPARTMENT OF INFORMATION AND
COMMUNICATION TECHNOLOGY**

SGD

**DEPARTMENT OF THE INTERIOR AND
LOCAL GOVERNMENT**

SGD

**DEPARTMENT OF NATIONAL
DEFENSE**

SGD

**DEPARTMENT OF PUBLIC WORKS AND
HIGHWAYS**

**DEPARTMENT OF SCIENCE AND
TECHNOLOGY**

DEPARTMENT OF TRADE AND INDUSTRY

DEPARTMENT OF TRANSPORTATION

PRIVATE SECTOR REPRESENTATIVE



**2016 REVISED IMPLEMENTING RULES AND REGULATIONS (IRR)
OF REPUBLIC ACT (RA) NO. 9184**

ORIGINAL	AMENDED
<p>Sec. 8.5.2. All bidders shall upload and maintain in PhilGEPS a current and updated file of the following Class “A” eligibility documents under Sections 23.1(a) and 24.1(a):</p> <p style="padding-left: 40px;">a) xxx;</p> <p>For Foreign Bidders, the foregoing documents may be substituted by the appropriate equivalent documents in English, if any, issued by the country of the bidder concerned. Otherwise, it must be accompanied by a translation of the documents in English issued by the relevant foreign government agency, the foreign government agency authorized to translate documents, or a registered translator in the foreign bidder’s country; and shall be authenticated by the appropriate Philippine foreign service establishment/post or the equivalent office having jurisdiction over the foreign bidder’s affairs in the Philippines.</p> <p>These documents shall be accompanied by a Sworn Statement in a form prescribed by the GPPB stating that the documents submitted are complete and authentic copies of the original, and all statements and information provided therein are true and correct. Upon receipt of the said documents, the PhilGEPS shall process the same in accordance with the guidelines on the Government of the Philippines – Official Merchants Registry (GoP-OMR).</p>	<p>Sec. 8.5.2 All bidders shall upload and maintain in PhilGEPS a current and updated file of the following Class “A” eligibility documents under Sections 23.1(a) and 24.1(a):</p> <p style="padding-left: 40px;">a) xxx;</p> <p>For Foreign Bidders, the foregoing documents may be substituted by the appropriate equivalent documents in English, if any, issued by the country of the bidder concerned. Otherwise, it must be accompanied by a translation of the documents in English issued by the relevant foreign government agency, the foreign government agency authorized to translate documents, or a registered translator in the foreign bidder’s country; and shall be authenticated by the appropriate Philippine foreign service establishment/post or the equivalent office having jurisdiction over the foreign bidder’s affairs in the Philippines.</p> <p>However, for Contracting Parties to the Apostille Convention, the documents shall be authenticated through an apostille by the Competent Authority, except for countries¹ identified by the Department of Foreign Affairs (DFA) that will still require legalization (red ribbon) by the relevant Embassy or Consulate.</p> <p>A Contracting Party refers to a State that has joined the Apostille Convention, whether or not the Convention has entered into force for that State.²</p> <p>A Competent Authority refers to the authority designated by a Contracting Party that is competent to issue an</p>

	<p>apostille. A Contracting Party may designate one or more Competent Authorities and may designate Competent Authorities that are competent to issue an apostille for certain categories of public documents. Information about designated Competent Authorities may be found on the Apostille Section of the Hague Conference website under “Competent Authorities”.³ The procuring entity can confirm the list of Competent Authorities using the link below:</p> <p>https://www.hcch.net/en/instruments/conventions/authorities1/?cid=41</p> <p>These documents shall be accompanied by a Sworn Statement in a form prescribed by the GPPB stating that the documents submitted are complete and authentic copies of the original, and all statements and information provided therein are true and correct. Upon receipt of the said documents, the PhilGEPS shall process the same in accordance with the guidelines on the Government of the Philippines – Official Merchants Registry (GoP-OMR).</p> <hr/> <p>¹ As of May 14, 2019: Austria, Finland, Germany and Greece.</p> <p>² Apostille Handbook, A Handbook on the Practical Operation of the Apostille Convention, p. xviii. Netherland: The Hague Conference on Private International Permanent Bureau.</p> <p>³ Ibid.</p>
<p>Sec. 23.2. In case of foreign bidders, the eligibility requirements or statements, the bids, and all other documents to be submitted to the BAC must be in English. If the eligibility requirements or statements, the bids, and all other documents submitted to the BAC are in foreign language other than English, it must be accompanied by a translation of the documents in English. The documents shall be translated by the relevant foreign government agency, the foreign government agency authorized to translate documents, or a registered translator in the foreign bidder’s country; and shall be authenticated by the appropriate</p>	<p>Sec. 23.2. In case of foreign bidders, the eligibility requirements or statements, the bids, and all other documents to be submitted to the BAC must be in English. If the eligibility requirements or statements, the bids, and all other documents submitted to the BAC are in foreign language other than English, it must be accompanied by a translation of the documents in English. The documents shall be translated by the relevant foreign government agency, the foreign government agency authorized to translate documents, or a registered translator in the foreign bidder’s country; and shall be authenticated by the appropriate</p>

<p>Philippine foreign service establishment/post or the equivalent office having jurisdiction over the foreign bidder's affairs in the Philippines.</p>	<p>Philippine foreign service establishment/post or the equivalent office having jurisdiction over the foreign bidder's affairs in the Philippines.</p> <p>However, for Contracting Parties to the Apostille Convention, the documents shall be authenticated through an apostille by the Competent Authority, as defined in Section 8.5.2 paragraph 4 of the 2016 revised IRR of RA No. 9184, except for countries¹ identified by the DFA that will still require legalization (red ribbon) by the relevant Embassy or Consulate.</p> <hr/> <p>¹ As of May 14, 2019: Austria, Finland, Germany and Greece.</p>
<p>Sec. 24.2. In the case of foreign consultants, the eligibility requirements or statements, the bids, and all other documents to be submitted to the BAC must be in English. If the eligibility requirements or statements, the bids, and all other documents submitted to the BAC are in foreign language other than English, it must be accompanied by a translation of the documents in English. The documents shall be translated by the relevant foreign government agency, the foreign government agency authorized to translate documents, or a registered translator in the foreign bidder's country; and shall be authenticated by the appropriate Philippine foreign service establishment / post or the equivalent office having jurisdiction over the foreign bidder's affairs in the Philippines.</p>	<p>24.2. In the case of foreign consultants, the eligibility requirements or statements, the bids, and all other documents to be submitted to the BAC must be in English. If the eligibility requirements or statements, the bids, and all other documents submitted to the BAC are in foreign language other than English, it must be accompanied by a translation of the documents in English. The documents shall be translated by the relevant foreign government agency, the foreign government agency authorized to translate documents, or a registered translator in the foreign bidder's country; and shall be authenticated by the appropriate Philippine foreign service establishment / post or the equivalent office having jurisdiction over the foreign bidder's affairs in the Philippines.</p> <p>However, for Contracting Parties to the Apostille Convention, the documents shall be authenticated through an apostille by the Competent Authority, as defined in Section 8.5.2 paragraph 4 of the 2016 revised IRR of RA No. 9184, except for countries¹ identified by the DFA that will still require legalization (red ribbon) by the relevant Embassy or Consulate.</p> <hr/> <p>¹ As of May 14, 2019: Austria, Finland, Germany and Greece.</p>

**5th EDITION OF THE PHILIPPINE BIDDING DOCUMENTS FOR THE
PROCUREMENT OF GOODS**

ORIGINAL	AMENDED
<p>Section II. Instructions to Bidders, C. Preparation of Bids</p> <p>11. Language of Bids</p> <p>The eligibility requirements or statements, the bids, and all other documents to be submitted to the BAC must be in English. If the eligibility requirements or statements, the bids, and all other documents submitted to the BAC are in foreign language other than English, it must be accompanied by a translation of the documents in English. The documents shall be translated by the relevant foreign government agency, the foreign government agency authorized to translate documents, or a registered translator in the foreign bidder's country; and shall be authenticated by the appropriate Philippine foreign service establishment/post or the equivalent office having jurisdiction over the foreign bidder's affairs in the Philippines. The English translation shall govern, for purposes of interpretation of the bid.</p>	<p>Section II. Instructions to Bidders, C. Preparation of Bids</p> <p>11. Language of Bids</p> <p>The eligibility requirements or statements, the bids, and all other documents to be submitted to the BAC must be in English. If the eligibility requirements or statements, the bids, and all other documents submitted to the BAC are in foreign language other than English, it must be accompanied by a translation of the documents in English. The documents shall be translated by the relevant foreign government agency, the foreign government agency authorized to translate documents, or a registered translator in the foreign bidder's country; and shall be authenticated by the appropriate Philippine foreign service establishment/post or the equivalent office having jurisdiction over the foreign bidder's affairs in the Philippines.</p> <p>However, for Contracting Parties to the Apostille Convention, the documents shall be authenticated through an apostille by the Competent Authority, except for countries¹ identified by the Department of Foreign Affairs (DFA) that will still require legalization (red ribbon) by the relevant Embassy or Consulate.</p> <p>A Contracting Party refers to a State that has joined the Apostille Convention, whether or not the Convention has entered into force for that State. ²</p> <p>A Competent Authority refers to the authority designated by a Contracting Party that is competent to issue an apostille. A Contracting Party may designate one or more Competent Authorities and may designate Competent Authorities that are competent to issue an apostille for certain categories of public documents. Information about designated Competent Authorities may be found on the Apostille Section of the Hague Conference website under "Competent Authorities".³</p>

	<p>The English translation shall govern, for purposes of interpretation of the bid.</p> <hr/> <p>¹ As of May 14, 2019: Austria, Finland, Germany and Greece.</p> <p>² Apostille Handbook, A Handbook on the Practical Operation of the Apostille Convention, p. xviii. Netherland: The Hague Conference on Private International Permanent Bureau.</p> <p>³ Ibid.</p>
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**5th EDITION OF THE PHILIPPINE BIDDING DOCUMENTS FOR THE
PROCUREMENT OF INFRASTRUCTURE PROJECTS**

ORIGINAL	AMENDED
<p align="center">Section II. Instructions to Bidders, C. Preparation of Bids</p> <p>11. Language of Bids</p> <p>The eligibility requirements or statements, the bids, and all other documents to be submitted to the BAC must be in English. If the eligibility requirements or statements, the bids, and all other documents submitted to the BAC are in foreign language other than English, it must be accompanied by a translation of the documents in English. The documents shall be translated by the relevant foreign government agency, the foreign government agency authorized to translate documents, or a registered translator in the foreign bidder's country; and shall be authenticated by the appropriate Philippine foreign service establishment/post or the equivalent office having jurisdiction over the foreign bidder's affairs in the Philippines. The English translation shall govern, for purposes of interpretation of the bid.</p>	<p align="center">Section II. Instructions to Bidders, C. Preparation of Bids</p> <p>11. Language of Bids</p> <p>The eligibility requirements or statements, the bids, and all other documents to be submitted to the BAC must be in English. If the eligibility requirements or statements, the bids, and all other documents submitted to the BAC are in foreign language other than English, it must be accompanied by a translation of the documents in English. The documents shall be translated by the relevant foreign government agency, the foreign government agency authorized to translate documents, or a registered translator in the foreign bidder's country; and shall be authenticated by the appropriate Philippine foreign service establishment/post or the equivalent office having jurisdiction over the foreign bidder's affairs in the Philippines.</p> <p>However, for Contracting Parties to the Apostille Convention, the documents shall be authenticated through an apostille by the Competent Authority, except for countries¹ identified by the Department of Foreign Affairs (DFA) that will still require legalization (red ribbon) by the relevant Embassy or Consulate.</p> <p>A Contracting Party refers to a State that has joined the Apostille Convention,</p>

	<p>whether or not the Convention has entered into force for that State.²</p> <p>A Competent Authority refers to the authority designated by a Contracting Party that is competent to issue an apostille. A Contracting Party may designate one or more Competent Authorities and may designate Competent Authorities that are competent to issue an apostille for certain categories of public documents. Information about designated Competent Authorities may be found on the Apostille Section of the Hague Conference website under “Competent Authorities”.³</p> <p>The English translation shall govern, for purposes of interpretation of the bid.</p> <hr/> <p>¹ As of May 14, 2019: Austria, Finland, Germany and Greece.</p> <p>² Apostille Handbook, A Handbook on the Practical Operation of the Apostille Convention, p. xviii. Netherland: The Hague Conference on Private International Permanent Bureau.</p> <p>³ Ibid.</p>
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**5th EDITION OF THE PHILIPPINE BIDDING DOCUMENTS FOR THE
PROCUREMENT OF CONSULTING SERVICES**

ORIGINAL	AMENDED
<p>Part I., Section II. Eligibility Documents, 2. Eligibility Requirements</p> <p>2.2. The eligibility requirements or statements, the bids, and all other documents to be submitted to the BAC must be in English. If the eligibility requirements or statements, the bids, and all other documents submitted to the BAC are in foreign language other than English, it must be accompanied by a translation of the documents in English. The documents shall be translated by the relevant foreign government agency, the foreign government agency authorized to translate documents, or a registered translator in the foreign bidder’s country; and shall be authenticated by the appropriate Philippine foreign service establishment/post or the equivalent office having jurisdiction over</p>	<p>Part I., Section II. Eligibility Documents, 2. Eligibility Requirements</p> <p>2.2. The eligibility requirements or statements, the bids, and all other documents to be submitted to the BAC must be in English. If the eligibility requirements or statements, the bids, and all other documents submitted to the BAC are in foreign language other than English, it must be accompanied by a translation of the documents in English. The documents shall be translated by the relevant foreign government agency, the foreign government agency authorized to translate documents, or a registered translator in the foreign bidder’s country; and shall be authenticated by the appropriate Philippine foreign service establishment/post or the equivalent office having jurisdiction over the foreign bidder’s affairs in the Philippines.</p>

the foreign bidder's affairs in the Philippines. The English translation shall govern, for purposes of interpretation of the bid.

However, for Contracting Parties to the Apostille Convention, the documents shall be authenticated through an apostille by the Competent Authority, except for countries¹ identified by the Department of Foreign Affairs (DFA) that will still require legalization (red ribbon) by the relevant Embassy or Consulate.

A Contracting Party refers to a State that has joined the Apostille Convention, whether or not the Convention has entered into force for that State.²

A Competent Authority refers to the authority designated by a Contracting Party that is competent to issue an apostille. A Contracting Party may designate one or more Competent Authorities and may designate Competent Authorities that are competent to issue an apostille for certain categories of public documents. Information about designated Competent Authorities may be found on the Apostille Section of the Hague Conference website under "Competent Authorities".³

The English translation shall govern, for purposes of interpretation of the bid.

¹ As of May 14, 2019: Austria, Finland, Germany and Greece.

² Apostille Handbook, A Handbook on the Practical Operation of the Apostille Convention, p. xviii. Netherland: The Hague Conference on Private International Permanent Bureau.

³ Ibid.

Part II. Section II. Instructions to Bidders, C. Preparation of Bids

9. Language of Bids

The eligibility requirements or statements, the bids, and all other documents to be submitted to the BAC must be in English. If the eligibility requirements or statements, the bids, and all other documents submitted to the BAC are in foreign language other than English, it must be accompanied by a

Part II. Section II. Instructions to Bidders, C. Preparation of Bids

9. Language of Bids

The eligibility requirements or statements, the bids, and all other documents to be submitted to the BAC must be in English. If the eligibility requirements or statements, the bids, and all other documents submitted to the BAC are in foreign language other than English, it must be accompanied by a translation of the documents

translation of the documents in English. The documents shall be translated by the relevant foreign government agency, the foreign government agency authorized to translate documents, or a registered translator in the foreign bidder's country; and shall be authenticated by the appropriate Philippine foreign service establishment/post or the equivalent office having jurisdiction over the foreign bidder's affairs in the Philippines. The English translation shall govern, for purposes of interpretation of the bid.

in English. The documents shall be translated by the relevant foreign government agency, the foreign government agency authorized to translate documents, or a registered translator in the foreign bidder's country; and shall be authenticated by the appropriate Philippine foreign service establishment/post or the equivalent office having jurisdiction over the foreign bidder's affairs in the Philippines.

However, for Contracting Parties to the Apostille Convention, the documents shall be authenticated through an apostille by the Competent Authority, as defined in Clause 2.2 of Part I., Section II., except for countries¹ identified by the DFA, will still require legalization (red ribbon) by the relevant Embassy or Consulate.

The English translation shall govern, for purposes of interpretation of the bid.

¹ As of May 14, 2019: Austria, Finland, Germany and Greece.

**GUIDELINES IN THE DETERMINATION OF ELIGIBILITY OF FOREIGN SUPPLIERS,
CONTRACTORS, AND CONSULTANTS TO PARTICIPATE IN GOVERNMENT
PROCUREMENT PROJECTS**

<p>3.0 Definition of Terms For purposes of these guidelines, the following term or words and phrases shall be defined as follows:</p> <p>3.1. Foreign Consultant refers to</p> <p>3.2. Foreign Contractor refers to</p> <p>3.3. Foreign Supplier refers to ...</p> <p>3.4. Local Consultant refers to</p> <p>3.5. Local Contractor refers to</p> <p>3.6 Local Supplier refers to</p>	<p>3.0 Definition of Terms For purposes of these guidelines, the following term or words and phrases shall be defined as follows:</p> <p>3.1. Competent Authority refers to an authority designated by a Contracting Party that is competent to issue an apostille. A State may designate one or more Competent Authorities and may designate Competent Authorities that are competent to issue an apostille for certain categories of public documents. Information about designated Competent Authorities may be found on the Apostille Section of the Hague Conference website under “Competent Authorities”.¹</p> <p>3.2. Contracting Party refers to a State that has joined the Apostille Convention, whether or not the Convention has entered into force for that State.²</p> <p>3.3. Foreign Consultant</p> <p>3.4. Foreign Contractor refers to</p> <p>3.5. Foreign Supplier refers to ...</p> <p>3.6. Local Consultant refers to</p> <p>3.7. Local Contractor refers to</p> <p>3.8. Local Supplier refers to</p> <hr/> <p>¹ Apostille Handbook, A Handbook on the Practical Operation of the Apostille Convention, p. xviii. Netherland: The Hague Conference on Private International Permanent Bureau.</p> <p>² Ibid.</p>
<p><i>New Provision</i></p>	<p>8.0 Validation of the Apostille</p> <p>For Contracting Parties to the Apostille Convention, the documents shall be authenticated through an apostille by the Competent Authority, as defined in 3.1, except for countries¹ identified by the Department of Foreign Affairs (DFA), will still require legalization (red ribbon) by the</p>

relevant Embassy or Consulate. Please refer to the DFA website for any updates.

The TWG shall verify or validate the apostille through the Competent Authority's e-register or by phone or electronic mail. The Contact information for the Competent Authorities is available using the link below:

<https://www.hcch.net/en/instruments/conventions/authorities1/?cid=41>

¹As of May 14, 2019: Austria, Finland, Germany and Greece.

GENERIC PROCUREMENT MANUAL VOLUME 2

ORIGINAL	AMENDED
<p>Pages 48-49</p> <p>All bidders shall upload and maintain in PhilGEPS a current and updated file of the following Class “A” eligibility documents:</p> <ol style="list-style-type: none"> a) Registration Certificate; b) Mayor’s/Business Permit; c) Tax Clearance; and d) Audited Financial Statements. <p>For Foreign Bidders, the above-mentioned documents may be substituted by the appropriate equivalent documents in English, if any, issued by the country of the bidder concerned. Otherwise, it must be accompanied by a translation of the documents in English issued by the relevant foreign government agency, the foreign government agency authorized to translate documents, or a registered translator in the foreign bidder’s country; and should be authenticated by the appropriate Philippine foreign service establishment/post or the equivalent office having jurisdiction over the foreign bidder’s affairs in the Philippines.</p> <p>These documents should be accompanied by a Sworn Statement in a form prescribed by the GPPB stating that the documents submitted are complete and authentic copies of the original, and all statements and information provided therein are true and correct. Upon receipt of the said documents, the PhilGEPS shall process the same in accordance with the guidelines on the Government of the Philippines – Official Merchants Registry (GoP-OMR). (2016 revised IRR, Section 8.5.2)</p>	<p>Pages 48-49</p> <p>All bidders shall upload and maintain in PhilGEPS a current and updated file of the following Class “A” eligibility documents:</p> <ol style="list-style-type: none"> a) Registration Certificate; b) Mayor’s/Business Permit; c) Tax Clearance; and d) Audited Financial Statements. <p>For Foreign Bidders, the above-mentioned documents may be substituted by the appropriate equivalent documents in English, if any, issued by the country of the bidder concerned. Otherwise, it must be accompanied by a translation of the documents in English issued by the relevant foreign government agency, the foreign government agency authorized to translate documents, or a registered translator in the foreign bidder’s country; and should be authenticated by the appropriate Philippine foreign service establishment/post or the equivalent office having jurisdiction over the foreign bidder’s affairs in the Philippines.</p> <p>However, for Contracting Parties to the Apostille Convention, the documents shall be authenticated through an apostille by the Competent Authority, except for countries¹ identified by the Department of Foreign Affairs (DFA) that will still require legalization (red ribbon) by the relevant Embassy or Consulate.</p> <p>A Contracting Party refers to a State that has joined the Apostille Convention, whether or not the Convention has entered into force for that State. ²</p> <p>A Competent Authority refers to the authority designated by a Contracting Party that is competent to issue an apostille. A Contracting Party may designate one or more Competent Authorities and may designate Competent Authorities that are competent to issue an apostille for certain categories of public documents. Information about designated Competent Authorities may be found on the Apostille Section of the Hague</p>

<p>What are the eligibility requirements of a prospective foreign bidder?</p> <p>Foreign manufacturers, suppliers and distributors, when allowed to bid under the circumstances mentioned in the 2016 IRR, Section 23.4.1.2 and R.A. 5183, must submit the same eligibility requirements as domestic entities. However, the legal documents and the audited financial statements under the Class “A” documents, as discussed above, may be substituted by the appropriate equivalent documents in English, if any, issued by the country of the bidder concerned. Otherwise, it must be accompanied by a translation of the documents in English issued by the relevant foreign government agency, the foreign government agency authorized to translate documents, or a registered translator in the foreign bidder’s country; and should be authenticated by the appropriate Philippine foreign service establishment/post or the equivalent office having jurisdiction over the foreign bidder’s affairs in the Philippines.</p>	<p>Conference website under “Competent Authorities”³.</p> <p>These documents should be accompanied by a Sworn Statement in a form prescribed by the GPPB stating that the documents submitted are complete and authentic copies of the original, and all statements and information provided therein are true and correct. Upon receipt of the said documents, the PhilGEPS shall process the same in accordance with the guidelines on the Government of the Philippines – Official Merchants Registry (GoP-OMR). (2016 revised IRR, Section 8.5.2)</p> <hr/> <p>¹ As of May 14, 2019: Austria, Finland, Germany and Greece.</p> <p>² Apostille Handbook, A Handbook on the Practical Operation of the Apostille Convention, p. xviii. Netherland: The Hague Conference on Private International Permanent Bureau.</p> <p>³ Ibid.</p> <hr/> <p>What are the eligibility requirements of a prospective foreign bidder?</p> <p>Foreign manufacturers, suppliers and distributors, when allowed to bid under the circumstances mentioned in the 2016 IRR, Section 23.4.1.2 and R.A. 5183, must submit the same eligibility requirements as domestic entities. However, the legal documents and the audited financial statements under the Class “A” documents, as discussed above, may be substituted by the appropriate equivalent documents in English, if any, issued by the country of the bidder concerned. Otherwise, it must be accompanied by a translation of the documents in English issued by the relevant foreign government agency, the foreign government agency authorized to translate documents, or a registered translator in the foreign bidder’s country; and should be authenticated by the appropriate Philippine foreign service establishment/post or the equivalent office having jurisdiction over the foreign bidder’s affairs in the Philippines.</p> <p>However, for Contracting Parties to the Apostille Convention, the documents shall be authenticated through an apostille by the</p>
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	<p>Competent Authority, defined above, having jurisdiction over the foreign bidder's affairs in the Philippines or the Competent Authority in the foreign bidders' country, except for countries⁴ identified by the DFA, will still require legalization (red ribbon) by the relevant Embassy or Consulate. Please refer to the DFA for updates.</p> <p>The TWG shall verify or validate the apostille. The TWG shall validate the apostille through the Competent Authority's e-register or by phone or electronic mail. The Contact information for the Competent Authorities is available using the link below:</p> <p>https://www.hcch.net/en/instruments/conventions/authorities1/?cid=41</p> <hr/> <p>⁴ As of May 14, 2019: Austria, Finland, Germany and Greece.</p>
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GENERIC PROCUREMENT MANUAL VOLUME 3

ORIGINAL	AMENDED
<p>Page 42 of 113</p> <p>How can submission of eligibility documents be made easier?</p> <p>All bidders shall upload and maintain in PhilGEPS a current and updated file of the following Class "A" eligibility documents:</p> <ul style="list-style-type: none"> a) Registration Certificate; b) Mayor's/Business Permit; c) Tax Clearance; and d) Audited Financial Statements. <p>For Foreign Bidders, the abovementioned documents may be substituted by the appropriate equivalent documents in English, if any, issued by the country of the bidder concerned. Otherwise, it must be accompanied by a translation of the documents in English issued by the relevant foreign government agency, the foreign government agency authorized to translate documents, or a registered translator in the foreign bidder's country. It shall be authenticated by the appropriate Philippine foreign service establishment/post or the equivalent office having jurisdiction over the foreign bidder's affairs in the Philippines.</p>	<p>Page 42 of 113</p> <p>How can submission of eligibility documents be made easier?</p> <p>All bidders shall upload and maintain in PhilGEPS a current and updated file of the following Class "A" eligibility documents:</p> <ul style="list-style-type: none"> a) Registration Certificate; b) Mayor's/Business Permit; c) Tax Clearance; and d) Audited Financial Statements. <p>For Foreign Bidders, the abovementioned documents may be substituted by the appropriate equivalent documents in English, if any, issued by the country of the bidder concerned. Otherwise, it must be accompanied by a translation of the documents in English issued by the relevant foreign government agency, the foreign government agency authorized to translate documents, or a registered translator in the foreign bidder's country. It shall be authenticated by the appropriate Philippine foreign service establishment/post or the equivalent office having jurisdiction over the foreign bidder's affairs in the Philippines.</p>

However, for Contracting Parties to the Apostille Convention, the documents shall be authenticated through an Apostille by the Competent Authority, except for countries¹ identified by the Department of Foreign Affairs (DFA) that will still require legalization (red ribbon) by the relevant Embassy or Consulate.

A Contracting Party refers to a State that has joined the Apostille Convention, whether or not the Convention has entered into force for that State.²

A Competent Authority refers to the authority designated by a Contracting Party that is competent to issue an Apostille. A Contracting Party may designate one or more Competent Authorities and may designate Competent Authorities that are competent to issue an Apostille for certain categories of public documents. Information about designated Competent Authorities may be found on the Apostille Section of the Hague Conference website under “Competent Authorities”.³

The TWG shall validate the apostille The TWG shall validate the apostille through the Competent Authority's e-register or by phone or electronic mail. The Contact information for the Competent Authorities is available using the link below:

<https://www.hcch.net/en/instruments/conventions/authorities1/?cid=41>

¹ As of May 14, 2019: Austria, Finland, Germany and Greece.

² Apostille Handbook, A Handbook on the Practical Operation of the Apostille Convention, p. xviii. Netherland: The Hague Conference on Private International Permanent Bureau.

³ Ibid.

GENERIC PROCUREMENT MANUAL VOLUME 4

ORIGINAL	AMENDED
<p>Page 37- 38 of 108</p> <p align="center">2. Class “B” Documents</p> <p>a. Valid joint venture agreement (JVA), in case a joint venture is already in existence. In the absence of a JVA, duly notarized statements from all the potential joint venture partners stating that they will enter into and abide by the provisions of the JVA in the instance that the bid is successful, shall be included in the bid. Failure to enter into a joint venture in the event of a contract award shall be ground for the forfeiture of the bid security. Each partner of the joint venture shall submit the PhilGEPS Certificate of Registration in accordance with Section 8.5.2. The submission of technical and financial documents by any of the joint venture partners constitutes compliance.</p> <p>For foreign bidders, the foregoing documents may be substituted by the appropriate equivalent documents in English, if any, issued by the country of the bidder concerned. Otherwise, it must be accompanied by a translation of the documents in English by the relevant foreign government agency, the foreign government agency authorized to translate documents, or a registered translator in the foreign bidder’s country, and shall be authenticated by the appropriate Philippine foreign service establishment/post or the equivalent office having jurisdiction over the foreign bidder’s affairs in the Philippines.</p>	<p>Page 37 - 38 of 108</p> <p align="center">2. Class “B” Documents</p> <p>a. Valid joint venture agreement (JVA), in case a joint venture is already in existence. In the absence of a JVA, duly notarized statements from all the potential joint venture partners stating that they will enter into and abide by the provisions of the JVA in the instance that the bid is successful, shall be included in the bid. Failure to enter into a joint venture in the event of a contract award shall be ground for the forfeiture of the bid security. Each partner of the joint venture shall submit the PhilGEPS Certificate of Registration in accordance with Section 8.5.2. The submission of technical and financial documents by any of the joint venture partners constitutes compliance.</p> <p>For foreign bidders, the foregoing documents may be substituted by the appropriate equivalent documents in English, if any, issued by the country of the bidder concerned. Otherwise, it must be accompanied by a translation of the documents in English by the relevant foreign government agency, the foreign government agency authorized to translate documents, or a registered translator in the foreign bidder’s country, and shall be authenticated by the appropriate Philippine foreign service establishment/post or the equivalent office having jurisdiction over the foreign bidder’s affairs in the Philippines.</p> <p>However, for Contracting Parties to the Apostille Convention, the documents shall be authenticated through an Apostille by the Competent Authority, except for countries¹ identified by the Department of Foreign Affairs (DFA) that will still require legalization (red ribbon) by the relevant Embassy or Consulate.</p> <p>A Contracting Party refers to a State that has joined the Apostille Convention, whether or not the Convention has entered into force for that State.²</p>

A Competent Authority refers to the authority designated by a Contracting Party that is competent to issue an Apostille. A Contracting Party may designate one or more Competent Authorities, and may designate Competent Authorities that are competent to issue an Apostille for certain categories of public documents. Information about designated Competent Authorities may be found on the Apostille Section of the Hague Conference website under “Competent Authorities”.³

The TWG shall validate the apostille through the Competent Authority's e-register or by phone or electronic mail. The Contact information for the Competent Authorities is available using the link below:

<https://www.hcch.net/en/instruments/conventions/authorities1/?cid=41>

¹ As of May 14, 2019: Austria, Finland, Germany and Greece.

² Apostille Handbook, A Handbook on the Practical Operation of the Apostille Convention, p. xviii. Netherland: The Hague Conference on Private International Permanent Bureau.

³ Ibid.