

NPM No. 090-2017

29 December 2017

MR. EMMANUEL F. ACLUBA
Medical Center Chief II
BAGUIO GENERAL HOSPITAL AND MEDICAL CENTER
Baguio City

**Re: Discrepancy between the Original Copy
and the First Copy of the Documents -**

Dear Mr. Acluba:

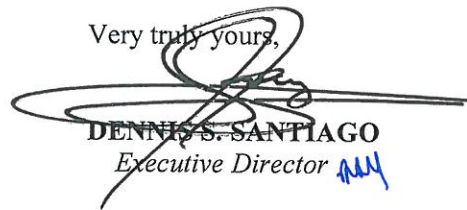
This refers to your letter requesting opinion as to which will prevail if there are discrepancies between the original copy and the first copy of the documents submitted by a bidder.

As represented, the hospital concluded the post-qualification of the Rehabilitation and Expansion for its Out-Patient Department, however the sole bidder was post-disqualified due to the discrepancy on the original copy and copy 1 of the bidding documents. It was disclosed that during the bid evaluation process, the submitted original copy does not have data as regards unit cost of the items but the total cost was indicated. Upon the request of the bidder, copy 1 of the documents was opened and it was found that it contains complete data.

In an earlier opinion¹, we explained that the bid price indicated in the original bid prevails over the bid price reflected in the duplicate and triplicate copies. This rule is reflected in the second sentence of ITB Clause 19.3 of the Philippine Bidding Documents for Goods, which states that "*In the event of any discrepancy between the original and the copies, the original shall prevail.*" Thus, in case of discrepancy between the original copy and duplicate copy as to the unit cost of the items, the original copy shall prevail. Lack of data as regards unit cost in the original copy makes the bid non-responsive, and thus, automatically disqualified pursuant to Section 32.2.1 (a) of the 2016 revised Implementing Rules and Regulations of Republic Act No. 9184, the Government Procurement Reform Act.

We hope that this opinion issued by the GPPB-TSO provided sufficient guidance on the matter. Note that this opinion is being issued on the basis of facts and particular 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,


DENNIS S. SANTIAGO
Executive Director *MS*

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¹ Non-Policy Matter Opinion No. 020-2010 dated 01 July 2010