

NPM No. 133-2016

29 December 2016

MS. DEBBIE ARCILLA RABI
Administrative Assistant III
DEPARTMENT OF HEALTH
San Lazaro Compound, Rizal Avenue,
Sta. Cruz, Manila

Re: Requirements for Individual Consultants

Dear Ms. Rabi:

This refers to your electronic mail (e-mail) seeking clarification on the legal, technical and financial requirements for individual consultants.

We would like to emphasize that Section 10 of RA 9184 and its 2016 Revised Implementing Rules and Regulations (IRR) mandate that all procurement shall be done through Competitive Bidding, except under highly exceptional cases provided under Sections 49 to 53 of RA 9184 and its IRR. In the absence of these exceptional cases, procurement shall be done through Competitive Bidding.

Thus, in the procurement of individual consultants through competitive bidding, to determine the eligibility and for purposes of short listing of bidders in accordance with Sections 24.4 and 24.5 of the 2016 Revised IRR, only the following documents shall be required by the BAC, using the forms prescribed in the Bidding Documents:

a) Class "A" Documents

Legal Documents

- i. Registration certificate from DTI for sole proprietorship
- ii. Mayor's/Business permit issued by the city or municipality where the principal place of business of the prospective bidder is located, or the equivalent document for Exclusive Economic Zones or Areas.

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For individual consultants not registered under a sole proprietorship, a BIR Certificate of Registration shall be submitted, in lieu of DTI registration and Mayor's/Business permit. (Emphasis supplied)

- iii. Tax clearance per E.O. 398, s. 2005, as finally reviewed and approved by the BIR.

Technical Documents

- iv. Statement of the prospective bidder of all its ongoing and completed government and private contracts, including contracts awarded but not yet started, if any, whether similar or not similar in nature and complexity to the contract to be bid, within the relevant period as provided in the Bidding Documents.
- v. Statement of the consultant specifying its nationality and confirming that those who will actually perform the service are registered professionals authorized by the appropriate regulatory body to practice those professions and allied professions, including their respective *curriculum vitae*.

Financial Document

- vi. The consultant's audited financial statements, showing, among others, the consultant's total and current assets and liabilities, stamped "received" by the BIR or its duly accredited and authorized institutions, for the preceding calendar year which should not be earlier than two (2) years from the date of bid submission.

Nonetheless, consultants may also be procured through Alternative Methods of Procurement in accordance with Sections 48 to 54 under Rule XVI of RA 9184 and its IRR. The rules and procedures for the use of certain alternative methods of procurement are provided in the Consolidated Guidelines for the Alternative Methods of Procurement (Guidelines) or Annex "H" of the 2016 Revised IRR of RA 9184 while Appendix "A" of the Guidelines prescribes the documents that the BAC shall require from individual consultants in case of use of alternative methods of procurement, *i.e.* Negotiated Procurement for Scientific, Academic, Scholarly Work or Research, or Legal Services; Highly Technical Consultants; or Small Value Procurement, which include the BIR Certificate of Registration, among others.

In sum, the legal, technical, and financial requirements for the procurement of individual consultants under competitive bidding shall be in accordance with Sections 24.4 and 24.5 of the 2016 Revised IRR. For alternative methods of procurement, the documentary requirements shall be those provided under Appendix A of the Guidelines.

We hope that this opinion issued by the 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.

Very truly yours,


DENNIS S. SANTIAGO
Executive Director V