

**NPM No. 138-2017**

29 December 2017

**MR. FELIPE A. PIALAGO**

*Head, Bids and Awards Committee Secretariat*

**JOSE RIZAL MEMORIAL STATE UNIVERSITY – DIPOLOG CAMPUS**

Gen. Luna Street, Dipolog City, Zamboanga del Norte

**Re: Building and Demolition Permits -**

Dear Mr. Pialago:

This refers to your electronic mail requesting clarification on whether building and demolition permits are needed during the bidding process.

**Procuring Entities Requiring  
Additional Eligibility Documents -**

We wish to emphasize that Procuring Entities (PEs) are proscribed from requiring additional eligibility requirements. For purposes of determining the eligibility of bidders, only the documents mentioned in Section 23.1 for the procurement of Goods and Infrastructure projects and Section 24.1 for the procurement of Consulting Services of the 2016 Revised Implementing Rules and Regulations (IRR) of Republic Act (RA) No. 9184 are required. PEs cannot add another requirement to, nor delete any requirement from, the identified list of eligibility requirements. This is because the list of minimum eligibility requirements under the 2016 IRR of RA 9184 has already been streamlined<sup>1</sup> alongside the governing principle of government procurement, *i.e.* a streamlined government procurement process.<sup>2</sup> The rationale for this is to allow greater participation, enhance competition among prospective bidders, and reduce transaction costs.<sup>3</sup>

**Submission of Additional Documents  
During Post-Qualification -**

We also wish to reiterate our previous opinion<sup>4</sup> that the authority of PEs in imposing additional documentary requirements during competitive bidding stage is recognized. However, these documentary requirements are limited only to those sanctioned by RA 9184 and its 2016 Revised IRR in support of the information it has provided in the Bidding Documents. These include the latest income and business tax returns and other appropriate licenses and permits required by law and stated in the Bidding Document pursuant to Section 34.2 of the 2016 Revised IRR.

<sup>1</sup> NPM No. 79-2013 dated 20 September 2013.

<sup>2</sup> Section 3(c) of the IRR of RA 9184.

<sup>3</sup> NPM No. 65-2009 dated 17 December 2009.

<sup>4</sup> NPM Opinion No. 123-2014 dated 12 November 2014.

Furthermore, please note that if the additional documents being prescribed are those that would ensure compliance with labor laws and social legislations, we refer you, for proper guidance, to GPPB Circular No. 01-2008<sup>5</sup> clarifying the rules regarding the adoption of additional eligibility and technical documents to ensure compliance with labor laws and other social legislation.<sup>6</sup>

**Conclusion-**

In conclusion, Jose Rizal Memorial State University – Dipolog Campus may require the submission of documentary requirements as stated in the Bidding Documents provided that the same are licenses or permits which are required under the law. Thus, if part of the post-qualification requirements includes the submission of clearances, permits or certifications issued by the different agencies of the government, the same should be appropriate licenses and permits required under the law and not merely to aid the PE or the Bids and Awards Committee in verifying the eligibility of the bidder.

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 V*

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<sup>5</sup> Dated 7 March 2008.

<sup>6</sup> NPM Opinion No. 128-2016 dated 29 December 2016.