



## TECHNICAL SUPPORT OFFICE

Unit 2506 Raffles Corporate Center,  
F. Ortigas Jr. Avenue, Ortigas Center,  
Pasig City, Philippines 1605

**NPM No. 06-2010**

04 February 2010

**MARCIAL P. LICHAUCO, JR.**

*General Manager*

**911 ALARM INC.**

2/F DPC Place Building

2322 Don Chino Roces Ave., Makati

**Re : Post-qualification Requirement**

Dear Mr. Lichauco:

We respond to your letter dated 17 December 2009 requesting our opinion on the applicable provisions on the requirement under Section 34.2 of the Revised Implementing Rules and Regulations (IRR) of Republic Act No. 9184 (R.A. 9184).


Specifically, you are seeking clarification if all the requirements under Section 34.2 of the IRR would have to be submitted by all the parties to a joint venture, for purposes of post-qualification, viz: (1) tax clearance; (2) latest income and business tax returns; (3) certificate of PhilGEPS Registration; and (4) other appropriate licenses and permits required by law and stated in the bidding documents.

At the outset, we affirm your observation that under the IRR, the legal eligibility documents now consists of only two (2) documents, namely: (1) the SEC, DTI or CDA registration; and (2) mayor's permit. We would like to note, however, that the other legal eligibility documents previously required under the IRR-A have not been done away with, but, simply transferred for submission to a later stage in the procurement process, such as, during post-qualification.

We likewise support your observation that in the old IRR (i.e. IRR-A), all the parties to a joint venture were required to submit all legal requirements which included those now found under Section 34.2 of the new IRR (i.e. IRR). The principle behind this still runs true under the IRR, such that, all the parties to a joint venture must still submit all the legal documents, irregardless of the time/stage when these documents are required to be submitted. Thus, the documents enumerated under Section 34.2 of the revised IRR would have to be complied with not only by one but by all the parties to a joint venture for purposes of passing the post-qualification.

We trust that this sufficiently addresses your concern.

Very truly yours,

  
**RUBY U. ALVAREZ**  
*Executive Director III*