



Department of Budget and Management  
**GOVERNMENT PROCUREMENT POLICY BOARD**  
**TECHNICAL SUPPORT OFFICE**

**NPM No. 09-2012**

12 January 2012

**MR. MARCIAL P. LICHAUCO, JR.**  
*General Manager*  
**911 ALARM**  
2/F DPC Place Building,  
2232 Don Chino Roces Avenue, Makati

**Re: Submission of Bids and Post-Qualification**

Dear Mr. Lichauco:

We respond to your letter dated 13 September 2011 requesting for opinion on the following issues under the Instructions to Bidders (ITB) of the Philippine Bidding Documents (PBDs).

1. Can the Bids and Awards Committee (BAC) require bidders to submit original legal documents that are certified true copies by the original issuing agency? If so, for what documents can they request this?
2. Is there an upper limitation on the number of copies of the bid that the BAC can require?
3. Where the post-qualification is so delayed (*i.e.*, one year), should bidders just submit the post-qualification documents as of the date of bid submission?
4. Can the BAC require the bidders to submit its original Articles of Incorporation (AOI) and all its amendments during post-qualification?

**Submission of Certified True Copies**

The Procuring Entity cannot require the submission of originals as the rules allow the submission of copies to be sufficient. This is clear in Section 25.2 of the Implementing Rules and Regulations (IRR) where the prospective bidder or its duly authorized representative must submit a sworn statement that each of the documents submitted is an authentic copy of the original in satisfaction of the bidding requirements. It is, therefore, the duty of the Procuring Entity to verify, validate, and ascertain the authenticity of the submitted copies during post-qualification.<sup>1</sup>

**Number of Copies to be Submitted**

The PBDs does not provide for an upper limit on the number of copies that the BAC may require. Based on the Bid Data Sheet, the BAC may require any number of copies it

<sup>1</sup> NPM No. 28-2011 dated 27 December 2011

deems necessary for its evaluation. Reason, economy and necessity, however, dictate that the BAC should require such number of copies that are reasonable, necessary, and desirable to facilitate the evaluation and post-qualification of the bids.

### **Submission of Post-qualification Documents**

The IRR is clear on what type of documents are required to be submitted during the bid submission and the post qualification stages. The purpose in requiring the submission of legal eligibility documents at different stages is to facilitate eligibility checking and avoid preemptory disqualification of bidders for non-compliance or non-submission of legal eligibility documents. As mentioned in our previous opinion<sup>2</sup>, the other eligibility documents that were required under IRR Part A have not been totally discarded but merely transferred for submission to a later period in the procurement process, that is, during the post-qualification stage.

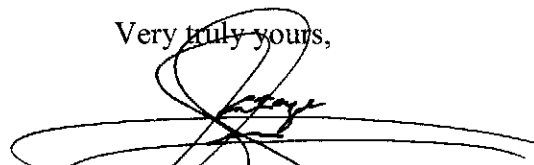

Nonetheless, we wish to clarify that bidders are not precluded from submitting the post-qualification documents during the submission of bids. However, in case there is delay in the conduct of post-qualification, it is prudent for the Procuring Entity to request for the latest and current legal documents during post-qualification to ascertain, validate and verify the authenticity and currency of the documents and establish the eligibility and responsiveness of the bidder.

### **Submission of Additional Documents for Post-qualification**

The Procuring Entity may require the submission of additional documents in support of the information it has provided in the bidding documents that must be made available or accessible to the Procuring Entity during post-qualification. However, Section 29.2 (d) speaks of licenses and permits required by law and stated in the Bidding Documents. Clearly, AOIs do not fall in either type of documents since this is a corporate document submitted to the Securities and Exchange Commission as part of the registration requirements. Accordingly, if the requirement is merely to aid the Procuring Entity or the BAC in verifying the eligibility documents submitted, the bidder may simply submit copies of the AOI that is material to the post-qualification proceedings being conducted.

We hope our advice provided sufficient guidance on the matter. Should you have further questions, please do not hesitate to contact us.

Very truly yours,

  
**DENNIS S. SANTIAGO**  
Executive Director III 

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<sup>2</sup> NPM No. 06-2010 dated 4 February 2010