



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

**NPM No. 38-2012**

19 April 2012

**ROBERTO BELARMINO M. LOCK**  
**SANTIAGO & VIDAD LAW OFFICES**  
6<sup>th</sup> Floor Pacific Center Building  
San Miguel Ave., Ortigas Center,  
Pasig City

**Re: Certification for Foreign Bidders**

Dear Sir:

We refer to your letters dated 9 August 2011 and 8 November 2011 requesting for a confirmation that the certification issued by the International Enterprise Singapore complies with the provisions of Section 7.2 of the Government Procurement Policy Board (GPPB) Resolution No. 3-2011 and should be accepted by all procuring entities for purposes of compliance by Hawker Pacific Asia Pte. Ltd. (Hawker Pacific) with the bidding requirements.

Section 7.2 of GPPB Resolution No. 3-2011 states that:

[T]he procuring entity shall confirm from the list of countries, provided in Annex "I" of the IRR and as shown in the GPPB website, with which the Philippines enjoys reciprocal rights on matters of eligibility of its nationals in public procurement abroad. Pending the issuance of the list or in case the foreign bidder's country is not in said list, **the bidder claiming eligibility by reason of their country's extension of reciprocal rights to Filipinos shall submit a certification from the relevant government office of their country stating that Filipinos are allowed to participate in their government procurement activities for the same item/product.** (*Emphasis ours.*)

From the foregoing provision, the alleged certification issued by the International Enterprise Singapore will suffice so long as it satisfies the following elements: (1) the entity issuing the certification is the **appropriate and authorized relevant government agency or office**; and, (2) it should state that Filipinos are allowed to participate in their government procurement activities **for the same item/product** subject of the bidding.

A careful perusal of the document submitted shows that the International Enterprise Singapore, as a statutory board under the Singapore Ministry of Trade and

Industry in cooperation with the Singapore Ministry of Finance, merely comments that “the Singapore government has an open procurement policy that avails similar opportunities to foreign-owned contractors, including Filipino-owned ones, except for procurement in sensitive industries such as security and defense related procurement...”

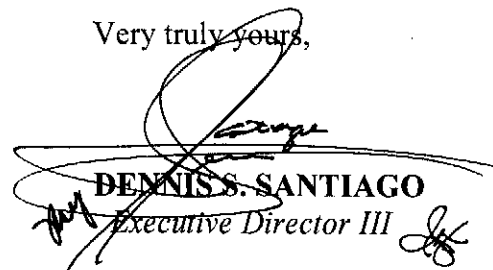
Hence, it appears that the information contained in the submitted document is not the certification contemplated by the guidelines, but a general statement or comment on the open procurement policy of the Singapore government. It does not unequivocally certify nor state that Singapore government allows Filipinos to participate in their government activities for the same item/product – repair and overhaul of aircraft or trade of aircraft spare parts.

It bears stressing that the document presented was signed on 23 October 2006. Considering that more than 5 years have elapsed, the general statement as to Singapore’s open procurement policy may have been changed since then. Hence, a more recent certification specifically issued for the purpose of participating in identified government procurement or bidding would be more acceptable.

We hope our advice sufficiently addresses your concerns. Note that this opinion is being rendered on the basis of the facts and particular circumstances as presented.

Should you have additional questions, please do not hesitate to contact us.

Very truly yours,



**DENNIS S. SANTIAGO**  
*Executive Director III*