

NPM No. 86-2013

22 November 2013

HONORABLE VILMA B. CABRERA

Assistant Secretary

Chairperson, Bids and Awards Committee (BAC)

DEPARTMENT OF SOCIAL WELFARE AND DEVELOPMENT (DSWD)

IBP Road, Batasan Pambansa Complex, Constitution Hills, Quezon City

Re: Statement of On-going and Completed Contracts for the Procurement of Goods

Dear Assistant Secretary Cabrera:

This is in response to your letter dated 13 September 2013, seeking clarification on whether it is mandatory for a bidder to attach proof (e.g. copies of official receipts, contracts, or notices to proceed) to its statement of on-going and completed contracts which forms part of the eligibility requirements required during bid submission or whether the said proof should just be required during post-qualification.

Clause of 12.1(a)(iii), Section II. Instructions to Bidders, Philippine Bidding Documents (PBDs) for the Procurement of Goods¹ provides that the bidder should submit a statement of all its on-going and completed government and private contracts within the period stated in the Bid Data Sheet, including contracts awarded but not yet started, if any, as part of the Class "A" Eligibility Documents. The statement shall include, for each contract, the following information: (1) name of the contract; (2) date of the contract; (3) kinds of Goods; (4) amount of contract and value of outstanding contracts; (5) date of delivery; and (6) end user's acceptance or official receipt(s) issued for the contract, if completed.

It is thus clear from the foregoing that for completed contracts, the bidder should include the end-user's acceptance or official receipt(s) in its statement of on-going and completed contracts. On the other hand, additional documentary proof to support the statement of on-going and completed contracts such as contracts and notices to proceed need not be attached. However, the BAC may request for additional proof (e.g. copies of contracts and notices to proceed) during post-qualification in order to verify, validate and ascertain all statements made and documents submitted by the bidder with the Lowest Calculated/Highest Rated Bid, using non-discretionary pass/fail criterion provided in the Bidding Documents.²

We hope that this opinion issued by the GPPB-TSO provided sufficient guidance on the matter. Please note that this opinion is being rendered on the basis of the facts and particular situation presented, and may not be applicable given a different set of facts and circumstances. Should you have additional questions, please do not hesitate to contact us.

Very truly yours,


DENNIS S. SANTIAGO
Executive Director V

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¹ Fourth Edition, December 2010.

² Section 34.3 of the IRR of RA 9184.