



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

**NPM No. 112-2014**

7 November 2014

**MR. LUISITO P. MENDOZA**

*Administration Service Assistant A/ BAC Secretariat*

**AURORA PACIFIC ECONOMIC ZONE**

**AND FREEPORT AUTHORITY (APEZFA)**

Unit 303-304, 3/F Languages Internationale Building

01 Corporate Campus, So. Motiong, Barangay Esteves,

Casiguran, Aurora

**Re: Submission and Receipt of Bids**

Dear Mr. Mendoza:

This is in response to your letter seeking clarification on the following issues:

1. Whether the Procuring Entity may require the submission of the original or certified true copies of the eligibility legal under Section 23.1 of the Implementing Rules and Regulations (IRR) of Republic Act (RA) No. 9184; and
2. Whether the Bids and Awards Committee (BAC) can vote to accept bids submitted beyond the date, time and place specified in the Invitation to Bid.

It was represented that during bid opening, the BAC disqualified the bidder who submitted a photocopy of the original legal eligibility documents under Section 23.1 of the IRR of RA No. 9184. In addition, the BAC voted to accept a bid that was submitted beyond the time provided in the bidding documents.

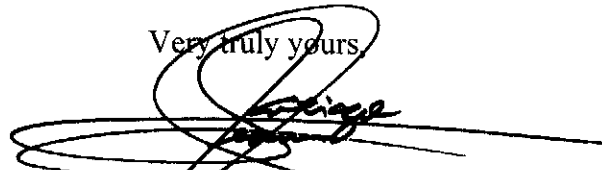
At the outset, it must be emphasized that the BAC cannot require the submission only of the original legal, technical and financial eligibility requirements, because no less than the rules allow for the submission of copies of these documents. Additionally, Section 25.2 of the IRR requires the submission of a Sworn Statement attesting to the fact that each of the documents submitted is an authentic copy of the original in satisfaction of the bidding requirements, thereby signifying the acceptability of copies submitted as long as they are the authentic reproduction of the original. Pointedly, the Sworn Statement is a representation made by the bidder that the documents submitted are authentic copy of the original which the Procuring Entity should verify, validate, and ascertain during post-qualification.

As regards the late submission of bids, the BAC neither has the power nor discretion to accept a bid submitted beyond the period specified in the Invitation to Bid (IB). The

guidepost provided under the rules is categorical and unambiguous, in that, “[b]ids shall be received by the BAC on the date, time, and place specified in the Invitation to Bid.”<sup>1</sup> The dictate of the rule is mandatory and unqualified, that is, the bids shall be received by the BAC on the date, time and place indicated in the IB. To further stress the non-acceptability of bids submitted after the deadline for submission and receipt of bids, the rules is emphatic that “[b]ids, including the eligibility requirements under Section 23.1 of [the] IRR, submitted after the deadline shall not be accepted by the BAC.”<sup>2</sup> Moreover, it is clearly stated in the Bidding Documents that any bid submitted after the deadline for submission and receipt of bids prescribed by the Procuring Entity shall be declared “late” and shall not be accepted by the Procuring Entity. Accordingly, the BAC cannot accept any bid submitted after the deadline for submission and receipt of bids indicated in the IB.

We hope that this opinion issued by the GPPB-TSO provided sufficient guidance on the matter. Note that this is issued on the basis of particular facts and 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>1</sup> Section 25.4, IRR of RA 9184.

<sup>2</sup> Section 25.5, IRR of RA 9184.