



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

NPM No. 133-2012

19 October 2012

ATTY. ROMY L. FUENTES

VP-Contracts Management

FABMIK CONSTRUCTION AND EQUIPMENT CO. INC.

Unit 2911, Cityland Pasong Tamo Tower

Chino Roces Avenue, Makati City, Metro Manila

Re: Failure to submit Original/Authenticated Legal Documents

Dear Atty. Fuentes:

We respond to your letter dated 28 September 2012 seeking our opinion on the propriety of the decision of the Bids and Awards Committee (BAC) of the Philippine Coast Guard (PCG), which declared that your submitted bids failed due to non-submission of the original or certified true copies of the legal documents.

It is represented that during the Opening of Bids for the Supply of Fifteen (15) Units M35 Trucks by the PCG, the submitted legal documents, particularly, the copies of the Securities and Exchange Commission (SEC) Registration Certificate and Mayor's Permit, are not original copies or certified true copies of the issuing agencies. It is further represented that your office made a telephone inquiry with our Help Desk clarifying the issues relating to your disqualification.

In a previous opinion¹ issued by this office, we opined that the PE cannot require the submission of originals as even the procurement rules allow the submission of copies as sufficient compliance with the requirements. This is clear in the revised Implementing Rules and Regulations (IRR) of Republic Act (RA) No. 9184, where the prospective bidder or its duly authorized representative must submit a Sworn Statement in the form prescribed by the GPPB.

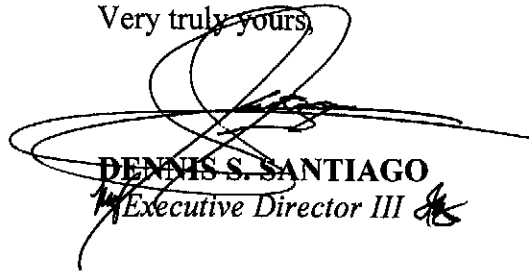
Section 25.2(a)(iv) of the IRR provides that a prospective bidder or its duly authorized representative is required to submit a Sworn Statement in the form prescribed by the Government Procurement Policy Board (GPPB), certifying under oath, among other things, that each of the documents submitted in satisfaction of the bidding requirements is an authentic copy of the original, complete, and all statements and information provided therein are true and correct. In this regard, we reiterate our view that a bidder may validly submit copies of the required documents, provided that it executes a Sworn Statement certifying that the copies of the documents submitted are authentic and complete copies of the original documents, and the information and statements therein are true and correct. Nevertheless, it bears stressing that the

¹ NPM 09-2012, dated 12 January 2012.

authenticity of the submitted copies must be verified, validated, and ascertained by the Procuring Entity during the conduct of post-qualification process as prescribed in Section 34 of the revised IRR of RA 9184.

We hope our advice provided sufficient guidance on the matter. Note that this opinion is being issued on the basis of facts and particular situations presented, and may not be applicable to a different set of facts and circumstances. 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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