



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

NPM No. 133-2013

27 December 2013

MR. FRANCISCO L. BRIES
Operations Manager
ODIN SECURITY AGENCY, INC. (ODIN)
Unit 411, Sofia Tower,
85 Don A. Roces Ave., Quezon City

Re : Failure to Submit Certified True Copies

Dear Mr. Bries:

We respond to your electronic mail dated 20 December 2013 seeking our opinion on the propriety of the decision of the Bids and Awards Committee (BAC) of the National Housing Authority (NHA) to disqualify Odin Security Agency for its failure to stamp copies of its submitted technical documents as “certified true copies”.

It is represented that during the Opening of Bids for the procurement of security services, the BAC disqualified Odin “because although [your] first or original copy contained the original, notarized copies of the Bid Securing Declaration, Omnibus Statement, Secretary’s Certificate, etc., forming part of the bid’s Technical Documents, the BAC found the second and third copy of the same, similar documents as non-complying because they were not stamped as ‘certified true copies’.” It is in this regard that you seek our opinion on whether the BAC was correct in disqualifying you for not stamping “certified true copies” for Copy 1 and Copy 2 of the bid documents.

Considering that the subject matter of your request is an ongoing procurement activity where you have a pending request for reconsideration, we shall refrain from making a categorical statement as to the validity of the BAC’s action so as not to pre-empt its authority to decide on your concern.

Nonetheless, for your guidance, we refer you to a previous opinion¹ where we addressed a similar concern as follows:

[T]he Procuring Entity (PE) cannot require the submission of originals or certified true copies as even the procurement rules allow the submission of copies as sufficient compliance with the requirements. This is clear in the


¹ NPM 133-2012 dated 19 October 2012.

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 Government Procurement Policy Board (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 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.

We hope that this opinion issued by the GPPB-TSO 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 given a different set of facts and circumstances. Should there be other concerns, please do not hesitate to contact us.

Very truly yours,


DENNIS LORNE S. NACARIO
Officer-in-Charge