

**NPM No. 142-2015**

27 November 2015

**MS. ANALIN G. GALLEGO**

*Proprietor*

**BD MEDICA ENTERPRISE**

Aguinaldo St., Bacolod City

**Re : Additional Eligibility Documents**

Dear Ms. Gallego:

This is in response to your letter seeking clarification on whether the Procuring Entity (PE) may impose additional eligibility documents other than those required under Sections 23.1, 24.1, and 25.1 of the revised Implementing Rules and Regulations (IRR) of Republic Act (RA) No. 9184.

As represented, the Bids and Awards Committee of the Local Government Unit (BAC-LGU) required the following documents in addition to the eligibility documents enumerated under the revised IRR:

1. Certificate of Good Manufacturing Practice (CGMP);
2. Certificate of Lot Release from FDA;
3. Authority as distributor/supplier from the manufacturer of drugs and medicines; and
4. Other additional documents required by the BAC

At the outset, consistent with previous opinions<sup>1</sup>, we wish to stress that PEs are proscribed from requiring additional requirements. The list of minimum eligibility requirements under the revised Implementing Rules and Regulations (IRR) of Republic Act (RA) No. 9184 has been streamlined/simplified, such that only those requirements enumerated in Sections 23.1, 24.1, and 25.1 of the IRR are necessary for purposes of determining bidders' eligibility. The rationale afforded by the GPPB for this is to allow greater participation, enhance competition among prospective bidders, and reduce transaction costs.

The prohibition, notwithstanding, we have also recognized the authority of PEs to impose additional documentary requirements during competitive bidding.<sup>2</sup> But this is limited only to those sanctioned by the IRR of RA 9184, *thus*:

<sup>1</sup> NPM No. 27-2013 dated 20 September 2013; NPM No. 170-2012 dated 28 December 2012; NPM No. 21-2012 dated 16 February 2012.

<sup>2</sup> NPM No. 123-2014 dated 12 November 2014

- 1) duly notarized Secretary's Certificate pursuant to Section 25.2 of the revised IRR of RA 9184;
- 2) other documents related to the financial component as stated in the BDS; and
- 3) other appropriate licenses and permits required by law and stated in the Bidding Document pursuant to Section 34.2 of the revised IRR of RA 9184 (can be required by the PE during the post-qualification stage only, not from all bidders, but only from the bidder determined by the BAC as the Lowest Calculated Bid (LCB) or Highest Rated Bid (HRB), as the case may be.)

Accordingly, the PE may require additional documents not as additional eligibility documents, but as additional documents pursuant to the Bidding Documents in relation to the financial component of the bid, Section 25.2, or Section 34.2 of the revised IRR of RA 9184.

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*

/lcd16