



TECHNICAL SUPPORT OFFICE

Unit 2506 Raffles Corporate Center
F. Ortigas Jr. Road, Ortigas Center
Pasig City, Philippines 1605

NPM No. 19-2007

20 July 2007

MR. ERNESTO S. GOROSPE
Chairman, Special Bids and Awards Committee
Clark Logistics Interchange Project
CLARK DEVELOPMENT CORPORATION
Bldg. 2122 Elpidio Quirino Street
Clark Special Economic Zone

Re: Procurement of Engineering Design Services

Dear Mr. Gorospe:

This pertains to your letter dated 25 July 2006 requesting for an opinion on whether corporations are allowed to engage in public bidding conducted by the government for engineering design services (consultancy services).

Section 24.1 of the Implementing Rules and Regulations-Part A (IRR-A) of Republic Act No. 9184 (R. A. 9184) defines the term "Consultant" as a natural person or juridical person, qualified by appropriate education, training and relevant experience to render any or all of the types and fields of consulting services. Section 24.1.1.d of IRR-A further provides that when the types and fields of consulting services in which the corporation wishes to engage involve the practice of professions regulated by law, all the stockholders and directors of the corporation and those who will actually perform the services shall be Filipino citizens and registered professionals authorized by the appropriate regulatory body, provided that the relevant laws allow corporations to engage in said services.

It can be gleaned, therefore, that corporations may engage or participate in public bidding for consulting services contracts as long as the relevant laws do not restrict the practice of a particular profession to individuals or partnerships.


The governing law on the practice of Civil Engineering is Republic Act No. 544 otherwise known as the "Civil Engineering Law" (R. A. 544). Its Section 2 defines the practice of civil engineering as embracing the services in the form of consultation, design, preparation of plans, specifications, estimates, erection, installation and supervision of the construction of infrastructure projects. Section 24 of R. A. 544 further provides that no firm, partnership, corporation or association may be registered or licensed as such for the practice of civil engineering, provided however that persons

properly registered as civil engineers may, among themselves, form and obtain registration of a firm, partnership or association. Individual members of such firm, partnership or association shall be responsible for their own respective acts.

Based on the foregoing, we opine that corporations cannot participate in the bidding of consultancy contracts for engineering design services by any government agency.

We hope to have clarified the matter. Should you have additional questions, please do not hesitate to contact us.

Very truly yours,



RUBY U. ALVAREZ
Executive Director III

REGISTRY RECEIPT

POST OFFICE

LETTER/PACKAGE NO. 006813

POSTED ON 18

POSTMASTER/TELLER

Preserve this receipt for reference in case of inquiry