



Republic of the Philippines
GOVERNMENT PROCUREMENT POLICY BOARD
TECHNICAL SUPPORT OFFICE



NPM No. 050-2016

3 October 2016


[REDACTED]
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[REDACTED]
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Re: Acceptance of Temporary PCAB License

Dear [REDACTED]

This refers to your letter inquiring whether a Temporary PCAB Certificate of License Renewal and Official Receipt may be accepted in lieu of a valid PCAB license.

Please be advised that Section 23 of the IRR of R.A. No. 9184 requires all eligibility requirements to be "complete" and "sufficient". It must contain all the information required, and must comply with the requirements set out in the bidding documents at the time of the deadline for the submission and opening of bids. The determination of eligibility of the bidder shall be through an examination of the completeness of each bidder's eligibility requirements or statements against a checklist of requirements using a non-discretionary "pass/fail" criterion. In using this criterion, the BAC merely checks for the presence or absence of the required documents. In this regard, we reiterate our previous opinions¹ that a **PCAB license** as an eligibility requirement for the procurement of infrastructure projects **should be valid at the time of the deadline for the submission and opening of bids.**

The submission of a temporary PCAB license falls short of the requirement under the IRR. A valid license is one which has received all the formalities required by law, possessing legal force and strength. Thus, a contractor holding a valid PCAB license legally binds itself and attests that it has complied with all the requirements and formalities required under the law. R.A. No. 9184 and its IRR, in requiring the submission of a valid PCAB license recognize that the lack thereof creates a dangerous predicament in the construction industry affecting public safety and welfare. As such, it must be ensured that the government transacts only with a duly licensed Constructor in executing and implementing its projects. 

¹ NPM Nos. 103-2015 dated October 13, 2015 and 071-2013 dated August 2, 2013

To reiterate, a valid PCAB license is an integral part of the Eligibility Requirements for the procurement of infrastructure projects, the same should be valid as of the date of the deadline for the submission and opening of bids. A Temporary PCAB Certificate of License cannot substitute the requirement of submitting a Valid PCAB License as part of the Eligibility Requirements.

We hope that this opinion issued by the GPPB-TSO provided sufficient guidance on the matter. Note that this is issued based on 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.

(sgd.)

DENNIS S. SANTIAGO
Executive Director

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