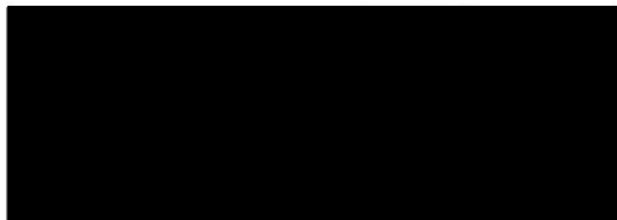


NPM No. 107-2016

6 December 2016



Re: Submission of Copies of Eligibility Requirements during the Bid Opening

Dear 

This pertains to your letter requesting for a legal opinion on the decision of the Philippine Postal Corporation (PPC) to disqualify All Transport Network Inc. (ATN) for its failure to present the original eligibility documents during the bid opening for the procurement of service for carriage of mail.

Your letter disclosed that ATN joined the competitive bidding for the procurement of carriage of mail service in the PPC and submitted photocopies of eligibility requirements. However, during the opening of bids, PPC required the presentation of the original of the copies of the eligibility requirements. It was also mentioned that PPC gave ATN a fifteen-minute grace period to present the original copies of the documents, however, when the documents are to be presented, the latter was already declared as ineligible. Hence, this inquiry.

Please be advised that the Government Procurement Policy Board (GPPB) and its Technical Support Office (TSO) has no jurisdiction to rule over actual controversies with regard to the conduct of bidding of procuring entities since it has no quasi-judicial function under the law. Hence, this office has consistently refrained from passing upon decisions of the BAC or the procuring entities relative to its procurement activities.


As regards your query, we reiterate our earlier opinions¹ that Procuring Entities (PEs) cannot require the submission of originals as the rules allow the submission of copies to be sufficient. This is clear under Section 25.1 of the 2016 Revised Implementing Rules and Regulations (IRR) where the prospective bidder or its duly authorized representative must submit a Sworn Statement that each of the documents submitted is an authentic copy of the original in satisfaction of the bidding requirements. Thus, PEs cannot impose upon the bidder the additional requirement of having to present the original copies of the eligibility documents for comparison, as it can verify, validate, and ascertain the authenticity of the submitted copies through other means during post-qualification.

¹ NPM Nos. 009-2012 dated December 12, 2012 and 133- 2012 dated October 19, 2012

All told, a bidder may not be declared ineligible for failure to submit original copies of eligibility documents, provided that it duly executes an Omnibus Sworn Statement certifying that the copies of the documents submitted are authentic and complete copies of the original, among others. It is incumbent upon Procuring Entities to validate, ascertain and verify the veracity of these documents during post qualification.

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.

(sgd.)

DENNIS S. SANTIAGO
Executive Director V 

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