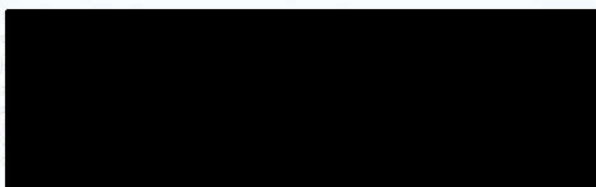


NPM No. 40-2015

8 October 2015



Re: Post Qualification Requirements

Dear [REDACTED]:

This refers to your electronic mail (e-mail) requesting clarification on whether it is acceptable to submit a post qualification requirement *i.e.*, Philippine Drug Enforcement Agency (PDEA) License, that bears an issuance date that is after the date for the opening of bids.

We wish to clarify that in our previous opinions¹, we stated that documents submitted in satisfaction of bidding requirements must be valid at the time of their submission, provided that such submission was made in accordance with the schedule of the particular procurement activity. As such, post qualification requirements must be valid and existing at the time it is submitted to the Bids and Awards Committee (BAC), the submission must be within three (3) calendar days from receipt of the notice from the BAC that the bidder has the Lowest Calculated Bid (LCB).²

While it would be very prudent for the bidder to secure the post qualification documents ahead of time to facilitate submission to the BAC, there is no requirement that the documents must bear an issuance date that is prior to or exactly on the deadline for the submission and receipt of bids. The requirement under the revised Implementing Rules and Regulations (IRR) of Republic Act (RA) No. 9184 is to submit valid post qualification documents within the prescribed timeline because failure to submit the documents on time or a finding against the veracity of such shall be ground for the forfeiture of the bid security and disqualification of the bidder for award.³

In this regard, it is our considered view that the submission of a post qualification document, such as a PDEA License, which bears an issuance date that is after the date for the deadline for submission and opening of bids shall be considered as sufficient compliance, provided that it is valid and existing at the time it is submitted to the BAC, and it is submitted within three (3) calendar days from receipt of the notice from the BAC that the bidder is found to be the LCB.

¹ NPM Nos. 48-2013 dated 26 June 2013 and 71-2013 dated 2 August 2013.

² Section 34.2 of the IRR of RA 9184.

³ *Ibid.*

Anent your second query, we would like to inform you that the date to be indicated in the "select date to begin with" box of the procurement timeline in the GPPB website should be the date of advertisement and/or posting of the Invitation to Bid/Request for Expression of Interest.

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

///17/13