

**NPM No. 178-2015**

29 December 2015

[REDACTED]

**Re : Business Permit Address**

Dear [REDACTED]

This is in response to your electronic mail relative to the address indicated in the bidder's mayor's/business permit which is different from the address in all bid documents submitted by the bidder.

As represented, in the conduct of bidding for a project, the address indicated in the mayor's/business permit submitted by a bidder is in Besao, Mt. Province, while in the bid documents, it is reflected that the bidder's business address is Baguio City. Hence, your query on whether the said discrepancy can be a ground for the bidder's disqualification.

At the outset, we wish to clarify that the Government Procurement Policy Board (GPPB) and its Technical Support Office (GPPB-TSO) render policy and non-policy opinions respectively, on matters purely pertaining to the interpretation of the procurement law and its associated rules and regulations. We have no jurisdiction to rule over actual controversies with regard to the conduct of bidding or the eventual implementation of the resultant contract, since the office has no quasi-judicial functions or investigatory powers under the law. Moreover, we adhere to the position that apart from courts having actual jurisdiction over the subject matter of a case, we cannot, nor any other government agency, authority, or official, encroach upon or interfere with the exercise of the functions of the BAC, since these duties and responsibilities fall solely within the ambit of its authority and discretion sanctioned by law.<sup>1</sup> In this wise, we shall limit our discussion on the interpretation of relevant procurement laws, rules and regulations pertinent to the issues presented.

Section 23 (1)(a)(ii) of the revised Implementing Rules and Regulations (IRR) of Republic Act (RA) No. 9184 provides that a bidder is required to submit, as part of its eligibility requirement, a mayor's permit issued by the city or municipality where the principal place of business of the prospective bidder is located.<sup>2</sup> Clearly, the mandatory requirement is a mayor's/business permit from the bidder's principal place of business and not from other business addresses.

Guided by the foregoing, the BAC shall verify, validate and ascertain whether the address indicated in the mayor's/business permit is indeed the principal place of business of the bidder in compliance with the eligibility requirements under Section 23(1)(a)(ii). If so,

<sup>1</sup> NPM No. 46-2013 dated 11 June 2013.

<sup>2</sup> NPM 118-2013, 26 December 2013

TMH

the discrepancy between the business address on the mayor's/business permit and the address appearing in the bid documents is of no moment for purposes of eligibility, for there could be a situation where a bidder is also holding another office somewhere else, or in a different locality apart from that official place of business appearing in the Mayor's Permit. However, if upon verification, no such principal place of business exists, this occasion is tantamount to non-compliance with the eligibility requirement due to the bidder's non-submission of a Class "A" document.

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,

(sgd.)

 **DENNIS S. SANTIAGO**  
*Executive Director V*

//sd1