

[GPPB RESOLUTION NO. 21-2013, July 30, 2013]

APPROVING AMENDMENTS TO SECTIONS 23.1(A), 24.1(A) AND 34.2 OF THE REVISED IMPLEMENTING RULES AND REGULATIONS OF REPUBLIC ACT NO. 9184 AND THE PHILIPPINE BIDDING DOCUMENTS FOR GOODS, INFRASTRUCTURE PROJECTS AND CONSULTING SERVICES

WHEREAS, Section 63.1(b) of Republic Act (RA) No. 9184 and its revised Implementing Rules and Regulations (IRR) authorize the Government Procurement Policy Board (GPPB) to formulate public procurement policies, rules and regulations, and amend, whenever necessary, the IRR;

WHEREAS, Sections 23.1(a) and 24.1(a) of the IRR of RA 9184, Clause 12.1 of the Instructions to Bidders (ITB) of the Philippine Bidding Documents (PBDs) for Goods and Infrastructure Project and Clause 2.1 of the Eligibility Documents of the PBDs for Consulting Services, require the following Class "A" legal eligibility documents during the submission/opening of bids:

- "i) Registration certificate from SEC, Department of Trade and Industry (DTI) for sole proprietorship, or CDA for cooperatives, of any proof of such registration as stated in the Bidding Documents.
- ii) Mayor's permit issued by the city or municipality where the principal place of business of the prospective bidder is located."

WHEREAS, Section 34.2(a) of the IRR of RA 9184, Clauses 29.2, 28.2 and 27.2 of the ITB of the PBDs for Goods, Infrastructure Projects and Consulting Services, respectively, require the submission of Tax Clearance during post-qualification of a bidder with the Lowest Calculated Bid or Highest Rated Bid;

WHEREAS, in the meeting held by the Inter Agency Technical Working Group (IATWG) on 9 July 2013, the Bureau of Internal Revenue (BIR) manifested that it will be issuing tax clearances indicating the current assets and current liabilities of the taxpayers, in relation to the computation of the Net Financial Contracting Capacity (NFCC) of prospective bidders;

WHEREAS, during the 5th Regular GPPB Meeting held on 30 July 2013, the Department of Finance (DOF), proposed to include the Tax Clearance as part of the Class "A" legal eligibility documents to be submitted during the opening of bids;

WHEREAS, the Board discussed the matter, and, after thorough and careful deliberations, favorably approved the recommendation of DOF;

NOW, THEREFORE, for and in consideration of the foregoing, **WE**, the Members of the **GOVERNMENT PROCUREMENT POLICY BOARD**, by virtue of the powers vested on **US** by law, hereby **RESOLVE** to confirm, adopt and approve, as **WE** hereby confirm, adopt and approve the following: