

Section II. Eligibility Documents

Notes on the Eligibility Documents

This Section provides the information necessary for prospective bidders to prepare responsive Eligibility Documents in accordance with the requirement of the Procuring Entity.

The provisions contained in this Section are to be used unchanged. Additional information or requirements specific to each procurement shall be specified in the EDS.

Eligibility Documents

1. Eligibility Criteria

- 1.1. The following persons/entities, as specified in the [EDS](#), shall be allowed to participate in the bidding/selection for the Consulting Services:
 - (a) Duly licensed Filipino citizens or sole proprietorships;
 - (b) Partnerships duly organized under the laws of the Philippines and of which at least 60 percent of the interest belongs to citizens of the Philippines;
 - (c) Corporations duly organized under the laws of the Philippines and of which at least 60 percent of the outstanding capital stock belongs to citizens of the Philippines;
 - (d) Cooperatives duly organized under the laws of the Philippines, and of which at least 60 percent interest belongs to citizens of the Philippines; or,
 - (e) Entities forming themselves into a joint venture (JV), *i.e., a group of two (2) or more entities that intend to be jointly and severally responsible or liable for a particular contract*: Provided, however, That Filipino ownership or interest thereof shall be at least 60 percent. For this purpose, Filipino ownership or interest shall be based on the contributions of each of the members of the JV as specified in their JV Agreement (JVA).
- 1.2. When the types and fields of Consulting Services involve the practice of professions regulated by law, those who will actually perform the services shall be Filipino citizens and registered professionals authorized by the appropriate regulatory body to practice those professions and allied professions specified in the [EDS](#).
- 1.3. If the Request for Expression of Interest (EOI) allows participation of foreign consultants, prospective foreign bidders may be eligible subject to the qualifications stated in the [EDS](#).
- 1.4. Government corporate entities may be eligible to participate only if they can establish that they (a) are legally and financially autonomous, (b) operate under commercial law, and (c) are not dependent agencies of the Government of the Philippines (GPH) or the Procuring Entity.

2. Eligibility Requirements

2.1. The following eligibility requirements shall be submitted on or before the date of the eligibility check specified in the Request for EOI, Clause 5 and the [EDS](#) for purposes of determining eligibility of prospective bidders/proponents:

(a) Class “A” Documents –

Legal Documents

(i) PhilGEPS Certificate of Registration and Membership in accordance with Section 8.5.2 of the IRR, except for foreign bidders participating in the procurement by a Philippine Foreign Service Office or Post, which shall submit their eligibility documents under Section 24.1 of the IRR, provided, that the winning Consultant shall register with PhilGEPS in accordance with Section 37.1.4 of the IRR;

Technical Documents

(ii) Statement of the prospective bidder/proponent of all its ongoing and completed government and private contracts (properly labeled), including contracts awarded but not yet started, if any, whether similar, relevant or not similar/relevant in nature and complexity to the contract to be bid as defined in the [EDS](#), within the relevant period provided in the [EDS](#). The statement shall, for each contract, include, but not limited to, the following:

- (ii.1) complete name/title and location of the contract;
- (ii.2) date of award of contract (in day-month-year);
- (ii.3) detailed description of the project including the type/nature of the scope of works;
- (ii.4) consultant’s role (whether main consultant, subcontractor, or partner in a JV), including a detailed discussion/description of such role;
- (ii.5) total project/contract cost (amount of contract);
- (ii.6) contract duration for the services rendered (in month and year); and,
- (ii.7) certificate of completion / satisfactory service / final payment, or equivalent/similar document, specified in the [EDS](#) issued by the client, in the case of a completed contract (with the date of issuance of such certificate indicated);

- (iii) Statement of the bidder/proponent specifying its nationality and confirming that those who will actually perform the service are registered professionals authorized by the appropriate regulatory body to practice those professions and allied professions in accordance with Clause 1.2, including their respective updated curricula vitae (CVs) that show, at the very least, the consultant's educational background, related training and relevant experience (in months and years with detailed description/discussion on the nature and scope of works/services rendered).

Financial Document

- (iv) The bidder's/proponent's audited financial statements, showing, among others, the consultant's total and current assets and liabilities, stamped "received" by the BIR, or its duly accredited and authorized institutions, for the preceding calendar year which should not be earlier than two (2) years from the date of bid/proposal submission.

- (b) Class "B" Document –

Valid JVA, in case a JV is already in existence. In the absence of a JVA, duly notarized statements from all the potential JV partners stating that they will enter into and abide by the provisions of the JVA in the instance that the bid/proposal is successful, shall be included in the bid/proposal. Failure to enter into a JV in the event of a contract award shall be ground for the forfeiture of the Bid/Proposal Security. Each JV partner shall submit the legal Eligibility Documents. The submission of Technical and Financial Documents by any of the JV partners constitutes compliance.

- 2.3 The eligibility requirements or statements and all other documents to be submitted to the PSA Bids and Awards Committee (PSA BAC) must be in English. A translation of the documents in English certified by the appropriate embassy or consulate in the Philippines must accompany the eligibility requirements under Classes "A" and "B" Documents if they are in other foreign language.
- 2.4. Prospective bidders/proponents may obtain a full range of expertise by associating with individual consultant(s) and/or other consultants or entities through a JV or subcontracting arrangements, as appropriate. However, subcontractors may only participate in the bid of one (1) shortlisted consultant. Foreign consultants shall seek the participation of Filipino consultants by entering into a JV with, or subcontracting part of the project to, Filipino consultants.

3. **Format and Signing of Eligibility Documents**

- 3.1. Prospective bidders/proponents shall submit their Eligibility Documents through their duly authorized representative on or before the deadline specified in Clause 5 and the [EDS](#).
- 3.2. Prospective bidders/proponents shall prepare an original and copies of the Eligibility Documents. In the event of any discrepancy between the original and the copies, the original shall prevail.
- 3.3. The Eligibility Documents, except for unamended printed literature, shall be signed, and each and every page thereof should be initialed, by the duly authorized representative/s of the prospective bidder/proponent.
- 3.4. Any interlineations, erasures, or overwriting shall be valid only if they are signed or initialed by the duly authorized representative/s of the prospective bidder/proponent.

4. **Sealing and Marking of Eligibility Documents**

- 4.1 Prospective bidders shall enclose their original eligibility documents described in Clause 2.1, in a sealed envelope marked “ORIGINAL – ELIGIBILITY DOCUMENTS”. Each copy thereof shall be similarly sealed duly marking the envelopes as “COPY NO. ___ - ELIGIBILITY DOCUMENTS”. These envelopes containing the original and the copies shall then be enclosed in one single envelope.
- 4.2 The original and the number of copies of the Eligibility Documents as indicated in the [EDS](#) should be typed or written in indelible ink and shall be signed by the prospective bidder or its duly authorized representative/s.
- 4.3 All envelopes should:
 - (a) contain the name of the contract to be bid in capital letters;
 - (b) bear the name and address of the prospective bidder in capital letters;
 - (c) be addressed to the PSA BAC as specified in the [EDS](#);
 - (d) bear the specific identification of the Project indicated in the [EDS](#); and,
 - (e) bear a warning “DO NOT OPEN BEFORE...” the date and time for the opening of eligibility documents, in accordance with Clause 5.

4.4 Eligibility documents that are not properly sealed and marked, as required in the bidding documents, shall not be rejected, but the bidder or its duly authorized representative shall acknowledge such condition of the documents as submitted. The PSA BAC shall assume no responsibility for the misplacement of the contents of the improperly sealed or marked eligibility documents, or for its premature opening.

5. Deadline for Submission of Eligibility Documents

Eligibility Documents must be received by the PSA BAC at the address and on or before the date and time indicated in the Request for EOI and the [EDS](#).

6. Late Submission of Eligibility Documents

Eligibility Documents submitted after the deadline for submission and receipt prescribed in Clause 5 shall be declared “Late” and shall not be accepted.

7. Modification and Withdrawal of Eligibility Documents

7.1. The prospective bidder/proponent may modify its Eligibility Documents after it has been submitted; provided that the modification is received by PSA prior to the deadline specified in Clause 5 and the [EDS](#). The prospective bidder/proponent shall not be allowed to retrieve its original Eligibility Documents but shall be allowed to submit another set equally sealed, properly identified, linked to its original bid marked as “ELIGIBILITY MODIFICATION” and stamped “received” by the PSA BAC. Modifications received after the applicable deadline shall not be considered and shall be returned to the prospective bidder/proponent unopened.

7.2. A prospective bidder/proponent may, through a letter of withdrawal, withdraw its Eligibility Documents after they have been submitted, for valid and justifiable reason; provided, that the letter of withdrawal is received by PSA prior to the deadline prescribed for submission and receipt of Eligibility Documents as specified in Clause 5 and the [EDS](#).

7.3. Eligibility Documents requested to be withdrawn in accordance with this Clause shall be returned unopened to the prospective bidder/proponent concerned. A prospective bidder/proponent may also express its intention not to participate in the bidding through a letter which should reach and be stamped by the PSA BAC before the deadline for submission and receipt of Eligibility Documents. A prospective bidder/proponent that withdraws its Eligibility Documents shall not be permitted to submit another set, directly or indirectly, for the same project.

8. Opening and Examination of Eligibility Documents

- 8.1. The PSA BAC will open the envelopes containing the eligibility documents in the presence of the prospective bidders' representatives who choose to attend, at the time, on the date, and at the place specified in the **EDS**. The prospective bidders' representatives who are present shall sign a register evidencing their attendance.

In case the submitted eligibility envelopes cannot be opened as scheduled due to justifiable reasons, the PSA BAC shall take custody of the said envelopes and reschedule the opening on the next working day or at the soonest possible time through the issuance of a Notice of Postponement to be posted in the PhilGEPS website and the website of the Procuring Entity concerned.

- 8.2. Letters of withdrawal shall be read out and recorded during the opening of eligibility documents and the envelope containing the corresponding withdrawn eligibility documents shall be returned unopened to the withdrawing prospective bidder.
- 8.3. The eligibility documents envelopes and modifications, if any, shall be opened one at a time, and the following read out and recorded:
 - (a) the name of the prospective bidder;
 - (b) whether there is a modification or substitution; and
 - (c) the presence or absence of each document comprising the eligibility documents vis-à-vis a checklist of the required documents.
- 8.4. The eligibility of each prospective bidder shall be determined by examining each bidder's eligibility requirements or statements against a checklist of requirements, using non-discretionary "pass/fail" criterion, as stated in the Request for Expression of Interest, and shall be determined as either "eligible" or "ineligible." If a prospective bidder submits the specific eligibility document required, he shall be rated "passed" for that particular requirement. In this regard, failure to submit a requirement, or an incomplete or patently insufficient submission, shall be considered "failed" for the particular eligibility requirement concerned. If a prospective bidder is rated "passed" for all the eligibility requirements, he shall be considered eligible to participate in the bidding, and the PSA BAC shall mark the set of eligibility documents of the prospective bidder concerned as "eligible." If a prospective bidder is rated "failed" in any of the eligibility requirements, he shall be considered ineligible to participate in the bidding, and the PSA BAC shall mark the set of eligibility documents of the prospective bidder concerned as "ineligible." In either case, the PSA BAC chairperson or his duly designated authority shall countersign the markings.

9. **Shortlisting of Consultants**

- 9.1. The PSA BAC shall draw up the shortlist of not more than five (5) prospective bidders/proponents from those declared eligible using a detailed set of criteria and rating system.
- 9.2. Shortlisted consultants shall be invited to participate in the bidding/selection process for the procurement undertaking listed in the [EDS](#) through a Letter of Invitation to Bid issued by the PSA BAC. Participating shortlisted consultants shall be required to purchase Bidding/Proposal Documents.
- 9.3. Only proposals from shortlisted consultants that have purchased Bidding/Proposal Documents shall be opened and considered for award of contract. These shortlisted consultants, whether single entities or JVs, should confirm in their proposals that the information contained in the submitted Eligibility Documents remains correct as of the date of submission.

10. Protest Mechanism

Decision of the Procuring Entity at any stage of the procurement process may be questioned in accordance with Section 55 of the IRR of RA 9184.