

IMPLEMENTING STRICT COMPLIANCE WITH THE SPECIAL LICENSE REQUIREMENT TO CONCERNED JOINT VENTURE/CONSORTIUM BEFORE BIDDING

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Adopted: 23 April 2014

Date Filed: 30 April 2014

WHEREAS, Sec. 38 of RA 4566, otherwise known as the Contractor's License Law, expressly provides that it is unlawful for two or more contractors to jointly submit a bid without first having secured an additional license for acting in the capacity of a joint venture or any such combination thereof;

WHEREAS, Sec. 10.3 of Rule 10 of the Implementing Rules and Regulations (IRR) of RA 4566 specifically requires a joint venture or consortium to secure an additional license for it to be legally authorized to submit a bid in the form of a special license otherwise known as a joint venture license or consortium license as the case may be;

WHEREAS, despite reminders from PCAB, project owners continue to allow a joint venture/consortium to participate in biddings without requiring the necessary joint venture or consortium license which is an indispensable requirement to qualify as bidder;

WHEREAS, there are instances when construction projects are awarded to a joint venture/consortium who had no joint venture/consortium license at the time of bidding;

WHEREAS, the practice of project owners allowing an unlicensed joint venture/consortium to participate in the bidding is a blatant disregard of the provisions of RA 4566 and the IRR which must be curbed and nipped in the bud;

WHEREAS, PCAB sees the need to strictly enforce the provisions of law on the requirement for a joint venture/consortium license so that all contractors, individual or in combination thereof, must possess the necessary license during the bidding for a particular project.

NOW THEREFORE, for and in consideration of the foregoing premises, the Board RESOLVES as it is hereby RESOLVED, that:

- Any special license application for a joint venture or consortium license must be filed at least five (5) working days before the bidding.
- Special license applicants must ensure that the ARC license of a contractor partner for a joint venture/consortium is valid for a period of at least fifteen (15) days at the time of filing the special license application, provided that an application for re-registration is likewise filed with PCAB.

This Resolution shall take effect fifteen (15) days from publication in a newspaper of general circulation.

UNANIMOUSLY APPROVED.

23 April 2014, Makati City, Philippines.

(SGD) RAMON F. ALLADO
Chairman

(SGD) VICTORINO V. LAHOZ
Member

(SGD) FAROUK M. MACARAMBON, SR.
Member

Attested by:

(SGD) ANN CLAIRE C. CABOCHAN
Director-in-Charge

(SGD) ALEJANDRIA G. GOMEZ
Board Secretary

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