



BOARD RESOLUTION NO. 365
Series of 2014

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

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/negotiate 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 in the form of a special license otherwise known as a joint venture license or consortium license for it to be legally authorized to submit a bid/negotiate as the case may be;

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

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/negotiation;

WHEREAS, the practice of project owners allowing an unlicensed joint venture/consortium to participate in the bidding/negotiate 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/negotiation for a particular project.

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

1. Any special license application for a joint venture or consortium license must be filed at least five (5) working days before the bidding/negotiation.
2. 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.

Enabling Business, Empowering Consumers



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

UNANIMOUSLY APPROVED.

10 September 2014, Makati City, Philippines.



PERICLES P. DAKAY
Chairman



FAROUK M. MACARAMBON Sr.
Member

Attested by:



LILIAN G. SALONGA
Officer-in-Charge



SERGIE T. RETOME
Board Secretary