

NPM No. 043-2017

20 December 2017

MS. MADELEINE E. MANAPAT

Member, Bids and Awards Committee Secretariat

BUREAU OF FISHERIES AND AQUATIC RESOURCES-CENTRAL OFFICE

3rd Floor, PCA Main Building, Elliptical Road,

Diliman Quezon City

Re: End-User and Technical Working Group Member -

Dear Ms. Manapat:

This refers to your electronic mail inquiring whether it is allowed in public bidding that the end-user is also part of the Technical Working Group (TWG) or if there is any conflict of interest in such a case.

We wish to clarify that Republic Act (RA) No. 9184, the Government Procurement reform Act, and its 2016 revised Implementing Rules and Regulations (IRR) do not prohibit an end-user from being designated as part of the TWG.

However, if the issue is whether an end-user member of the Bids and Awards Committee (BAC) may likewise be made part of the TWG, we wish to reiterate our previous opinion¹ that procurement officials should avoid holding concurrent positions in the BAC and, in this case, its TWG, in accordance with the thrust to professionalize the procurement organization geared towards strengthening the procurement functions to increase operational effectiveness and efficiency. We note that concurrent appointments as BAC member and TWG may diminish the effectiveness of the BAC and TWG in carrying out their concomitant functions.

It is recommended that the propriety in the designation of members in both the BAC and TWG be carefully studied and determined by the Procuring Entity as to its necessity and practicality relative to procurement proficiency and efficiency, taking into consideration the exclusive and dedicated functions, duties and responsibilities of the BAC and the TWG, not to mention the technical, financial, and/or legal expertise of the respective TWG members, giving due regard to efficient and expeditious conduct of procurement without sacrificing independent, dedicated and focused work execution by both the BAC and TWG members.²



¹ NPM No. 001-2014, dated 25 February 2014.

² NPM No. 113-2014, dated 7 November 2014.

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



DENNIS S. SANTIAGO
Executive Director V
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