



Department of Budget and Management
GOVERNMENT PROCUREMENT POLICY BOARD
TECHNICAL SUPPORT OFFICE

NPM No. 43-2013

8 May 2013

MR. PETER GOCHENG
Sales Manager
JODAAAR COTTAGE INDUSTRIES (JCI)
1576-1582 E. Remigio St.,
Sta. Cruz, Manila

Re: Presence of Authorized Representatives

Dear Mr. Gocheng:

We respond to your letter dated 25 February 2013, seeking our opinion on whether the National Food Authority (NFA) can require in its Invitation to Bid (IB) for the *Supply and Delivery of NFA Region 3's Empty Sacks* that in case of sole proprietorship, only the owner/proprietor is authorized to represent the company/firm in all bidding activities.

For your guidance, Section 25.2 of the revised Implementing Rules and Regulations (IRR) of Republic Act (RA) No. 9184 requires the prospective bidder or its duly authorized representative to issue a sworn statement that the signatory is the duly authorized representative of the prospective bidder, and granted full power and authority to do, execute and perform any and all acts necessary to represent the prospective bidder in the bidding. It is clear from this provision that the designation of a duly authorized representative is available not only to corporations, partnerships or joint ventures, but also to sole proprietorships. Further, we wish to inform you that Section 29 of the IRR of RA 9184 provides that the bidders or their duly authorized representatives may attend the opening of bids without any restrictions or qualifications; thus, a duly authorized representative of a sole proprietor/owner is allowed to participate in all bidding activities in the absence of his principal.

All told, it is our considered view that NFA cannot restrict participation only to the principal/bidder, but shall likewise extend the representation to the duly authorized representatives of the corporations, partnerships, joint ventures, including the sole proprietorship.

We hope that our advice provided sufficient guidance on the matter. Please note that this opinion is being rendered on the basis of the facts and particular situation presented, and may not be applicable given a different set of facts and circumstances. Should you have additional questions, please do not hesitate to contact us.

Very truly yours,


DENNIS S. SANTIAGO

Executive Director III

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