



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

NPM No. 103-2014

3 November 2014

FRITZ J. NIBATEN-TURQUEZA

Bids and Awards Committee (BAC) Secretariat

DEPARTMENT OF THE INTERIOR AND LOCAL GOVERNMENT (DILG)

Cordillera Administrative Region

Barangay Center corner North Drive,

Upper Session Road, Baguio City

Re: Concurrent Memberships in Bids and Awards Committee (BAC) Secretariat and Technical Working Group (TWG)

Dear Ms. Turqueza:

This is in response to your letter sent by electronic mail (email) seeking clarification on whether there is a conflict of interest on your position as a staff of the General Service Section that manages supplies and assets of the organization and your delegation as member of the committee to conduct Shopping and Small Value Procurement (SVP).

It was represented that you are a staff of the General Service Section (GSS) of DILG-CAR and part of your function is to manage supplies and assets of the agency. Subsequently, you have been designated to be a BAC Secretariat member. The BAC then passed a Resolution delegating the conduct of Shopping and SVP to your unit pursuant to the *Guidelines for Shopping and Small Value Procurement* (Guidelines).

The *Guidelines* is found in Appendix 18 of the revised Implementing Rules and Regulations (IRR) of Republic Act (RA) No. 9184. Aside from allowing the BAC to delegate the conduct of Shopping and SVP to the appropriate bureau, committee or support unit, the Guidelines likewise prescribes the applicable procedural steps to be used.

We have previously noted in an opinion¹ that the delegation of the conduct of Shopping and SVP may only be allowed provided that the BAC has rendered such decision. Further, only those powers specifically delegated by the BAC may be exercised by the identified unit. The powers delegated by the BAC do not include the power to award the procurement contract as this is vested upon the Head of the Procuring Entity (HOPE).

From the foregoing, there appears to be no conflict because GSS, as the unit delegated with the authority to procure and recommend award to the BAC, does not have the power to award procurement contract as this power is still vested upon the HOPE. Accordingly, such delegation does not run counter to Section 11.2.5 of the IRR of RA 9184, which states that “[i]n

¹ Non Policy Matter 34-2012 dated 4 April 2012.

no case shall the HOPE and/or the approving authority be the Chairman or a member of the BAC.”

We hope this opinion issued by 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

Wrd2 J

Dave Rosario

From: Fritz Turqueza <fritznturqueza@rocketmail.com>
Sent: Monday, October 27, 2014 5:04 PM
To: Dave Rosario
Subject: Re: Request for Information

Hi sir,

Sorry for the delay.

1. Fritz N. Turqueza, BAC Secretariat Member
2. Dept of the Interior and Local Gov't - Cordillera Admin. Region (DILG-CAR), Barangay Center cor North Drive Upper Session Road, Baguio City, Benguet, Philippines 2600.

fritz j. nibaten-turqueza

On Thursday, October 16, 2014 4:35 PM, Dave Rosario <dbrosario@gppb.gov.ph> wrote:

Dear M. Turqueza

Regarding your email, may we request for the following information

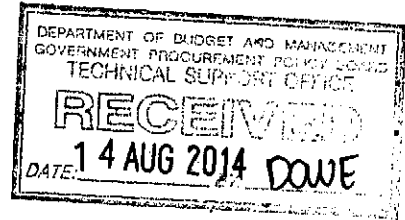
1. Your complete Name and Designation
2. Company/Agency Name and Office Address

Thank you.

Government Procurement Policy Board - Technical Support Office
Unit 2506 Raffles Corporate Center
F. Ortigas Jr. Road, Ortigas Center, Pasig City
Tel. Nos. 9006741 to 44

Legal and Research Division

From: Fritz Turqueza <fritznturqueza@rocketmail.com>
Sent: Wednesday, August 13, 2014 4:48 PM
To: legal@gppb.gov.ph; secretariat@gppb.gov.ph
Subject: ATTN: Legal Division



Sir/Maám,

Greetings!

May I seek legal and professional opinion with regard to the following. I am a staff of the General Service Section in our institution and as such we are tasked to manage supplies and assets of the organization. We were designated to become the BAC Secretariat and we had a subsequent designation as the Canvass Committee in relation to the goods, equipment, and lease of venue necessary for the conduct of the activities of the organization.

In relation to this the BAC had passed a resolution delegating the conduct of shopping and small value procurement to our unit pursuant to 2.c general guidelines, gppb res. no. 09-009 dated november 23, 2009. which states that: After the decision to resort to Shopping or Small Value procurement has been made, the conduct thereof may be delegated to the appropriate bureau, committee, or support unit duly authorized by the Bids and Awards Committee.

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I believe that my position present a clear case of conflict of interest, and that the accountability and liability of such is now upon us.

In view of the foregoing, may I ask for your opinion whether or not the BAC may delegate authority to me or to my co-clerks to sign and open quotations and determine the lowest responsive quotation and prepare and sign the abstract to be headed by our section chief accompanied by any of his staff.

Your immediate response to this query will be highly appreciated.

very truly yours,

[Redacted signature]

Jen/ [Redacted]
please prepare OPINION
DK: DSI