



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

**NPM No. 112-2012**

5 September 2012

**ATTY. BONNA L. SORIANO**  
*Technical Working Group*  
**DEPARTMENT OF PUBLIC WORKS AND HIGHWAYS (DPWH)**  
**-REGIONAL OFFICE 10**  
Buluan, Cagayan de Oro City

**Re: Required Training on Republic Act No. 9184 for Technical Working Group Members**

Dear Atty. Soriano:

We respond to your inquiry sent through facsimile dated 30 August 2012 seeking our opinion on whether training on Republic Act (RA 9184) is required before one can sit as a member of the Technical Working Group of a procuring entity.

As represented, the inquiry is being made in relation to your designation as a member of the Technical Working Group of the DPWH Regional Office 10.

Please note that Section 12.1 of the revised Implementing Rules and Regulations (IRR) of RA 9184 provides that the Bids and Awards Committee (BAC) may create a Technical Working Group (TWG) from a pool of technical, financial and/or legal experts to assist in the procurement process, particularly, in eligibility screening, evaluation of bids and post-qualification.

Similarly, Clause 3.2.1<sup>1</sup> of Government Procurement Policy Board (GPPB) Circular No. 02-2012<sup>2</sup>, reiterating the rules on the creation of a TWG, state that the creation thereof is meant to ensure that the BAC is able to harness the knowledge, experience and/or expertise of its members who are able to assist in the procurement process.

We wish to emphasize that the procurement law and its associated rules do not require that members of the TWG should have undergone training on RA 9184 and its revised IRR before they can be designated as such. It is only necessary that the BAC finds these personnel to have the legal, technical, and financial capability or proficiency in providing assistance to the BAC in the procurement process. It goes without saying that the Procuring Entity may

<sup>1</sup>To ensure that the BAC is able to harness the needed knowledge, experience and/or expertise in its TWG members who are suitable and qualified to assist in the eligibility screening, evaluation and post-qualification of bidders in the procurement of highly technical equipment and complex services, such members need not be limited to employees or officials of the procuring entity. The BAC may engage the assistance of government personnel and officials, and consultants from the private sector and academe with proven expertise on the sourcing of the goods, works or consulting services to be procured.

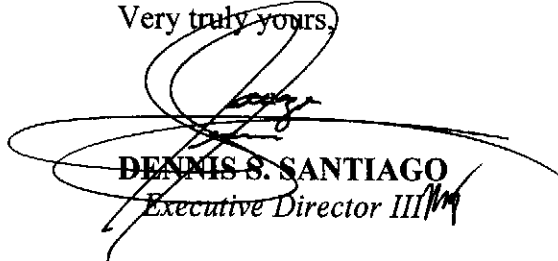
<sup>2</sup>Dated 3 August 2012.

adopt its internal selection and evaluation process in determining a personnel's expertise and capability to perform the functions of the TWG.

In view of the foregoing, we wish to clarify that training on RA 9184 and its revised IRR is not a pre-requisite to membership in the Technical Working Group of a procuring entity under RA 9184 and its revised IRR. Nonetheless, considering the technical nature of the rules on government procurement, it is prudent to ensure that all personnel are equipped with knowledge and information on procurement to be able to perform their functions effectively and efficiently.

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

Very truly yours,



**DENNIS S. SANTIAGO**  
*Executive Director III*

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