



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

NPM No. 113-2014

7 November 2014

MS. LEONOR C. TORMES

Bids and Awards Committee (BAC) Secretariat

NATIONAL BUREAU OF INVESTIGATION (NBI)

NBI Building, Taft Avenue, Ermita, Manila

Re: Concurrent Membership in the BAC Secretariat and Technical Working Group (TWG) and Acceptance of Late Bids

Dear Ms. Tormes:

This is in response to your letter requesting for an opinion on the following issues:

1. Whether the Head of the BAC Secretariat can concurrently hold or be designated as the Head of the Technical Working Group (TWG); and
2. Whether a member of the BAC Secretariat can likewise concurrently hold or be designated as Head or member of the TWG.

Anent your concerns, a careful review of Republic Act (RA) No. 9184 and its revised Implementing Rules and Regulations (IRR) shows no express prohibition on the Head or member of the BAC Secretariat from being designated as Head or member of the TWG concurrently.

Nonetheless, it is worthy to stress that the power to create the two committees - the BAC Secretariat and the TWG - belongs to two (2) different authorities. The creation of the BAC Secretariat lies with the Head of the Procuring Entity (HOPE), while the creation of the TWG is one of the functions of the BAC, and such member must comply with the qualifications as required by the revised IRR of RA 9184.

Sections 14.1 and 14.2 of the IRR of RA 9184 provide guidance as to the creation of the BAC Secretariat and the required qualifications for the designation of its Head. On the other hand, Section 12.1 provides for the creation of the TWG from a pool of technical, financial, and/or legal experts to assist in the procurement process, the members of which need not be limited to employees or officials of the procuring entity.¹

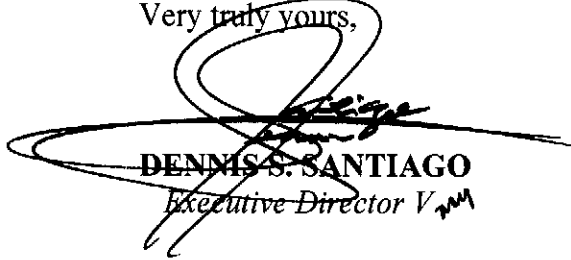
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¹ See GPPB Circular 02-2012 on the Creation of Technical Working Group of Procurement Purposes, 03 August 2012.

From the foregoing, although there is no express prohibition on the concurrent membership in the BAC Secretariat and TWG, it is recommended that the propriety in the designation of members in both the BAC Secretariat and TWG, including the designation of the respective heads 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 Secretariat 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 Secretariat and TWG members.

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

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