

**NPM No. 143-2012**

5 November 2012

**HON. ELIZABETH S. ZOSA**  
*General Counsel*  
**LEGAL SERVICES SECTOR**  
**COMMISSION ON AUDIT (COA)**  
Commonwealth Avenue, Quezon City

**Re: Procurement Agent**

Dear Assistant Commissioner Zosa:

This is in response to your letter dated 11 September 2012, seeking our opinion on whether a start-up Government-Owned and Controlled Corporation (GOCC) may use the Bids and Awards Committee (BAC) of another agency during the period when it is unable to establish its own BAC.

It is represented that the Credit Information Corporation (CIC) sought the assistance of the Securities and Exchange Commission (SEC) - BAC, the SEC being its implementing agency. The assistance of SEC-BAC is sought to temporarily serve as the CIC's BAC because the latter has inadequate number of employees to create its own BAC. It is in this context that CIC is seeking our opinion on whether CIC may validly utilize the SEC-BAC for its procurement activities.

Section 53.6 of the revised Implementing Rules and Regulations (IRR) of Republic Act (RA) No. 9184 provides that PEs which may not have the proficiency or capability to undertake a particular procurement, as determined by the Head of the Procuring Entity (HOPE) concerned may - (i) request other government agencies to undertake such procurement for them; or (ii) engage procurement agents to assist them directly and/or train their staff in the management of procurement function.<sup>1</sup>

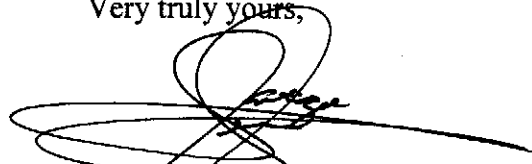
Considering that CIC cannot constitute its BAC meantime due to lack of personnel, we are of the view that it may request other government agencies, such as the SEC-BAC, to procure in its behalf. However, in the selection of said agency or procurement agent, CIC is reminded to take into account the agency's track record in, and expertise to undertake, procurement under RA 9184 and its revised IRR.<sup>2</sup>

<sup>1</sup> NPM 026-2010 dated 13 August 2010.

<sup>2</sup> NPM 076-2012 dated 20 June 2012, NPM 026-2010 dated 13 August 2010.

We hope that our advice provided sufficient guidance on the matter. Note that this opinion is rendered on the basis of the facts and particular situations presented, and may not be applicable given 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*

*Copy Furnished:*

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