

REPUBLIC OF THE PHILIPPINES
GOVERNMENT PROCUREMENT POLICY BOARD
Technical Support Office

Unit 2506 Raffles Corporate Center, Emerald Avenue, Ortigas Center, Pasig City
Telefax Nos. (02) 900-6741 to 44

NPM No. 019-2005

March 17, 2005

DR. EDUARDO T. GONZALEZ
President
Development Academy of the Philippines
DAP Building, San Miguel Avenue,
Pasig City

**Re : Engagement of Services for the Implementation of an
Integrity Development Review**

Dear Dr. Gonzalez:

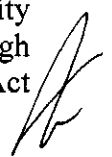
This refers to your letter dated 02 March 2005, which we received on 07 March 2005, requesting clarification on the manner by which the services of the Development Academy of the Philippines (DAP) for an Integrity Development Review (IDR) may be contracted or engaged by other government agencies.

This clarification is being sought in view of the requests of various government agencies to acquire the services of DAP for an IDR evaluation and the uncertainty on the manner by which such services may be acquired.

Engagement of Services for IDR Implementation

As may be inferred from your letter, the IDR is a readily available systems improvement tool that focuses on assessing an agency's corruption vulnerabilities and identifying measures to strengthen its resistance to corruption. Although self-assessment by an agency using the IDR may be done, a third party assessment provides a more objective and credible evaluation of the agency's corruption vulnerability. Thus, services of an individual or aggregate of individuals (*e.g.* group/unit, partnership, corporation, joint venture) may be contracted for purposes of acquiring the third party assessment component of the IDR.

For this purpose, if an agency decides to engage the services of a private entity for purposes of an external evaluation, it will have to contract this service through competitive bidding using the rules for procurement of goods under Republic Act



9184 (R.A. 9184) and its Implementing Rules and Regulations Part A (IRR-A). If the procuring entity determines that engaging the services of personnel from other government instrumentalities proves to be more beneficial and advantageous to the Government, a Memorandum of Agreement (MoA) may be entered into with the identified appropriate government entity to engage its personnel's service.

However, if an agency is not capable of properly applying the IDR and deems it necessary to undergo training, it may contract the services of a private entity through competitive bidding using the rules for procurement of consulting services under R.A. 9184 and its IRR-A. On the other hand, if an agency identifies an appropriate government entity capable of providing training on IDR evaluation or assessment, and determines that engaging the services of such entity will be more beneficial, economical, and advantageous, the agencies concerned may merely execute a MoA for the conduct of the required training service.

It cannot be gainsaid that the agency concerned, in the exercise of its discretion, has the prerogative to select the appropriate government institution that has the capability and expertise to undertake the task of conducting a third party assessment using the IDR and/or providing training on IDR evaluation.

In view of the foregoing, it is our opinion that the services of DAP may be contracted through a MoA for purposes of providing training on IDR evaluation to requesting government entities and/or allowing its personnel to conduct a third party assessment to complement the assessment done by the agency itself.

This opinion is being rendered on the basis of the facts and particular circumstances as represented. It may not necessarily be applicable upon a different set of facts or circumstances.

We trust that this clarifies matters.

Very truly yours,


JOSE MARTIN C. SYQUIA
Executive Director III

/dlsn/npm/march.05

REGISTRY RECEIPT

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*Unit 2506 Raffles Corporate Center, Emerald Avenue, Ortigas Center, Pasig City
Telefax Nos. (02) 900-6741 to 44*

March 10, 2005

MR. EDUARDO T. GONZALEZ
President
Development Academy of the Philippines
DAP Building, San Miguel Avenue,
Pasig City

Dear Mr. Gonzalez:

With reference to your letter dated 02 March 2005, addressed to the Honorable Undersecretary Laura B. Pascua of the Department of Budget and Management in her capacity as Acting Chairperson of the Government Procurement Policy Board (GPPB), requesting clarification on Republic Act 9184 and its Implementing Rules and Regulations Part A, we are acknowledging receipt of the original copy of the said request on 07 March 2005.

We wish to inform you that we shall communicate to your office questions or clarifications which may prove helpful to this office in the study and consideration of your concern. Should it be determined that the answer to the concern raised in your letter is either clearly expressed and established in applicable laws, rules, regulations, and other issuance or for which no further construction is necessary for its resolution, this office shall immediately advise you on the appropriate law, rule, regulation, or issuance that may be referred to.

However, in case the concern cannot be categorically dealt with by any of the afore-mentioned issuances and for which administrative interpretation is necessary for its resolution, this office shall either issue a written opinion therefor or raise the same to the GPPB for appropriate resolution, if necessary.

Very truly yours,



JOSE MARTIN C. SYQUIA

Executive Director III