

NPM No. 43-2008

3 November 2008

MR. BENJAMIN B. CECILIO

Officer-in-Charge

PHILIPPINE PORTS AUTHORITY

Marsman Building, 22 Muelle De San Francisco,
South Harbor, Port Area, Manila

Re : Signing of Bids and Awards Committee Resolution

Dear Sir:

In letter dated 3 September 2007, you requested for clarification on the following issues:

1. Whether a member of the Bids and Awards Committee (BAC) can still be granted honoraria notwithstanding the fact that its representative is the one who attended the meetings for the entire duration of the procurement process; and,
2. Whether a BAC member can sign a resolution decided and passed during a meeting even though he/she is absent.

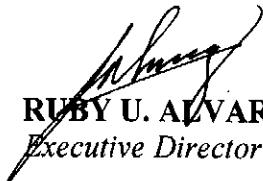
On the first query, we would like to inform you that under Section 15 of Republic Act No. 9184 and its Implementing Rules and Regulations Part A, it is the Department of Budget and Management (DBM) who is tasked to promulgate the guidelines for the grant/payment of honoraria to the BAC members. Pursuant to this, DBM issued National Budget Circular (NBC) No. 2004-5A, dated 7 October 2005, entitled "Guidelines on the Grant of Honoraria to Government Personnel Involved in Government Procurement", as amended by NBC No. 2007-3, dated 29 November 2007. Considering that DBM is the rightful authority to interpret the aforementioned guidelines, this office deems it wise to defer issuing any opinion on the matter and indorse said concern to Director Myrna S. Chua, Director IV of the Organization Position Classification and Compensation Bureau of the DBM.

With regard to your second query, this office is of the view that any member of the BAC who is not present in any of its meetings should not sign any resolution arising therefrom. Section 12.3 of the Implementing Rules and Regulations Part A (IRR-A) of Republic Act No. (R.A.) 9184 states that a quorum is required in order for the BAC to

transact business. Hence, if a BAC member is absent, he/she is not considered part of the quorum nor involved in any business transacted during the meeting. Thus, any decision concluded by the BAC and reflected in its resolution should only be signed by those members who were present in the meeting.

We hope to have clarified the matter. Should you have additional questions, please do not hesitate to contact us.

Very truly yours,



RUBY U. ALVAREZ
Executive Director III



TECHNICAL SUPPORT OFFICE

Unit 2506 Raffles Corporate Center,
F. Ortigas Jr. Road, Ortigas Center,
Pasig City, Philippines 1605

INDORSEMENT LETTER 3 November 2008

Under Section 15 of Republic Act No. 9184 and its Implementing Rules and Regulations Part A, it is the Department of Budget and Management (DBM) who is tasked to promulgate the guidelines for the grant/payment of honoraria to the BAC members. Pursuant to this, DBM issued National Budget Circular (NBC) No. 2004-5A, dated 7 October 2005, entitled "Guidelines on the Grant of Honoraria to Government Personnel Involved in Government Procurement", as amended by NBC No. 2007-3, dated 29 November 2007.

Considering that DBM is the rightful authority to interpret the aforementioned guidelines, we are therefore, respectfully forwarding to Director Myrna S. Chua, Director IV, Organization Position Classification and Compensation Bureau of the DBM the attached letter of Mr. Benjamin Cecilo, Officer-in-Charge of the Philippine Ports Authority inquiring whether a member of the Bids and Awards Committee (BAC) can still be granted honoraria even though its representative is the one who attended the meetings for the entire duration of the procurement process.

For your consideration.



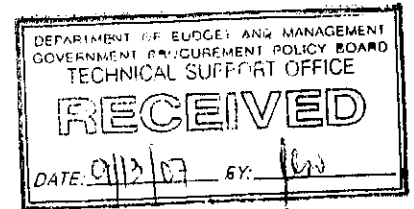
RUBY U. ALVAREZ
Executive Director III

Copy furnished:

MR. BENJAMIN B. CECILO
Officer-in-Charge
Philippine Ports Authority



MARSMAN BUILDING, 22 MUELLE DE SAN FRANCISCO, SOUTH HARBOR, PORT AREA, MANILA 1018, PHILIPPINES
TEL. NO. (0632) 527-8356 - 527-8375, FAX NO. (0632) 527-4855, http://www.ppa.com.ph



SEP 03 2007

ATTY. RUBY U. ALVAREZ

Executive Director
Government Procurement Policy Board (GPPB)
Unit 2506, Raffles Corporate Center
F. Ortigas Jr. Avenue, Ortigas Center
Pasig City

Dear Atty. Alvarez:

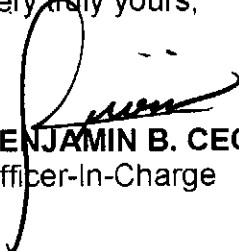
This is to request the opinion of the GPPB on the issue of whether or not honoraria can be paid to a BAC member notwithstanding that only a representative attended the BAC meetings for the duration of the procurement process.

Moreover, we would also like to be clarified whether a member who was absent during a BAC meeting where a resolution was passed can sign the resolution arrived at during the said meeting.

Your guidance on the matter will be greatly appreciated.

Thank you and best regards.

Very truly yours,

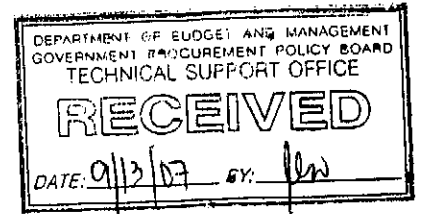


BENJAMIN B. CECILIO
Officer-In-Charge

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SEP 03 2007

Emergency, please.

9/15/07

ATTY. RUBY U. ALVAREZ
Executive Director
Government Procurement Policy Board (GPPB)
Unit 2506, Raffles Corporate Center
F. Ortigas Jr. Avenue, Ortigas Center
Pasig City

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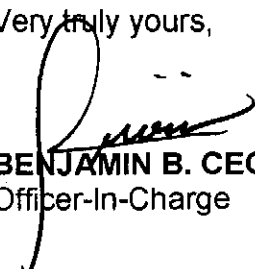
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Your guidance on the matter will be greatly appreciated.

Thank you and best regards.

Very truly yours,


BENJAMIN B. CECILIO
Officer-In-Charge

Byg,
Please draft letter-reply saying that we are referring the 1st query to the OBM-OPCCB (Dir. Chua). As to the 2nd query, I think the answer is NO.
Please draft indorsement to OPCCB, as well.

*TK.
9/19/07*

VISION

By 2010, PPA shall have met the international standards in port facilities and services in at least ten (10) ports in support of national development.

MISSION

We commit to provide reliable and responsive services in our ports, sustain development of our port communities and the environment, and be a model corporate agency of the government.