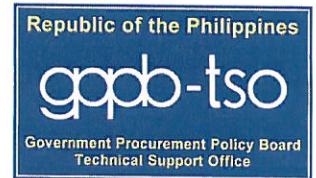


Republic of the Philippines
GOVERNMENT PROCUREMENT POLICY BOARD
TECHNICAL SUPPORT OFFICE



NPM No. 049-2017

20 December 2017

MS. VERONICA MORELOS
OIC - City Administrator
CEBU CITY GOVERNMENT
M.C Briones Street, Cebu City 6000

Re: Delegation of Authority -

Dear Ms. Morelos:

This refers to your electronic mail (e-mail) seeking clarification on whether the Head of the Procuring Entity (HoPE) can delegate the authority to sign Notice of Award (NOA) and Notice to Proceed (NTP).


We wish to inform you that under Section 37 of Republic Act (RA) No. 9184, the HoPE **or his duly authorized representative** shall immediately issue the Notice of Award to the bidder with the Lowest Calculated Responsive Bid (LCRB) or Highest Rated Responsive Bid (HRRB). It likewise provides that the Procuring Entity shall issue the NTP to the winning bidder not later than seven (7) calendar days from the approval of the contract by the appropriate authority.

The foregoing provisions does not confine the authority to issue or sign the NOA and NTP to the HoPE alone, which in the case of the Local Government Units, refers to the Local Chief Executive. Accordingly, for the issuance of NOA to the bidder with the LCRB or HRRB, a duly authorized representative of the HoPE may perform such function. On the other hand, the above-cited provision, nor its counterpart provision in the 2016 revised Implementing Rules and Regulations (IRR) of RA 9184, the Government Procurement Reform Act, does not specify which among the officials of the Procuring Entity shall issue the NTP. Thus, applying by analogy the rule on the issuance of NOA, the HoPE may likewise delegate to his duly authorized representative the issuance of NTP to the winning bidder not later than seven (7) calendar days from the approval of the contract by the appropriate authority.

It bears stressing, however, that before the representative signs and issues the NOA and NTP, it must be ensured that the subject representative have been duly authorized and properly clothed with legal authority to do so based on existing applicable laws. We also note that the decision to delegate those functions solely depend on the sound discretion of the HoPE taking into consideration the aspects of economy, efficiency and accountability, and the need to effectively implement the plans and programs of the Procuring Entity.

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.

(sgd.)

Executive Director V 

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