



Republic of the Philippines  
**GOVERNMENT PROCUREMENT POLICY BOARD**  
**TECHNICAL SUPPORT OFFICE**



**NPM No. 144-2017**

29 December 2017

**MR. OSCAR D. SORILLA, JR.**

*Administrative Assistant II, Procurement Unit*

**DEPARTMENT OF SOCIAL WELFARE AND DEVELOPMENT**

**FIELD OFFICE MIMAROPA (DSWD-MIMAROPA)**

1680 F. Benitez cor. Malvar Sts.,

Malate, Manila 1016

**Re: Delegation of Authority**

Dear Mr. Sorilla:

This refers to your electronic mail (e-mail) inquiring on whether it is possible for the Regular Memorandum of Agreement (MOA) Staff (Administrative Assistant II) to process a procurement transaction amounting to Php 50,000.00 and above without any special order.

We wish to clarify that the function of processing procurement transactions rightfully belongs to the Bids and Awards Committee (BAC) of the Procuring Entity. Section 12 of Republic Act (RA) No. 9184 and its 2016 revised Implementing Rules and Regulations (IRR) lodged to the BAC the following functions, among others, “advertise and/or post the invitation to bid, conduct pre-procurement and pre-bid conferences, determine the eligibility of prospective bidders, receive bids, conduct the evaluation of bids, undertake post-qualification proceedings, recommend award of contracts.” Accordingly, for operational efficiency, RA 9184 created the BAC to be composed of individuals with unquestionable integrity and procurement proficiency to undertake the procurement process.

Taking into consideration, however, the aspects of economy, efficiency and accountability, and the need to effectively implement plans and programs, the conduct of procurement may be subject to delegation, particularly when resorting to alternative methods of procurement. Section IV.J of Annex “H” of the 2016 IRR of RA 9184 or the “*Consolidated Guidelines for the Alternative Methods of Procurement*” provides the rule on delegation of authority, thus:

**“Delegation of Authority.** The conduct of Shopping and Negotiated Procurement under Emergency Cases, Small Value Procurement and Lease of Real Property and Venue may be delegated to the End-user unit or any other appropriate bureau, committee, or support unit duly authorized by the BAC through a Resolution approved by the HoPE.

For Shopping under Section 52.1(a) and Negotiated Procurement under Emergency Cases, due to the urgent nature of the attendant circumstances, the


BAC and the HoPE through a Resolution and Office Order, respectively, may delegate to specific officials, personnel, committee or office in the Procuring Entity the conduct of Shopping and award of contract to efficiently and expeditiously deal with the emergency sought to be addressed.

For record and monitoring purposes, all awards shall be immediately reported with all supporting documents to the HoPE, through the BAC, to ensure compliance with all the conditions and requirements provided for under R.A. 9184, its IRR and related guidelines.”

Based on the foregoing, we wish to clarify that the conduct of procurement processes shall be undertaken by the BAC of the Procuring Entity. As an exception, however, the End-user unit, any other appropriate bureau, committee or support unit, or specific officials, personnel, committee or office in the Procuring Entity may undertake the conduct of specific alternative methods of procurement specified under Section IV.J of the Annex “H” of the 2016 IRR of RA 9184, provided that there is due authorization and approval by the BAC and the HoPE, respectively.

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,  
(sgd.)

  
**DENNIS S. SANTIAGO**  
*Executive Director V*

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