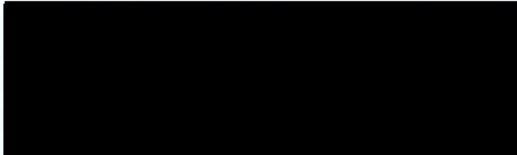


NPM No. 45-2015

9 October 2015



Re: Creation of the Technical Working Group (TWG)

Dear [REDACTED]

This refers to your letter requesting for an opinion on the following matters:

1. Whether the Bids and Awards Committee (BAC) has the authority to create the TWG;
2. Whether the BAC Chairman or the Head of Procurement Entity (HOPE) shall issue the appropriate order in creating the TWG; and
3. Whether all members of the TWG need to be occupying *plantilla* positions.

Creation of TWG

On the first and second issues, pursuant to Section 12 of the revised Implementing Rules and Regulations (IRR) of Republic Act (RA) No. 9184, the BAC has the power and function to “[c]reate a TWG from a pool of technical, financial, and/or legal experts to assist in the procurement process, particularly in the eligibility screening, evaluation of bids, and post qualification.” The creation of the TWG shall be made by the BAC through the issuance of appropriate Resolution identifying its duties, functions and responsibilities.

TWG Qualifications

Since the TWG needs to be composed of personnel with proven technical, financial, and/or legal expertise, the IRR of RA 9184 allows the inclusion of technical, financial, and/or legal experts apart from the pool identified from within the procuring entity¹. Accordingly, to ensure that the BAC is able to harness the needed knowledge, experience and/or expertise suitable and qualified to assist in the eligibility screening, evaluation and post-qualification of bids in the procurement of highly technical equipment and complex services, members of the TWG need not be limited to employees or officials of the procuring entity. Thus, the BAC may likewise engage the assistance of government personnel and officials, and consultants from the private sector and academe with proven expertise on the sourcing of the goods, works or consulting services to be procured². Consequently, it is not required that all members of the TWG occupy *plantilla* positions in the Procuring Entity (PE) concerned. ✍

¹ Paragraph 3.2 of GPPB Circular No. 02-2012, dated 03 August 2012.

² Paragraph 3.2.1 of GPPB Circular No. 02-2012, dated 03 August 2012.

In sum, the BAC through a Resolution, may form its TWG comprising of technical, financial, and/or legal experts who should not be sourced only from, or limited to, the employees and officials of the PE, but also from outside sources, such as, but not limited to, other government agencies or through the engagement of relevant consultants.

We hope 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 you have other concerns, please do not hesitate to contact us.

(sgd.)

Executive Director

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