

MEMORANDUM

FOR : DIRECTOR WAYNE C. BELIZAR
Financial Management Service

FROM : THE ASSISTANT SECRETARY FOR GASSG, AND CONCURRENT
OFFICER-IN-CHARGE, LEGAL SERVICE

SUBJECT : COMMENT ON THE DRAFT AUTHORITY INCREASING THE
PROCUREMENT AND/OR PURCHASE LIMIT OF THE EXECUTIVE
DIRECTOR OF THE NATIONAL COUNCIL ON DISABILITY
AFFAIRS

DATE : 18 JUNE 2024

This is in relation to your submitted draft document¹ designating and authorizing Executive Director (ED) Glenda D. Relova as the Head of Procuring Entity (HoPE) of the National Council on Disability Affairs (NCDA) to sign all procurement and/or payment related documents in the amount not exceeding Fifty Million Pesos (Php 50,000,00.00).

Records show that Civil Service Commission Resolution No. 2000602² entitled "*Conversion of Position re: Executive Director III (SG-28) Position; National Council on Disability Affairs (NCDA)*", provides that one of the NCDA Executive Director's acts and responsibilities, is to act as the Bids and Awards Committee Chair, to wit:

- "20. Acts as Chairman of the following:*
- a. Bids and Awards Committee;*
 - b. Grievance Committee; and*
 - c. Anti-Graft and Corruption Committee."*

(underscoring supplied)

Meanwhile, Section 11.2.5, Rule IV on Competitive Bidding of the Implementing Rules and Regulations of the Government Procurement Reform Act (Republic Act No. 9184) provides for the BAC Composition and its qualifications, thus:

"11.2.5. In no case shall the HoPE and/or the approving authority be the Chairperson or a member of the BAC" (underscoring supplied)

Corollary, Government Procurement Policy Board issued its Non-Policy Matter (NPM) No. 57-2016 entitled "Chairmanship of Bids and Awards Committee" which provides that *"the personnel disqualified from being a member of the BAC include the HOPE or approving authority and the official who approves procurement transactions. xxx The term "approving authority" in Section 11.2.5 of the IRR and the Generic Procurement Manual includes a person who undertakes payment since the approval contemplated*

¹ Annex "A" – Draft Memorandum from the Secretary authorizing ED Relova

² Annex "B" – Civil Service Commission Resolution No. 2000602 dated 18 June, 2020

therein also includes approval of disbursements. Therefore, it is important for the procuring entity to make a determination whether the official designated as the approving authority for the subject contracts is also the same officer who has the authority to approve payment for the same contracts. In both instances, said official cannot be appointed as the BAC Chairman to avoid conflict of interest and to maintain the integrity of the procurement process and contract implementation."

Clearly, the BAC Chair and HoPE is expressly prohibited to be designated in one and the same person. It is our considered view that should ED Relova be designated as HoPE, the BAC Chairmanship she currently holds, as contained in her Position Description Form (PDF), must be designated to another official by a written order.

In view of the foregoing, this level recommends that the draft Letter to ED Relova should be enhanced stating that she is prohibited from being a BAC Chair and at the same time be the HoPE. Please consider incorporating this statement, thus:


"Dear Executive Director Relova,

xxx rules and regulations. Provided that, the Executive Director shall not assume the role of BAC Chairperson. Provided, further, that the contracts or transactions are authorized by the NCDA."

For your consideration.

Kindly fill out the attached Customer Feedback Form and return the same to the Legal Service.

Thank you.


ATTY. GINA V. WENCESLAO

CMUG/MMBP/ESOE10065