

**Procurement Policy Board (PPB) – Interim Technical Support Group (TSG)  
CALENDAR YEAR – 2003**

**For the Month of January**

**NON-POLICY MATTERS**

Name of Agency	Date Received by PPB-TSG	Date Released by PPB- TSG	Issues/ Concerns/ Queries	Brief Conclusion of the Reply of PPB-TSG
1. Department of Education (DepEd)	01/06/03	01/13/03  (NPM No. 001-2003)	<p><b>Re: Engagement of the Services for MEET:</b></p> <ul style="list-style-type: none"> <li>• Whether or not DepEd may procure the services of a consultant not through public bidding but by the way of negotiation.</li> </ul>	<p>Sec. 35.3 of the IRR of E.O. 40 allows the procurement of consultants by way of negotiation specifically so when there is lack of material time to procure the same by way of public bidding. However, before pursuing the procurement of consulting services by way of “negotiated procurement,” DepEd should conform with the following requirements, to wit:</p> <ol style="list-style-type: none"> <li>1. The alternative method of “negotiated procurement” was recommended by the BAC;</li> <li>2. The recommendation must be approved by the Head of the Agency;</li> <li>3. The agency is not capable of undertaking the project by administration; and</li> <li>4. Time is of the essence as certified by the Head of Agency so that the procurement of the consulting service by way of “negotiated procurement” is truly necessary.</li> </ol>