

GOVERNMENT PROCUREMENT POLICY BOARD

RESOLUTION NO. 01-2004

WHEREAS, Republic Act No. 9184 (“R.A. 9184”), entitled “An Act Providing for Modernization, Standardization and Regulation of the Procurement Activities of the Government for other Purposes,” was signed into law on January 10, 2003, and took effect on January 26, 2003. On the other hand, its Implementing Rules and Regulations Part A (“IRR-A”) took effect on October 8, 2003;

WHEREAS, Section 4 of R.A. 9184 provides that it shall apply to the procurement of infrastructure projects, goods and consulting services, regardless of source of funds, whether local or foreign by all branches and instrumentalities of Government, its departments, offices and agencies, including government-owned and/or controlled corporations and **local government units**;

WHEREAS, Section 76 of R.A. 9184 amends Title Six, Book Two (Property and Supply Management in Local Government Units) of Republic Act No. 7160, otherwise known as the “Local Government Code of 1991,” and Section 76 provides that any other law, presidential decree or issuances, executive order, letter of instruction, administrative order, proclamation, charter, rule or regulation and/or parts thereof contrary to or inconsistent with provisions of R.A. 9184 is repealed, modified or amended accordingly;

WHEREAS, Section 75 of IRR-A further amends Chapter Five, Title One, Book One of R.A. 7160, which refers to the Local Prequalification, Bids and Awards Committee;

WHEREAS, crucial to the implementation of R.A. 9184 and its IRR-A in the local government level is the creation of the Bids and Awards Committee (“BAC”) in all local government units (“LGUs”) including the barangays;

WHEREAS, on December 11, 2003, the Government Procurement Policy Board (“GPPB”) tasked the Government Procurement Policy Board-Technical Support Office (“GPPB-TSO”) and the Department of Interior and Local Government (“DILG”) to study and make a proposal on the possible composition of the BAC at the barangay level including the determination of the ranking of officials who may be designated as Chairman of the BAC in other LGUs;

WHEREAS, in compliance with the instructions of the GPPB, the DILG submitted a draft proposal as to the composition of the BAC on January 29, 2004, and the members of the GPPB, during its meeting on March 10, 2004, unanimously agreed to adopt, with certain amendments, the BAC composition in LGUs including the barangays, as proposed by GPPB-TSO and DILG;

WHEREAS, for the effective dissemination of the BAC composition at the local government level, including the barangays, the DILG is hereby directed to issue a memorandum circular reflecting the BAC composition contained herein for LGUs' compliance.

NOW, THEREFORE, for and in consideration of the foregoing, WE, the Members of the **Government Procurement Policy Board**, by virtue of the powers vested in US by law, hereby **RESOLVE** to adopt and confirm, as WE hereby adopt and confirm the following BAC composition in LGUs, including the barangays, to wit:

1. Provinces, Cities and Municipalities:

- 1.1 The BAC shall be composed of one (1) representative each from the regular offices under the Office of the Local Chief Executive such as, but not limited to the following: Office of the Administrator, Budget Office, Legal Office, Engineering Office, General Services Offices. The end user office shall always be represented in the BAC. The Chairman of the BAC shall be at least a third ranking permanent official of the procuring entity. The members of the BAC shall be personnel occupying *plantilla* positions of the procuring entity concerned.

The local chief executive shall designate the members of the BAC. The members shall elect among themselves who shall act as the Chairman and Vice-Chairman.

- 1.2 The members to be designated by the local chief executive to the BAC shall be at least five (5), but not more than seven (7).
- 1.3 In no case shall the local chief executive and/or the approving authority be the Chairman or a member of the BAC.
- 1.4 For purposes of determining the rank, the first ranking permanent official shall be the governor, in the case of provinces, and the mayor, in the case of cities and municipalities; the second ranking permanent official shall be the vice governor, in the case of provinces, and the vice mayor, in the case of cities and municipalities; and, the third ranking permanent official shall be the head of any of the regular offices under the Office of the Local Chief Executive: *Provided, however*, That the vice governor or the vice mayor shall not be designated as member of the BAC as its office is not one of the regular offices under the Office of the Local Chief Executive.

2. Barangays:

- 2.1 The BAC shall be composed of at least five (5), but not more than seven (7) regular members of the Sangguniang Barangay, except the Punong Barangay.
- 2.2 The Punong Barangay, being the local chief executive, shall designate the members of the BAC. The members shall elect among themselves who shall act as the Chairman and Vice-Chairman.
- 2.3 In no case shall the local chief executive and/or the approving authority be the Chairman or a member of the BAC.

APPROVED this 10th day of March, 2004 at Pasig City, Philippines.

HON. EMILIA T. BONCODIN

Secretary
Department of Budget and
Management

HON. ROMULO L. NERI

Director General
National Economic and Development
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HON. EDILBERTO C. DE JESUS

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Department of Education

HON. VICENTE S. PEREZ, JR.

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HON. JUANITA D. AMATONG

Acting Secretary
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HON. MANUEL M. DAYRIT

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HON. JOSE D. LINA, JR.

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HON. EDUARDO R. ERMITA

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Department of Public Works and
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HON. ESTRELLA F. ALABASTRO

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HON. MANUEL A. ROXAS II

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Department of Trade and Industry

HON. LEANDRO R. MENDOZA

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HON. FIORELLO R. ESTUAR

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