



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



**NPM No. 001-2019**

11 February 2019

**HON. ARDELIZA R. MEDENILLA**  
*Undersecretary*  
**Department of Public Works and Highways (DPWH) Central Office**  
DPWH Compound, Bonifacio Drive  
Port Area, Manila City

**Re: Bids and Awards Committee (BAC) Composition**

Dear Undersecretary Medenilla:

This refers to your letter,<sup>1</sup> seeking clarification on the meaning of the “third (3<sup>rd</sup>) ranking permanent official/personnel” under Section 11.2.2 of the 2016 Revised Implementing Rules and Regulations (IRR) of Republic Act (RA) No. 9184, the Government Procurement Reform Act.

As represented, your request stemmed from the creation of the Legal Division in each of the DPWH Regional Offices (ROs), which is headed by an Attorney V (Division Chief) with a compensation equivalent to salary grade (SG) 25. It was further represented that prior to the creation of the Attorney V position, a DPWH RO has seven (7) Division Chief positions, with SG 24. In this regard, you are inquiring if the Attorney V appointee is now the lone third ranking official, who could be designated as the RO’s BAC Chairperson, with the incumbent Division Chiefs relegated to fourth-ranking officials.

All holders of the Division Chief positions, including the head of the Legal Division are considered third-ranking officials in the DPWH ROs, thus are eligible to be the BAC Chairperson of the said Office. While the head of the Legal Division (Attorney V) has a higher SG than the other Division Chief positions, these are of equivalent rank since these items head a division-level unit.

The salary grade of a position should not be the sole basis to determine its level or rank within the organization. While the Attorney V item has a higher SG than that of the other Division Chief positions, they are all of equivalent rank since they all head a division-level unit. In line with this, the Attorney V, SG 25 position in the DPWH RO is considered as a third-ranking official, alongside the other Division Chief positions therein.<sup>2</sup> This is consistent with our previous opinion<sup>3</sup> that the determination of the ranking of a position should take into consideration the hierarchy of the plantilla positions within the procuring entity (PE) and whether the position exists within the organizational structure of the PE.

As regards your inquiry on whether the Attorney V or any of the incumbent Division Chiefs should be designated as the BAC Chairperson, the Head of the Procuring Entity (HoPE) has the discretion to designate members to the BAC, provided that they possess the qualifications prescribed in Section 11.2 of the 2016 Revised IRR of RA No. 9184.

<sup>1</sup> Dated 6 August 2018 and received on 13 August 2018.

<sup>2</sup> Department of Budget and Management Opinion dated 22 January 2019.

<sup>3</sup> Non-Policy Matter Opinion No. 111-2016 dated 6 December 2016.

Accordingly, the HoPE may designate any of the appointees or incumbents to Division Chief positions as BAC Chairperson of the DWPH ROs.

The above opinion was made on the basis of the particular facts presented and circumstances availing, and may not, therefore, be applicable given a different set of facts and circumstances.

We hope to have sufficiently clarified the matter at hand.

Sincerely yours,



**ROWENA CANDICE M. RUIZ**  
Executive Director V *MM*

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