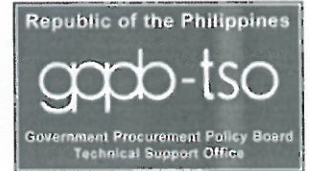


Republic of the Philippines
GOVERNMENT PROCUREMENT POLICY BOARD
TECHNICAL SUPPORT OFFICE



NPM No. 001 - 2020

06 February 2020

MS. JANET W. CANOY
BAC Chairperson
Tourisms Promotions Board Phil.
4th Floor, Legaspi Towers
300 Roxas Boulevard,
Manila Philippines 1004

Re: Bids and Awards Committee Resolution

Dear Ms. Canoy:

This has reference to your letter¹ requesting opinion on the proper signatory of a Bids and Awards Committee (BAC) resolution recommending award of contract to the winning bidder² which was prepared and issued subsequent to the designation of a new BAC Chairperson by the Head of the Procuring Entity (HoPE).

It is a basic legal precept that the designation by the HoPE of a new BAC Chairperson revokes the designation of the previous BAC Chairperson,³ and the latter is relieved of his/her authority when a new BAC Chairperson is designated. This means that all BAC related actions to be undertaken subsequent to the designation of a new Chairperson shall be the responsibility of the newly designated official. Conversely, all BAC actions approved prior to the said designation shall be for the account of the previous BAC Chairperson.

Applying the foregoing, if the BAC recommendation to award the contract to the winning bidder was made prior to the designation of a new BAC Chairperson, the same is well within his/her authority. The same was only revoked upon the designation of a new BAC Chairperson. The reckoning point is, therefore, when the action subject of the BAC resolution was approved or acted upon by the BAC. As a final point, all BAC actions to be valid requires the presence of a quorum and at least a majority of the BAC members present voted to adopt the said action.⁴

¹ Dated 5 November 2019.

² Mr. Jose T. Ducusin, Jr., Administrative Service Officer of the Procurement and General Service Division, during a telephone conversation with Mr. Francisco D.P. L. Salazar, Atty.III of the Legal and Research Division of the GPPB-TSO on 17 December 2019 clarified that the BAC resolution referred to in the letter pertains to BAC resolution recommending award of contract.

³ Sec. 11.2.6, 2016 revised IRR.

⁴ Sec. 12.4, 2016 revised IRR.

This 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 addressed your concern.

Sincerely yours,



ROWENA CANDICE M. RUIZ
Executive Director V



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