

**NPM No. 025-2017**

11 December 2017

**MR. ANGEL G. IMPERIAL, JR.**

*Regional Director*

**NATIONAL FOOD AUTHORITY REGIONAL OFFICE VI (NFA-RO VI)**

Barangay Quintin Salas, Jaro, Iloilo

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

Dear Director Imperial, Jr.:

This refers to your electronic mail requesting confirmation whether regional Bids and Awards Committee (BAC) can consist of six (6) members.

We wish to emphasize that under Section 11.2.1 of the 2016 revised IRR of RA 9184, the Head of the Procuring Entity (HoPE) can designate at least five (5) but not more than seven (7) members of unquestionable integrity and procurement proficiency to the BAC. Section 11.2. of the same IRR provides for the composition of the BAC, thus:

*11.2. BAC Composition*

11.2.2. The BAC for NGAs, departments, bureaus, offices, or instrumentalities of the GoP, including the judicial and legislative branches, constitutional commissions, SUCs, GOCCs, and GFIs shall be composed of the following:

Regular Members:

- a) Chairperson, who is at least a third (3rd) ranking permanent official of the Procuring Entity;
- b) An officer, who is at least a fifth (5th) ranking permanent official, or if not available, an officer of the next lower rank with knowledge, experience and/or expertise in procurement who, to the extent possible, represents the legal or administrative area of the Procuring Entity: Provided, That in the case of bureaus, regional offices and sub regional/district offices, BAC members shall be at least a third (3rd) ranking permanent personnel or if not available, an officer of the next lower rank;
- c) An officer, who is at least a fifth (5th) ranking permanent official, or if not available, an officer of the next lower rank with knowledge, experience and/or expertise in procurement who, to the extent possible, represents the finance area of the Procuring Entity: Provided, That in the case of bureaus, regional offices and sub-regional/district offices, BAC

members shall be at least a third (3rd) ranking permanent personnel or if not available, an officer of the next lower rank;

Provisional Members:

d) An officer who has technical expertise relevant to the procurement at hand, and, to the extent possible, has knowledge, experience and/or expertise in procurement; and

e) A representative from the end-user or implementing unit who has knowledge of procurement laws and procedures. When procurement tasks are outsourced to another GoP agency as a procurement agent pursuant to Section 7.3.3, a representative from the Procuring Entity may be designated as a provisional member to the BAC. For this purpose, the procuring entity shall recommend the provisional member to be designated.

Accordingly, the BAC may consist of five (5) to seven (7) members. Thus, the regional BAC of the NFA-RO VI may be composed of six (6) members provided that the designated “regular members” comply with the ranking requirements, and to the extent possible to the identified disciplines, that is, legal, administrative or financial areas of the Procuring Entity. As regards Provisional Members, it would suffice to have a technical and end-user members without regard to any ranking requirement.

We hope that this opinion issued by the GPPB-TSO provided sufficient guidance on the matter. Note that this opinion is being issued on the basis of facts and particular situations presented, and may not be applicable given a different set of facts and circumstances. Should there be other concerns, please do not hesitate to contact us.

Very truly yours,

  
**DENNIS S. SANTIAGO**

*Executive Director*



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