

NPM No. 080-2017

29 December 2017

MR. MANUEL G. ALIPON
<noelalipon@gmail.com>

Re: Executive Assistant as BAC Chairperson -

Dear Mr. Alipon:

This refers to your electronic mail inquiring whether an Executive Assistant may be appointed as Chairman of the Bids and Awards Committee (BAC).

It is represented that the Executive Assistant V, who has a coterminous position, functions as a BAC Chairperson at a local government unit (LGU), i.e. a City.

Under Section 11.2.3 of the 2016 revised Implementing Rules and Regulations (IRR) of Republic Act (RA) No. 9184, the Government Procurement Reform Act, the BAC Chairperson for provinces, cities, and municipalities shall be designated by the Local Chief Executive. The Chairperson of the BAC shall be at least a third (3rd) ranking permanent official of the Procuring Entity.

We wish to reiterate that the term “permanent”, as defined in the aforementioned provision, does not qualify whether the personnel occupying the *plantilla* position holds the same in a contractual, regular, or permanent status, rather the concern specifically refers to whether the position exists within the organizational structure of the procuring entity.¹

Accordingly, the Local Chief Executive may designate any personnel holding a “permanent” position in the agency, i.e., a *plantilla* position in the organization, regardless of the status of appointment of the personnel occupying such *plantilla* position, with the additional qualification that the person designated as BAC Chairperson must be occupying a third ranking *plantilla* position in the agency and does not have an approving authority.²

All told, we are of the opinion that the Executive Assistant V may be appointed as BAC Chairperson provided that he or she is at least a third ranking personnel within the organizational structure of the LGU occupying a *plantilla* position and is not a designated approving authority.

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 V *ms*

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¹ NPM No. 76-2012 dated 20 June 2012 citing NPM No. 33-2011.

² NPM No. 95-2013 dated 20 December 2013.