

NPM No. 099-2017

29 December 2017

MR. HAROLD E. CLAVITE
Director-General
PHILIPPINE INFORMATION AGENCY
PIA Bldg., Visayas Avenue, Diliman, Q.C.

Re: Composition of the Bids and Awards Committee -

Dear Director-General Clavite:

This refers to the Honorable Director General's letter requesting for advice on how to go about designating Bids and Awards Committee (BAC) members in the regional offices of the Philippine Information Agency (PIA).

It is represented that PIA cannot fully comply with the provisions on the BAC composition as stated in Section 11.2.2¹ of the 2016 revised Implementing Rules and

¹ 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 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 Member:

- a) 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
- b) 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 provision member to the BAC. For this purpose, the procuring entity shall recommend the provisional member to be designated.

Regulations (IRR) of Republic Act No. (RA) 9184, the Government Procurement Reform Act (GPRA), due to lack of staff/complement occupying positions who “*should at least be a third (3rd) ranking permanent personnel or if not available, an officer of the next lower rank*”.

BAC Composition in the Regional Offices -

Pursuant to Section 11.2.2 of the 2016 IRR, BAC in the regional offices shall be composed of three (3) regular members: a) Chairperson, who must be at least third (3rd) ranking permanent official of the Procuring Entity; b) An officer from the legal or administrative area of the procuring entity who shall be at least third (3rd) ranking permanent personnel or if not available, an officer of the next lower rank; and c) An officer from the finance area of the Procuring Entity, who shall be at least third (3rd) ranking permanent personnel or if not available, an officer of the next lower rank. In addition, two (2) provisional members who has technical expertise relevant to the procurement at hand, and a representative from the end-user or implementing unit who has knowledge of procurement laws and procedures.

Under the referenced rules, only the three (3) regular members are required to be third ranking permanent official. The BAC Chairperson shall be a 3rd ranking permanent official. On the other hand, insofar as the two (2) regular members representing the legal or administrative and finance areas of the agency are concerned, if a third ranking personnel is not available, the HoPE may designate personnel of the next lower rank, a fourth (4th) ranking personnel. This gives rise to a situation where only the Chairperson is a third ranking permanent official and the two other regular members 4th ranking. The provisional members have no ranking requirement, it is enough that they are officials and personnel of the Procuring Entity holding a permanent plantilla position.

As regards officials or personnel holding a third ranking permanent position, we reiterate our previous opinion² on the matter, thus:

In this regard, the determination of the ranking of positions based on the approved plantilla position lies within the concerned procuring entity.

Reckoning from the highest position in the plantilla, the procuring entity may identify which positions are qualified for membership in the BAC. Among the factors that may be considered in establishing the ranking are the organizational structure, salary grade allocation, nature of work, degree of responsibility, and classification and functional relationship of positions.

Based on the established ranking of positions, the procuring entity may designate any personnel occupying at least a third ranking position as its BAC Chairperson. However, the designation of the BAC Chairperson is subject to the disqualifications provided in Section 11.2.5 of the Implementing Rules and Regulations of Republic Act 9184 and Commission on Audit Circular 2003-004,

The Chairperson and the Vice-Chairperson shall also be designated by the HoPE. Moreover, the Vice-Chairperson shall be regular member of the BAC. For purposes of this IRR, the term “permanent” shall refer to a plantilla position within the Procuring Entity concerned.

² NPM 015-2011 dated 23 September 2011

i.e., Head of the Procuring Entity, Approving Authority, and Chief Accountant and its staff.

We hope that this opinion issued by the GPPB-TSO provided sufficient guidance on the matter. Note that this is issued on the basis of particular facts and 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