



Department of Budget and Management
GOVERNMENT PROCUREMENT POLICY BOARD
TECHNICAL SUPPORT OFFICE

NPM No. 40-2014

9 October 2014

MS. DIOSAMIA M. SEVILLA
Agriculturist I,
Officer-in-Charge, Nueva Ecija Stock Farm
BUREAU OF ANIMAL INDUSTRY
General Tinio, Nueva Ecija

Re: Bids and Awards Committee (BAC) Chairman

Dear Ms. Sevilla:

This is in response to your letter dated 13 June 2014, which we received through electronic mail, seeking our opinion on the propriety of the appointment of an Agriculturist I with Salary Grade Eleven (SG-11) as BAC Chairman.

It is represented that a BAC was created in the Nueva Ecija Stock Farm of the Bureau of Animal Industry in order to expedite the procurement process in the agency. The procurement by the BAC shall be limited to Alternative Modes of Procurement, specifically Small Value Procurement, Shopping and Direct Contracting. The BAC is composed of the following members: (1) Chairman, an Agriculturist I; (2) Vice-Chairman, also an Agriculturist I; (3) 3 regular members occupying SG-4 to SG-6 plantilla positions. It is in this context that you are seeking the opinion of this office on whether an Agriculturist I, who is a permanent employee, can be appointed as BAC Chairman.

For your guidance, we refer to Section 11.2.2(a) of the revised Implementing Rules and Regulations (IRR) of Republic Act (RA) No. 9184, which provides that for agencies, departments, bureaus, offices or instrumentalities of the National Government, the BAC Chairman should be at least a third ranking permanent official.

The term "permanent" refers to a plantilla position within the procuring entity concerned. According to the Personnel Services Itemization of the DBM, plantilla refers to the list of positions authorized to be created by the DBM¹. The term "permanent" does not refer to whether the person holding the plantilla position is contractual, regular, designated or appointed; rather, it is whether said position is included in the list of authorized positions created by DBM or existing within the organizational structure of the procuring entity².

¹ NPM No. 18-2006 dated 08 November 2006.

² NPM No. 25-2004 dated 08 March 2004.

Based on the foregoing, any person holding a position existing within the organizational structure of the procuring entity and who possesses the required ranking may be designated as BAC Chairman.

The determining factor for regular membership in the BAC is not the employment status of the person but the position he is holding. Accordingly, the propriety of the designation of an Agriculturist I as BAC Chairman lies on whether he or she occupies at least a 3rd ranking permanent position within the organizational structure of the Nueva Ecija Stock Farm of the Bureau of Animal Industry. On the other hand, we wish to remind you that insofar as the other BAC members of bureaus, regional offices and sub-regional/district offices are concerned, they should also be at least a 3rd ranking permanent personnel³.

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

//skp

³ Section 11.2.2. (b), IRR of RA 9184.

GPPB

From: Han Krishia G. Nemedez <hkgnemedez@bai.da.gov.ph>
Sent: Friday, June 13, 2014 4:33 PM
To: gppb@gppb.gov.ph
Subject: Issues Concern: Chairman of the Bids and Awards Committee in the Lower Level Office

June 13, 2014

Subject: Inquiry on the legality of appointing an Agriculturist I (SG-11) as Chairman of the Local Bids and Awards Committee of Nueva Ecija Stock Farm of Bureau of Animal Industry

Dear Sir/ Madam,

In consideration of the geographical location to expedite the procurement process of the Nueva Ecija Stock Farm located in Brgy. Nazareth, gen. Tinio, Nueva Ecija, we requested for the creation of Local Bids and Awards Committee that shall be limited to Alternative methods of procurement specifically Small Value Procurement, Shopping, and Direct Contracting.

The most capable and suited technical person to chair the committee is an Agriculturist I permanent employee. The vice chairman is also an Agriculturist I while the members are holding SG-4 (two members) and SG-6 (one member) plantilla positions.

In view this issue, may we ask your opinions regarding this matter. Hoping for your favorable consideration.

Respectfully yours,

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