

NPM No. 07-2007

30 April 2007

BLANDINO M. MACEDA, CESO IV*Regional Director*

DEPARTMENT OF INTERIOR AND LOCAL GOVERNMENT

Regional Office No. V

Rizal St., Legaspi City 4500

**Re : Composition of the Bids and Awards Committee in
Regional Offices**

Dear Dir. Maceda:

We respond to your letter dated 18 April 2007, which we received last 24 April 2007. It seeks clarification on whether Assistant Division Chiefs and Section Chiefs may serve as regular members of the Bids and Awards Committee (BAC) of your Regional Office.

Sec. 11.2.1 of the Implementing Rules and Regulation Part-A (IRR-A) of Republic Act (R.A) No. 9184 prescribes that, aside from the BAC Chairman, the other two (2) regular BAC members must represent, to the extent possible, the legal, administrative, or finance areas of the procuring entity. It also states that for regional offices and sub-regional/district offices, said regular members must be at least a third (3rd) ranking permanent personnel.

We understand that Assistant Division Chiefs and Section Chiefs are fourth (4th) and sixth (6th) ranking personnel, respectively. Both are, therefore, not qualified under Section 11.2.1 of the IRR-A to sit as regular members of the BAC. Further, based on the regional office structure of the Department of Interior and Local Government, it appears that only personnel with the rank of at least a Division Chief are eligible to serve as regular members of the BAC.

We believe, however, that the Finance Section Chief and Assistant Division Chief can still be designated as provisional members of the BAC. Under Section 11.2.1 of the IRR-A, there is no prescribed rank for BAC provisional members.

The two (2) BAC regular members, on the other hand, must be designated from personnel with the rank of at least a Division Chief who may or may not represent the legal, administrative, or finance areas of the regional office. It bears stressing that Section 11.2.1 of the IRR-A expressly provides that the legal, administrative, or finance areas of the procuring entity shall, *to the extent possible*, be represented in the BAC. Implicitly, if it is not feasible, the law allows regular members to represent other areas

of the office, on the condition that they should at least be third (3rd) ranking permanent personnel.

This opinion is being rendered based on the facts and particular circumstances as represented.

We hope to have clarified the matter. Should you have additional questions please do not hesitate to contact us.

Very truly yours,



RUBY U. ALVAREZ
Executive Director III