



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

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ATTY. ARCHIE FRANCISCO F. GAMBOA

Police Senior Superintendent

PHILIPPINE NATIONAL POLICE (PNP)

NATIONAL HEADQUARTERS (NHQ)


Camp Crame, Quezon City

Re: Creation of Sub-Bids and Awards Committee (BAC)

Dear PSSupt Gamboa:

We respond to your letter, which we received on 27 February 2013, requesting for guidance/legal opinion on the proposal of the PNP NHQ to create five (5) PNP NHQ sub-Bids and Awards Committees (sub-BACs). Specifically, you pose the following queries:

- I. Whether the PNP may establish one main PNP NHQ BAC and 5 PNP NHQ sub-BACs organized according to the nature of procurement¹
 - A. If allowed:
 1. What will be the relationship between the PNP NHQ BAC and the 5 PNP NHQ sub-BACs?
 2. Are the six (6) BACs considered decentralized committees?
 3. Does the Chairman of the PNP NHQ BAC has the authority to direct, control and supervise the 5 PNP NHQ sub-BACs in the performance of their respective functions?
 - B. If not allowed:
 1. May the PNP establish 5 separate PNP NHQ BACs according to the nature of procurement without a main PNP NHQ BAC?
 2. Are the 5 separate PNP NHQ BAC considered decentralized committees?

For your guidance, Section 11.1.1 of the revised Implementing Rules and Regulations (IRR) of Republic Act (RA) No. 9184 provides in part that each Procuring Entity (PE) shall establish a single BAC to undertake the functions specified in Section 12 of the IRR. The rationale for encouraging a single BAC is to facilitate professionalization of procedures and standards, as well as promote a streamlined procurement process that will uniformly apply to all government procurement.² Nonetheless, the Head of the Procuring Entity (HOPE) may 

¹ Sub-committees on (1) Mobility; (2) Firepower; (3) IT and Communication; (4) Investigative/ISO/Anti-Terrorism and Other Equipment; and (5) Infrastructure.

² NPM No. 20-2009 dated 25 March 2009.

create separate BACs if warranted by the number and complexity of the items to be procured to expedite the procurement process for practical intents and purposes. The BACs may be organized either according to (a) geographical location of the Project Management Office or end user units of the PE; or (b) by nature of procurement.³ Considering the foregoing, we wish to inform you that your first proposal for the creation of 5 sub-BACs to be placed under a main PNP NHQ BAC is not in compliance with the requirements under RA 9184 and its IRR. The acceptable BAC composition is your second proposal as it is consistent with Section 11 of the IRR. Under the procurement rules, the establishment of 5 separate BACs according to the nature of procurement without having a main BAC in the PNP NHQ is allowed.

In addition, Section 11.1.2 of the IRR of RA 9184 provides that similar committees for decentralized and lower level offices may be formed when deemed necessary by the HOPE. Although this provision allows the creation of decentralized BACs, this is not the same situation contemplated by the PNP as the intended BACs are not geared towards its decentralized and lower level offices. Moreover, the formation of 5 separate BACs will still be accountable to a sole HOPE in the PNP NHQ, which means that each BAC may not be considered a decentralized committee.

Based on the foregoing, we are of the view that the PNP NHQ may proceed to establish 5 separate BACs with the composition of the BAC members subject to the qualifications under Section 11.2.2 of the IRR of RA 9184. Considering that the 5 PNP NHQ BACs will be headed by a single HOPE, they are not deemed decentralized committees pursuant to Section 11.1.2 of the IRR.

We hope that our advice provided sufficient guidance on the matter. Please note that this opinion is being rendered on the basis of the facts and particular situation presented, and may not be applicable given a different set of facts and circumstances. Should you have additional questions, please do not hesitate to contact us.

Very truly yours,


DENNIS S. SANTIAGO
Executive Director III

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³ Section 11.1.2 of the IRR of RA.