



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

NPM No. 95-2013

20 December 2013

MR. RUFINO MALICAY
MINDANAO STATE UNIVERSITY
Sinsuat, Maguindanao

Re: BAC “Permanent” Position

Dear Mr. Malicay:

We refer to your letter dated 19 November 2013, which we received 22 November 2013, reporting an alleged violation of Republic Act (RA) No. 9184 committed by the Chancellor of Mindanao State University – Maguindanao when she designated her Executive Assistant as Chairperson of the Bids and Awards Committee (BAC).

It is represented that the Chancellor appointed her Executive Assistant, Ms. Sophia Maguid, who is allegedly not holding a “permanent” position, as the BAC Chairperson in violation of Section 11 of RA No. 9184 and its revised Implementing Rules and Regulations (IRR).

Please be advised that a procuring entity’s compliance with the ranking requirement under Section 11.2.2 of RA 9184 and its IRR for its BAC composition and membership is based on the term “permanent”, which is defined as referring to a *plantilla* position within the procuring entity concerned. In several Non-Policy Matter opinions, we have time and again clarified that the term “permanent”, as defined in the above-mentioned Section of the IRR, 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

In this regard, the Head of the Procuring Entity 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.

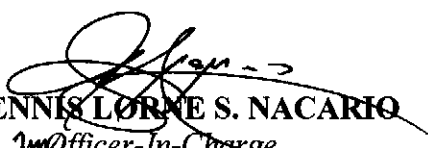
Based on the foregoing, it is our view that the Executive Assistant to the Chancellor may be appointed as BAC Chairperson provided that she is occupying a *plantilla* position

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

that is at least third ranking within the organizational structure of Mindanao State University and is not a designated approving authority.

We hope that this opinion 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 you have other concerns, please do not hesitate to contact us.

Very truly yours,


DENNIS LORNE S. NACARIO
Officer-In-Charge

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