



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

NPM No. 104-2012

17 August 2012

MR. TOMAS M. OSIAS
Executive Director
COMMISSION ON POPULATION (POPCOM)
Welfareville Compound
City of Mandaluyong

Re: Designation and Composition of Bids and Awards Committee Members

Dear Executive Director Osias:

We respond to your letter dated 18 July 2012 inquiring on whether Ms. Cresencia D. Masigan, Division Chief of the Finance Services Division, can be designated as regular member of the Bids and Awards Committee (BAC) of the POPCOM without any legal impediment.

As Head of the Procuring Entity (HOPE), you are planning to designate Ms. Cresencia D. Masigan, Division Chief of the Finance Services Division, as a regular member of the POPCOM-BAC.

Pursuant to Section 11.2.2 of the Revised Implementing Rules and Regulations (IRR) of RA 9184, the BAC should be composed of at least three (3) regular members and at least two (2) provisional members. The regular members, other than the BAC Chairman, should be at least a fifth ranking permanent official within the procuring entity.

As we have previously opined, the "third" and "fifth" ranking permanent officials mentioned in said Section, refer to *plantilla* positions within the approved organizational structure of the procuring entity concerned.² Thus, it is necessary that the position of Division Chief of the Finance Service Division occupied by Ms. Cresencia D. Masigan should be at least a fifth ranking *plantilla* position in POPCOM.

In line with this, we wish to point out that although the Commission on Audit (COA) Circular 2003-04⁴ prohibits the Chief Accountant and the personnel of the Accounting Unit of any agency of government from being regular members of the agency's BAC, we wish to emphasize that such prohibition does not extend to finance personnel who are not considered personnel of the Accounting Unit. Thus, an officer, from the finance area of the procuring entity can be designated as a regular BAC member provided that she is not concurrently the

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²Government Procurement Policy Board Non-Policy Matter Opinion 28-2012, dated 27 March 2012.

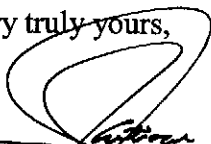
⁴"Prohibition for the Chief Accountant and personnel of accounting units to be regular members of the Bids and Awards Committee", dated 30 July 2003.

Chief Accountant, or a personnel of the Accounting Unit of the procuring entity.

In view of the foregoing, we are of the view that you may designate Ms. Crescencia D. Masigan, being the Division Chief for the Finance Service Division, as a regular member of the POPCOM's BAC if the position she is occupying is at least a fifth ranking *plantilla* position and she is not concurrently the Chief Accountant or a personnel of the Accounting Unit. On the other hand, if she is concurrently the Chief Accountant or personnel of the Accounting Unit of the POPCOM, she may nevertheless be appointed as a provisional member of the BAC when the Accounting Unit is the end-user.

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 circumstances presented and may not apply to 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 