

TECHNICAL SUPPORT OFFICE

Unit 2506 Raffles Corporate Center,
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Pasig City, Philippines 1605

NPM No. 18-2008

2 September 2008

MR. GERARDO S. TIZON

Managing Director

Human Resources Sub-sector and

Head, Human Resources Development Department

BANGKO SENTRAL NG PILIPINAS

A. Mabini St., Malate 1004 Manila

Re : Bids and Awards Committee

Dear Mr. Tizon:

We respond to your letter dated 30 June 2008 requesting clarification on whether or not it is legally feasible for the Bangko Sentral ng Pilipinas (BSP) to set the structure and create *plantilla* positions for its Bids and Awards Committee (BAC) members thereby reassigning BSP officials thereto on a permanent basis. You further request, in the alternative, other possible options by which the BSP can operationalize a BAC that could devote sufficient attention to its work.

Based on your representations, the ad hoc BAC in the BSP main office is composed of bank officials holding full-time positions who were designated by the BSP Governor to perform BAC duties in addition to their regular workload. It is further represented that due to limitations on their availability, the BAC members are able to meet only once a week, thus, the number of pending requisitions tends to accumulate.

We understand your concerns on the matter. Please be advised, however, that the creation of *plantilla* positions for the BAC on a permanent basis is not sanctioned under Republic Act No. 9184. Under said law and its Implementing Rules and Regulations Part A (IRR-A), the members of the BAC shall have a fixed term of one (1) year reckoned from the date of appointment, renewable at the option of the Head of the Procuring Entity (HOPE). This ad hoc structure of the BAC is further elucidated in the Generic Procurement Manual (Guidelines on the Establishment of Procurement Systems and Organizations, Volume I). Hence, the appointment of BAC members is in the nature of *designation*, in addition to their regular duties, and not an appointment contemplated under the Civil Service law and rules.

Moreover, although Section 14 of R.A. 9184 specifically provides that the HOPE may designate an existing organic office within the agency to serve as BAC Secretariat, no similar provision exists for the BAC. Clearly then, if it were the intent

of the legislators to extend the designation of an organic office to the BAC, then it would have specifically done so.

In the alternative, BSP may want to consider the following:

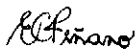
- 1) Creation of two (2) or more BACs under any of the following conditions:
 - a. The items to be procured are complex or specialized; or
 - b. If, even after undergoing "jury duty", the single BAC cannot manage the procurement transactions as shown by delays beyond the allowable limits.

Thus, a Procuring Entity may have separate BACs in its regional or decentralized offices (when warranted according to above conditions) and/or separate BACs in the central office to handle procurements of ICT resources, infrastructure projects, textbooks, and other specialized procurements¹.

- 2) Permissible delegation of selected regular functions of bank officials while they are performing "jury duty" BAC functions.

We trust that this clarifies matters. Should you have additional questions, please do not hesitate to contact us.

Very truly yours,


EMILUISA C. PEÑANO
Officer-in-Charge

¹ Page 14, Generic Procurement Manual, Volume I