

NPM No. 20-2009

25 March 2009

HON. CONSUELO S. PEREZ

HCDG Commissioner

COMMISSION ON INFORMATION AND COMMUNICATIONS TECHNOLOGY

CICT-NCC Building, Carlos P. Garcia Avenue,
Diliman, Quezon City

Re: Establishment of a Bids and Awards Committee

Dear Commissioner Perez:

We refer to your letter dated 25 February 2009 inquiring whether the proposed establishment of an integrated Bids and Awards Committee (BAC) for the Commission on Information and Communications Technology (CICT) and National Computer Center (NCC), conflicts with any of the provisions of Republic Act No. 9184 (R.A. 9184) and its Implementing Rules and Regulations Part A (IRR-A).

Based on your representations, the proposed integrated BAC is necessary to maximize currently available resources. Further, you state that NCC is now under the CICT by virtue of Executive Order (E.O.) No. 269. Relative thereto, a perusal of said E.O. shows that the Chairman of the CICT is given direct supervision and control over the NCC as a transferred agency, among others.¹

Please be advised that the existing policy under R.A. 9184 and its IRR-A is that each procuring entity is mandated to establish a single BAC in its head office. 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.

It is only in exceptional cases where the number and complexity of the items to be procured shall so warrant may the head of the procuring entity (HOPE) create separate BACs in order to expedite the procurement process. The BAC may be organized either according to: (a) geographical location of PMO or end-user units of the procuring entity; or (b) nature of procurement. Similar committees for decentralized and lower level offices may also be formed when deemed necessary by the HOPE. (Section 11.1 of the IRR-A of R.A. 9184)

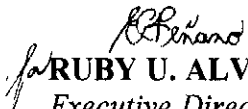
¹ Section 5, Executive Order No. 269, 12 January 2004.

From the foregoing, it is clear that, as a general rule, the creation of a single BAC for every procuring entity is highly encouraged as it promotes professionalization and streamlining of procedures and standards. On the other hand, the establishment of separate BACs for decentralized and lower level offices, as an exception, is within the discretion of the HOPE.

Thus, as may be determined/approved by the HOPE of the CICT, the establishment of an integrated BAC for CICT and NCC, with the latter being subsumed in the former, does not contravene any of the provisions of R.A. 9184 and its IRR-A.

We trust that the foregoing sufficiently addresses your concerns. Should you have any additional question/s, please do not hesitate to contact us.

Very truly yours,


for **RUBY U. ALVAREZ**
Executive Director III