



NPM No. 21-2009

25 March 2008

MS. LORNA M. SALES
Director, Plans Review and Monitoring Office
NATIONAL COMPUTER CENTER
COMMISSION ON INFORMATION AND COMMUNICATION TECHNOLOGY
Carlos P. Garcia Avenue, UP Campus, Diliman, Quezon City

Re : Composition of the Bids and Awards Committee

Dear Dir. Sales:

This refers to your letter dated 17 March 2009, requesting for clarification on whether the Director for Administration and Finance, who is a third (3rd) rank officer and is responsible for the groups on: (i) Human Resource Management and Development, (ii) Financial Management and (iii) the Logistics Management and Services, can be designated as a Chairman of the Bids and Awards Committee (BAC) and/or a BAC regular member.

Section 11.2.1 of the Implementing Rules and Regulations Part A (IRR-A) of Republic Act No. 9184 (R.A. 9184), provides for the composition and qualifications of regular BAC members for national government agencies, departments, bureaus, offices or instrumentalities of the government, including the judiciary and legislative branches, constitutional commissions, state universities and colleges, government owned and controlled corporations, and government financial institutions, as follows:

Regular Members

1. Chairman, who is at least a third (3rd) ranking permanent official of the procuring entity;
2. An officer, who is at least a fifth (5th) ranking permanent official, with knowledge, experience and/or expertise in procurement who, to the extent possible, represents the legal or administrative area of the procuring entity, provided that in the case of bureaus, regional offices and sub-regional/district offices, BAC members shall be at least a third ranking permanent personnel;
3. An officer, who is at least a fifth (5th) ranking permanent official, with knowledge, experience and/or expertise in procurement who, to the extent possible, represents the finance area of the procuring entity, provided that in

case of bureaus, regional offices and sub-regional/district offices, BAC members shall be at least a third ranking permanent personnel.

The aforesaid provision is reiterated under Volume I of the Generic Procurement Manuals (GPM) – Guidelines on the Establishment of Procurement Systems and Organizations, dated June 2006. The GPM also provides that only the following officials are disqualified from membership in the BAC :

- the Head of the Bureau / Regional Office / Decentralized Unit;
- the official who approves procurement transactions;
- the Chief Accountant / Head of the Accounting Unit and his/her staff, unless the Accounting Department is the end-user unit, in which case the Chief Accountant, Head of the Accounting Department or his/her staff may be designated as an end-user member. (COA Circular 2003 – 004, dated 30 July 2003).

It is clear from the foregoing that the Head of the Procuring Entity may designate the Director for Administration and Finance either as a BAC Chairperson or BAC regular member, provided that, he or she possesses all the eligibility/qualification requirements, and none of the grounds for disqualification from membership in the BAC, as enunciated above.

We trust that this clarifies matters. Should you have any additional questions, please feel free to contact us.

Very truly yours,


/s/ **RUBY U. ALVAREZ**
Executive Director III