

**NPM No. 24-2009**

22 May 2009

**MR. NESTOR O. JARDIN**  
*President*  
**CULTURAL CENTER OF THE PHILIPPINES (CCP)**  
Roxas Boulevard, Pasay City

Dear Mr. Hardin:

This has reference to your letter, dated 3 March 2009, seeking approval from Hon. Rolando G. Andaya, Jr. as Chairman of the Government Procurement Policy Board (GPPB), to allow the appointment of any official occupying a third-ranking permanent *plantilla* position regardless of status of employment, to sit as Chairman of the Bids and Awards Committee (BAC) of the Cultural Center of the Philippines.

As provided under Section 11.2.2 of the Implementing Rules and Regulations Part – A (IRR-A) of Republic Act No. 9184 (R.A. 9184), the term “permanent” refers to a *plantilla* position within the procuring entity concerned. It does not qualify whether the *plantilla* position should be contractual, regular, or appointed; rather, the concern specifically refers to whether the position exists within the organizational structure of the procuring entity. Section 11.2.1 of the IRR-A of R.A. 9184 specifically provides:

National Government agencies, departments, bureaus, offices, or instrumentalities of the Government, including the judiciary and legislative branches, constitutional commissions, SUCs, GOCCs, and GFIs:

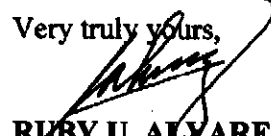
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The member of the BAC, including the Chairman and the Vice-Chairman, shall be designated by the head of the procuring entity. Moreover, the Vice-Chairman shall be a regular member of the BAC. For purposes of this IRR-A, the term “permanent” shall refer to a *plantilla* position within the procuring entity concerned. (Emphasis supplied)

For this reason, any person holding a position existing within the organizational structure of the procuring entity possessing the required ranking may be designated as regular BAC member, subject to disqualifications provided by law. The determining factor for regular membership in the BAC is not the employment status of the person but the position he is holding. For this reason, we believe that any other Department Manager, who is a third-ranking official and permanent *plantilla* holder, may be designated as Chairperson of the BAC.

We trust this clarifies matters.

Very truly yours,



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



TECHNICAL SUPPORT OFFICE

Ma'am Emmie,

For review po.

FN: CCP.3.3.2009

Thank you. !!

Atty. Hycen,

Pr. Finalize - (NPM)

hycen

7/4/09

MR. NESTOR O. JARDIN

President

CULTURAL CENTER OF THE PHILIPPINES (C

Roxas Boulevard, Pasay City

Dear Mr. Hardin:

This pertains to your letter, dated 3 March 2009, addressed to Hon. Rolando G. Andaya, Jr. as Chairman of the Government Procurement Policy Board (GPPB), requesting approval for your good office to allow the appointment as Chairman of the Bids and Awards Committee (BAC), of any official occupying a third-ranking permanent *plantilla* position, regardless of the status of employment, i.e., permanent, temporary, Officer-in-Charge, or on an acting capacity.

As provided under Section 11.2.1 of IRR-A of R.A. 9184, the term "permanent" shall refer to a *plantilla* position within the procuring entity concerned. The term "permanent" does not refer to whether the person holding the *plantilla* position is contractual, regular, or appointed; rather, the concern specifically refers to whether the position exists within the organizational structure of the procuring entity or not. Section 11.2.1 of IRR-A of R.A. 9184 specifically provides, as follows:

National Government agencies, departments, bureaus, offices, or instrumentalities of the Government, including the judiciary and legislative branches, constitutional commissions, SUCs, GOCCs, and GFIs:

x x x x

The member of the BAC, including the Chairman and the Vice-Chairman, shall be designated by the head of the procuring entity. Moreover, the Vice-Chairman shall be a regular member of the BAC. For purposes of this IRR-A, the term "permanent" shall refer to a *plantilla* position within the procuring entity concerned. (Emphasis supplied)

For this reason, any person holding a position existing within the organizational structure of the procuring entity and possesses the required ranking may be designated as regular BAC member, subject to disqualifications provided by law. The determining factor for regular membership in the BAC is not the employment status of the person but the position he is holding. For this reason, we believe that any other Department

Manager, who is a third-ranking official and permanent *plantilla* holder, may be designated as Chairperson of the BAC.

We trust this clarifies matters.

Very truly yours,

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



Cultural Center of the Philippines  
SENTRO'NG PANGKULTURA NG PILIPINAS

Atty. Glynis,  
Pls. draft reply.

M. J.  
3/10/09

DEPARTMENT OF BUDGET AND FINANCIAL MANAGEMENT GOVERNMENT PROCUREMENT POLICY BOARD TECHNICAL SUPPORT OFFICE	
<b>RECEIVED</b>	
DATE: 3/13/09	BY: [Signature]

March 3, 2009

HON. ROLANDO G. ANDAYA, JR  
Chairman, Government Procurement Policy Board  
Unit 2506, Raffles Corporate Center  
F. Ortigas Jr. Road, Ortigas Center  
Pasig City

Enrico,  
Pls. handle. Signed on  
my behalf. Rf 3/17/09

Dear Chairman Andaya:

We are writing this letter to request clarification on the issue of BAC Chairmanship as provided for in Sec.11.2.1 of the IRR-A of R.A. 9184 which specifies that the Chairman should be **at least a third ranking permanent official of the procuring entity**.

As you know, the CCP has been religiously complying with the provision of R.A. 9184 as far as BAC Chairmanship is concerned. In fact, because of our strict interpretation of the same provision specifically on the term "**permanent official**", we were constrained to limit our designation to only two(2) Department Managers( on a rotation basis) who are holders of *permanent appointments*, to chair the BAC . However, we strongly believe that it would be for the best interest of this institution if we could designate as BAC Chairman other Department Managers who are holders of permanent plantilla, but whose appointments are not necessarily permanent.

For your better appreciation of the issue at hand, may we refer you to your NPM 084-2007 dated December 27, 2007 which we believe serves as a precedent case. The opinion clearly states that "*the term permanent as mentioned in Sec.11.2.1(5) of the IRR-A of R.A.9184 shall refer to a plantilla position within the procuring entity concerned . Hence, it says that if the position of a Municipal Administrator (co-terminus appointee) is found in the plantilla of the agency, the person holding the same maybe elected Chairman of the BAC under R.A. 9184.*"

Inasmuch as the aforementioned opinion relates "*permanent*" to plantilla position and not as to the status of appointment , may we request therefore for your approval that we be allowed to appoint as BAC Chairman any officer or employee who is occupying Department Manager III position (3<sup>rd</sup> ranking permanent plantilla), regardless of his status of appointment as to whether he is permanent, temporary, Officer-in-Charge, or on an acting capacity.

Your favorable action on this request shall be highly appreciated.

Very truly yours,



NESTOR O. JARDIN  
President