



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

**NPM No. 35-2011**

28 December 2011

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*Co-Chairmen*  
**CAC-BBC-LAIKO GOVERNMENT PROCUREMENT**  
**MONITORING PROJECT COMMITTEE**


**Re: Bids and Awards Committee Chairmanship in the Philippine Army**

Dear Sirs:

We refer to your letter dated 23 November 2011 seeking clarification on whether an official of the Philippine Army with the rank of colonel can be appointed to serve as chairman of the Bids and Awards Committee (BAC) of the Philippine Army Headquarters.

Pertinent to your query is the definition of the term “permanent” as found in Section 11.2.2 of Republic Act No. 9184 (RA 9184) and its revised Implementing Rules and Regulations (IRR). The term “permanent” refers to a *plantilla* position within the procuring entity concerned. As we have previously opined: “[i]t 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.”<sup>1</sup>

For this reason, any person who is holding or is designated to hold a *plantilla* position existing within the organizational structure of the procuring entity possessing the required ranking may be designated as BAC Chairman subject to the disqualifications provided by law.

Consistent with NPM No. 24-2009, the determining factor for chairmanship in the BAC is not the military rank of the army officer concerned but the *plantilla* position within the Philippine Army Headquarters he is holding. Although the Philippine Army Colonel ranks fifth in the Philippine Army’s chain of command, this is not the “rank” contemplated by RA 9184 and its IRR. The requirement of “third ranking permanent official of the procuring entity” refers to a *plantilla* position within the procuring entity and not to the ranks in the chain of command in the Philippine Army. 

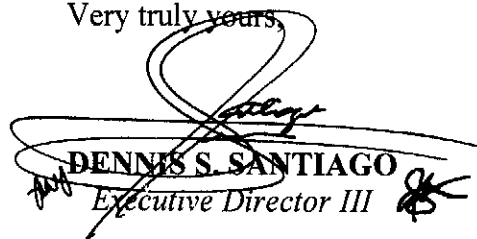
<sup>1</sup> See Government Procurement Policy Board (GPPB) NPM No. 24-2009 dated 22 May 2009.

Hence, a Philippine Army Colonel, despite being fifth ranking under the Philippine Army's chain of command, may be designated as BAC Chairman if he/she is occupying a third ranking *plantilla* position within the Philippine Army.

We hope that our advice sufficiently addresses your concern. We wish to stress that this opinion is being rendered on the basis of the facts and particular circumstances as presented.

Should you have additional questions, please do not hesitate to contact us.

Very truly yours,



**DENNIS S. SANTIAGO**  
*Executive Director III*

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