



NPM No. 47-2007

13 August 2007

MR. DANTE B. MALBAS
Officer-in-Charge, Administrative Division
OPTICAL MEDIA BOARD
No. 35 Scout Limbaga St.
Brgy. Laging Handa, Quezon City 1103

Re: Qualification of the Chairman of the Bids and Awards Committee

Dear Mr. Malbas:

We respond to your letter dated 26 February 2007 seeking clarification on whether your designation as the Bids and Awards Committee (BAC) Chairman is in accordance with the provisions of Republic Act (R. A.) No. 9184 and its Implementing Rules and Regulations Part A (IRR-A). We understand from your letter that you are presently the Officer-in-Charge of Administrative Division of the Optical Media Board (OMB).

For agencies, departments, bureaus, offices or instrumentalities of the National Government, the BAC Chairman should be at least a third ranking permanent official (Section 11.2.1, IRR-A). The term "permanent" refers to a *plantilla* position within the procuring entity concerned (*Ibid.*). According to the Personnel Services Itemization of the Department of Budget and Management (DBM), *plantilla* refers to the list of positions authorized to be created by the DBM (GPPB NPM Opinion No. 18-2006 dated 08 November 2006). The term "permanent" does not refer to whether the person holding the *plantilla* position is contractual, regular, designated or appointed; rather, it is whether said position is included in the list of authorized positions created by DBM or existing within the organizational structure of the procuring entity (GPPB NPM Opinion No. 025-2004 dated 08 March 2004).

Based on the foregoing, any person holding a position existing within the organizational structure of the procuring entity and who possesses the required ranking may be designated as BAC Chairman. The determining factor for regular membership in the BAC is not the employment status of the person but the position he is holding (*Ibid.*).

This Office, therefore, opines that notwithstanding your employment status as Officer-in-Charge of the Administrative Division, as long as such position is considered as a

third ranking position in the approved organizational structure of the OMB, you may be validly designated as the BAC Chairman.

We hope to have clarified the matter. Should you have additional questions please do not hesitate to contact us.

Very truly yours,



RUBY U. ALVAREZ
Executive Director III