

REPUBLIC OF THE PHILIPPINES  
**GOVERNMENT PROCUREMENT POLICY BOARD**  
**Technical Support Office**  
*Mezzanine 125, Mabini Hall, Malacañang, Manila*  
*Telefax Nos. (02) 735-4962; (02) 736-5758*

---

**NPM No. 058-2004**

April 30, 2004

**MS. MARIETTA A. AVELLANO**  
Municipal Budget Officer  
Office of the Municipal Budget Officer  
Municipality of Infanta  
Province of Quezon

**Re : Designation of Municipal Treasurer as Member of the Bids and Awards Committee**

Dear Ms. Avellano:

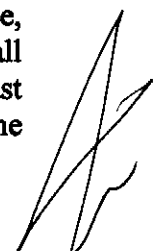
This refers to your letter dated January 6, 2004, addressed to Executive Director Estanislao C. Granados Jr. of the Department of Budget and Management – Procurement Service, which was referred to our office on January 14, 2004, requesting for clarification on whether the Municipal Treasurer may be designated as member of the Bids and Awards Committee (“BAC”). The sole issue therefore is as follows:

Whether or not the Implementing Rules and Regulations Part A (“IRR-A”) of Republic Act 9184 (“R.A. 9184”) prohibits the Local Chief Executive from designating the Municipal Treasurer or a representative of the Office of the Municipal Treasurer as member of the BAC.

**Municipal Treasurer Designated as BAC Member**

Section 11.2.2 of the IRR-A of R.A. 9184 provides for the composition of the BAC for Local Government Units, to wit:

The BAC shall be composed of one (1) representative each from the regular offices under the Office of the Local Chief Executive such as, but not limited to, the following: Office of the Administrator, Budget Office, Legal Office, Engineering Office, General Services Offices. The end user office shall always be represented in the BAC. The Chairman of the BAC shall be at least a third ranking permanent official of the procuring entity. The members of the



BAC shall be personnel occupying *plantilla* positions of the procuring entity concerned.

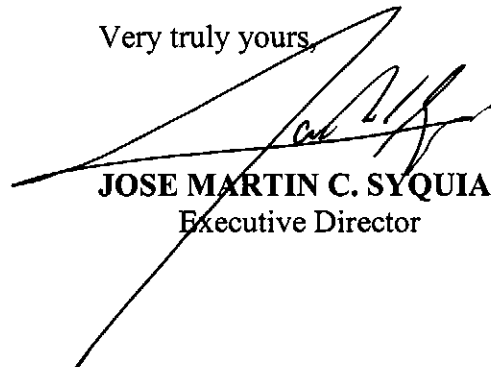
The phrase "such as, but not limited to" in the above-mentioned section implies that the enumeration provided therein is not exclusive. As such, although the Office of the Treasurer was not specifically mentioned, the Local Chief Executive may designate one representative each, not only from the offices mentioned above but also from other regular offices under the Office of the Local Chief Executive.

Moreover, it should be noted that in clarifying Section 11.2.2 of the IRR-A of R.A. 9184 during the 7<sup>th</sup> meeting of the Government Procurement Policy Board ("GPPB"), held on December 11, 2003, the GPPB was of the view that the budget officer and the treasurer may be designated by the head of the procuring entity as members of the BAC considering that there is no clear conflict of interest unlike in the case of the Chief Accountant and all accounting personnel, who are then prohibited from being designated as BAC member under Commission on Audit Circular 2003-004, dated July 30, 2003.

In fine, we are of the opinion that the IRR-A of R.A. 9184 does not prohibit the Local Chief Executive from designating the Municipal Treasurer or a representative from the Office of the Municipal Treasurer as member of the BAC.

We trust that this clarifies matters.

Very truly yours,



**JOSE MARTIN C. SYQUIA**  
Executive Director