



TECHNICAL SUPPORT OFFICE

Unit 2506 Raffles Corporate Center
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Pasig City, Philippines 1605

NPM No. 71-2007

3 December 2007

ATTY. DULCE G. HILARIO-REBANAL

City Administrator

CITY OF SANTA ROSA

Province of Laguna

Re : **Removal of a Member of the Bids and Awards Committee
and Creation of a Technical Working Group**

Dear Atty. Hilario-Rebanal:

We refer to your letter dated 25 October 2006 requesting for opinion on the following issues:

- (1) Whether or not the members of the Bids and Awards Committee (BAC) may be removed before the lapse of the one (1) year term; and
- (2) Whether or not the head of the procuring entity may create and form the BAC's Technical Working Group (TWG).

Removal of a Member of the Bids and Awards Committee

The term "permanent" refers to a *plantilla* position within the procuring entity concerned pursuant to Section 11.2.1, Implementing Rules and Regulations Part A (IRR-A) of Republic Act No. 9184 (R. A. 9184). According to the Personnel Services Itemization or *Plantilla* of Personnel of the Department of Budget and Management (DBM), *plantilla* refers to the list of positions authorized to be created by the DBM.¹ The term "permanent" does not refer to whether the person holding the *plantilla* position is contractual, regular, designated or appointed; rather, the concern specifically refers to whether said position is included in the list of authorized positions created by DBM as well as whether said position is existing within the organizational structure of the procuring entity.²

¹ GPPB NPM Opinion No. 18-2006 dated 08 November 2006.

² GPPB NPM Opinion No. 25-2004 dated 08 March 2004.

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 a regular BAC member. The determining factor for regular membership in the BAC is not the employment status of the person but the position he is holding.

The members of the BAC shall have a fixed term of one (1) year from the date of designation unless sooner removed for a cause. A member may be suspended or removed for justifiable cause.³

The provision explicitly provides that suspension or removal of a BAC member must be based on justifiable grounds so as not to abuse the authority granted to the head of the procuring entity under the law.

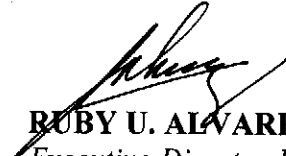
Creation of the TWG

Under Section 12 of R. A. 9184 and its IRR-A, one of the functions of the BAC is the creation of a TWG from a pool of technical, financial and/or legal experts to assist in the procurement process.

However, the head of the procuring entity is not prohibited from creating the TWG to increase operational efficiency and effectiveness and to consolidate and unify procurement activities of the organization.⁴

We trust that this clarifies matters. Should you have additional questions, please do not hesitate to let us know.

Very truly yours,



RUBY U. ALVAREZ
Executive Director III

³ Section 11 of R. A. 9184 provides:

“Unless sooner removed for a cause, the members of the BAC shall have a **fixed term of one (1) year reckoned from the date of appointment**, renewable at the discretion of the head of the procuring entity. x x x **For justifiable causes, a member shall be suspended or removed by the head of the procuring entity.**” (Emphasis supplied)

⁴ Section 16.3, IRR-A.