

NPM No. 005-2019

18 March 2019

ATTY. DATU REZA C. SINSUAT
Attorney V
Southern Philippines Development Authority
Manila Liaison Office
<spdamlo308@gmail.com>

Re: Creation of Additional Bids and Awards Committees

Dear Atty. Sinsuat:

This refers to your letter¹ seeking clarification as regards the validity of creating two (2) additional Bids and Awards Committees (BACs), each for the Administrator's Office in Manila and Business Center in Koronadal City.

In this regard, we refer you to Section 11.1.2 of the 2016 revised Implementing Rules and Regulations (IRR) of Republic Act (RA) No. 9184², which provides that "[t]o expedite the procurement process for practical intents and purposes, the HoPE may create separate BACs where the number and complexity of the items to be procured shall so warrant. The BACs may be organized either according to: (a) geographical location of PMO or end-user or implementing units of the Procuring Entity; or (b) nature of procurement. Similar committees for decentralized and lower level offices may also be formed when deemed necessary by the HoPE."

Applying the foregoing, the Southern Philippines Development Authority may validly create separate BACs if the reason therefor is to hasten the procurement process given the number and complexity of the procurement projects being or to be undertaken by it. Moreover, the several BACs to be organized should be based on either geographical location or end-user of implementing unit. The determination of the concurrence of these elements appropriately rest on the Head of the Procuring Entity (HoPE) as afore-cited. The Government Procurement Policy Board-Technical Support Office cannot supplant, through the issuance of an opinion, the exercise of discretion legally imposed upon another entity or body, in this case the HoPE.

The above opinion was made on the basis of the particular facts presented and circumstances availing, and may not, therefore, be applicable given a different set of facts and circumstances.

We hope to have sufficiently clarified the matter at hand.

Sincerely yours,


ROWENA CANDICE M. RUIZ
Executive Director V


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¹ Dated 20 June 2018 and received on 27 June 2018.

² Entitled "Government Procurement Reform Act."