



Republic of the Philippines
GOVERNMENT PROCUREMENT POLICY BOARD
TECHNICAL SUPPORT OFFICE



NPM No. 01-2016

18 March 2016

[REDACTED]

Re: Separate Bids and Awards Committees (BACs)

Dear [REDACTED]

This refers to your letter requesting guidance on establishing separate BACs in the procurement of Goods, Consulting Services, and Infrastructure Projects.

As represented, MUST is a State University created by Republic Act (RA) No. 9519. The main campus is located in Cagayan de Oro City while three (3) satellite campuses are situated in different areas within the provinces of Misamis Oriental and Misamis Occidental. MUST established a single BAC to cater to the procurement needs of all its campuses, which amount to an annual average of Four Hundred Million Pesos (PhP400 million) for the past three (3) years. Due to the heavy workload experienced by the BAC, MUST has experienced setbacks in its procurement activities. In order to remedy the situation, MUST plans to create two (2) separate and distinct BACs for all its campuses. The first BAC shall be responsible for the procurement of Goods and Consulting Services, while the second BAC shall be for the procurement of Infrastructure Projects. Hence this request.

Section 11.1.1 of the revised Implementing Rules and Regulations (IRR) of RA 9184 provides that “[c]ach procuring entity shall establish in its head office a single BAC to undertake the functions specified in Section 12 of this IRR in order to facilitate professionalization and harmonization of procedures and standards.” Section 11.1.2 of the IRR, on the other hand, provides that, “[t]o expedite the procurement process for practical intents and purposes, the Head of the Procuring Entity may create separate BACs where the number and complexity of the items to be procured shall so warrant. The BAC may be organized either according to: (a) geographical location of PMO or end-user units of the procuring entity; or (b) by nature of procurement.” In terms of the number of members in the BAC, Section 11.2.1 of the IRR provides that the HOPE shall designate at least five (5) but not more than seven (7) members of unquestionable integrity and procurement proficiency to the BAC.¹

In view of the foregoing, MUST has the prerogative and authority to establish separate BACs upon determination that creation of separate BACs according to the nature of procurement, or geographical location, is necessary to expedite its procurement process. Similarly, MUST, in creating separate BACs, shall designate at least five (5) but not more

¹ NPM No. 26-2013, dated 27 March 2013.

than seven (7) members for each BAC subject to the qualification requirements for such members provided in the IRR of RA 9184.

We hope that this opinion issued by the GPPB-TSO provided sufficient guidance on the matter. Note that this is issued on the basis of particular facts and situations presented, and may not be applicable given a different set of facts and circumstances. Should there be other concerns, please do not hesitate to contact us.

(sgd.)

~~DENNIS S. SANTIAGO~~
Executive Director V

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