

**NPM No. 138-2016**

29 December 2016



**Re: Authority of the Bids and Awards Committee (BAC) Secretariat to Sign Documents**

Dear [REDACTED]:

This refers to your electronic mail (e-mail) requesting our opinion on whether the BAC Secretariat can sign documents on behalf of the BAC Chairperson, in case of the latter's absence; and if so, who will give the proper authorization.

We wish to inform you that in a previous opinion<sup>1</sup>, we had the occasion to discuss the signing authority of the BAC Secretariat as regards procurement-related documents, thus:

“[T]he BAC Secretariat provides administrative assistance to the BAC and acts as the central channel of communication for all public procurement stakeholders. In the performance of these functions, the BAC Secretariat Head may be called upon to sign procurement-related documents. However, considering that the act of signing a document purports approval of or consent to the contents of such document, the authority of the BAC Secretariat Head to sign procurement-related documents should be confined to those that are within the scope of its duties and responsibilities under Republic Act (RA) No. 9184 and its revised Implementing Rules and Regulations (IRR), and should exclude those that require the exercise of discretion, consent or approval on matters under the jurisdiction of a different authority.”

We also note that under Section 11.2.3 of the 2016 Revised IRR of RA 9184<sup>2</sup>, the Head of the Procuring Entity (HoPE) shall designate the Chairperson and Vice-Chairperson of the BAC. Considering that the BAC Vice-Chairperson acts as the Chairperson, during the absence of the originally designated Chairperson, it would be more prudent to request the Vice-Chairperson to sign the documents when acting as BAC Chairperson.

In this regard, we emphasize our view that the authority of the BAC Secretariat, particularly its Head, to sign procurement-related documents should be confined to those that

<sup>1</sup> NPM No. 66-2013 dated 27 June 2013.

<sup>2</sup> Published on 29 August 2016 and took effect on 28 October 2016.


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are within the scope of its duties and responsibilities under RA 9184 and its IRR, and should exclude those that require the exercise of discretion, consent or approval on matters under the jurisdiction of a different authority. For those documents that are within the jurisdiction of the Chairperson to act, approve and/or sign, it would be more prudent to have the Vice-Chairperson to act, approve and/or sign such documents in the absence of the originally designated Chairperson.

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.

Very truly yours,

(sgd.)

  
**DENNIS S. SANTIAGO**  
*Executive Director V*

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