

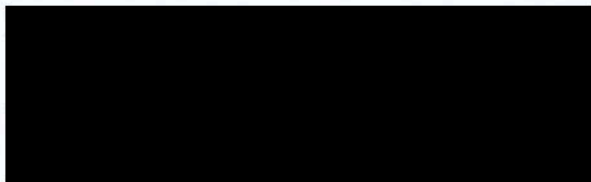


Republic of the Philippines
GOVERNMENT PROCUREMENT POLICY BOARD
TECHNICAL SUPPORT OFFICE



NPM No. 32-2015

8 October 2015




**Re: Bids and Awards Committee (BAC) Secretariat
Composition**

Dear 

This refers to your electronic mail seeking clarification on whether an employee under contract is eligible to be a member of the BAC Secretariat.

Section 14.1 of the revised Implementing Rules and Regulations (IRR) of Republic Act (RA) No. 9184 mandates that the Head of the Procuring Entity (HOPE) shall create a Secretariat that will serve as the main support unit of the BAC. The HOPE may designate an existing organic office within the procuring entity or create procurement units that may serve concurrently as BAC Secretariat.

In an earlier opinion¹, this office explained that Section 14.2 of the IRR of RA 9184, which provides for the minimum qualifications of an employee or official who may be designated as the head of the BAC Secretariat, is silent as regards the minimum qualifications of its members. Thus, except for the BAC Secretariat Head in central offices, who shall be at least a 5th ranking permanent employee; or in bureaus, regional offices and sub-regional/district offices, who must be at least a 3rd ranking permanent employee, it may be inferred that any employee or official within the procuring entity may be designated as a member of the BAC Secretariat regardless of the rank or nature of employment.

On the other hand, the Guidelines on the Establishment of Procurement Systems and Organizations² is instructive as it recommends to the HOPE the following considerations and qualifications in selecting the personnel who will be assigned to the BAC Secretariat, thus: (a) integrity; (b) procurement proficiency, as shown by experience and trainings attended; (c) satisfactory completion in a certification program conducted by the GPPB-TSO or its accredited institutions, if any; and (d) the appropriate Civil Service qualification standards. Accordingly, since RA 9184 and its revised IRR does not categorically state the eligibility requirements for membership to the BAC Secretariat, the HOPE may designate even a contractual employee as member of the BAC Secretariat. 

¹ Non-Policy Matter Opinion No. 089-2004 dated 23 June 2004

² Issued through GPPB Resolution No. 13-2006 dated 14 June 2006

The foregoing discussions, notwithstanding, it is worthy to emphasize the importance and the serious character of the functions³ of the BAC Secretariat. Thus, in selecting the personnel to be designated as BAC Secretariat member, it is also very important to consider the nature, duties, functions and responsibilities of the procuring entity itself, in this case, the Presidential Management Staff, specifically on matters pertaining to accountability; communications; confidentiality; security; safety, disclosure; and, management, access and custody of records that will be entrusted in the hands of a personnel whose engagement is based on a contract of service or on a job order basis.

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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³ Section 14.1, IRR of RA 9184. The Secretariat shall have the following functions and responsibilities: a) Provide administrative support to the BAC; b) Organize and make all necessary arrangements for BAC meetings and conferences; c) Prepare minutes of meetings and resolutions of the BAC; d) Take custody of procurement documents and other records; e) Manage the sale and distribution of Bidding Documents to interested bidders; f) Advertise and/or post bidding opportunities, including Bidding Documents, and notices of awards; g) Assist in managing the procurement processes; h) Monitor procurement activities and milestones for proper reporting to relevant agencies when required; i) Consolidate PPMPs from various units of the procuring entity to make them available for review as indicated in Section 7 of this IRR; and j) Act as the central channel of communications for the BAC with end users, PMOs, other units of the line agency, other government agencies, providers of goods, infrastructure projects, and consulting services, observers, and the general public.