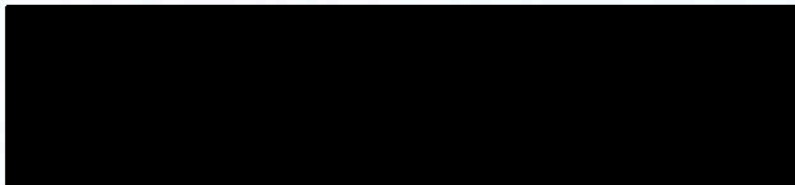


NPM No. 83-2015

13 October 2015



Re: BAC Composition

Dear [REDACTED]

This refers to your letter seeking clarification on Section 11.2.2(e) of the revised Implementing Rules and Regulations (IRR) of Republic Act (RA) No. 9184, particularly, whether a contractual employee may qualify as a provisional member of the Bids and Awards Committee (BAC) representing the end-user unit.

Section 11.2 of the IRR of RA 9184 provides for the BAC composition of procuring entities. Members of the BAC shall be composed of at least five (5) members but not to exceed seven (7). In the case of a BAC with 5 members, three (3) shall be regular members and two (2) shall be provisional members. In case the BAC has 7 members, the Head of the Procuring Entity may designate the additional 2 members, either as regular or as provisional members, or a combination thereof. Provisional members are designated to sit in the BAC for a particular procurement activity, while regular members sit in all the procurement activities of the agency. It bears stressing, however, that all members of the BAC, whether regular or provisional, must occupy a *plantilla* position in the procuring entity.¹

We wish to stress that the *plantilla* position contemplated by the rules may be occupied by a contractual, regular, designated or appointed official or personnel. The nature and tenure of employment is inconsequential. Rather, the concern specifically refers to whether such position is included in the list of authorized positions created by the Department of Budget and Management, and whether said position is existing within the organizational structure of the procuring entity concerned.²

Accordingly, contractual personnel of the PIDS occupying a permanent position, that is, a *plantilla* position, can be a member of the BAC whether in a regular or provisional capacity.³


¹ Non-Policy Matter (NPM) No. 18-2006 dated 6 April 2006.

² NPM 33-2007 citing NPM 25-2004 dated 6 August 2007.

³ NPM 120-2012 dated 28 September 2012.

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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