

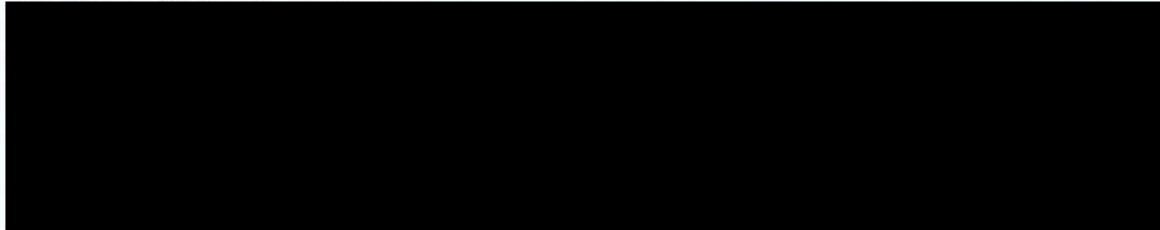


Republic of the Philippines
GOVERNMENT PROCUREMENT POLICY BOARD
TECHNICAL SUPPORT OFFICE



NPM No. 92-2015

13 October 2015



Re: Transfer of Procurement between BACs

Dear [REDACTED]:

This refers to your letter requesting for clarification on whether it is allowed and acceptable for one Bids and Awards Committee (BAC) to transfer its procurement and funding to another set of BAC of the same office.

It is represented that your office, DA Region IV-A has two (2) sets of BAC. One is the BAC of your Regional Office in Quezon City, and the other is the BAC of STIARC, a research facility located in Batangas, which have different set of members. The Regional Office BAC posted in the Philippine Government Electronic Procurement System (PhilGEPS) the Request for Expression of Interest for the conduct of Monitoring & Evaluation of DA-Farm-To-Market Projects on 25 April 2015. One prospective bidder joined but did not pass the eligibility screening. Thereafter, the Regional Office of DA-Region IV-A transferred the funding for the above-mentioned project to Batangas and requested the STIARC BAC to conduct the 2nd posting/bidding of the above-mentioned project. It is for this reason that you inquire for the validity of such action.

Please be advised that the conduct of procurement of the different BACs in a Procuring Entity is within the discretion of the Head of the Procuring Entity (HOPE). The Government Procurement Policy Board (GPPB) and its Technical Support Office (TSO) cannot, nor any other government agency, authority, or official, encroach upon or interfere with the exercise of the functions of the HOPE, since these duties and responsibilities fall solely within the ambit of its authority and discretion as sanctioned by law. The GPPB and its TSO only render policy and non-policy opinions, respectively, on issues purely relating to the interpretation and application of our procurement laws, rules and regulations. It has no jurisdiction to rule over actual controversies with regard to the conduct of the bidding, more so the designation of the BAC members.

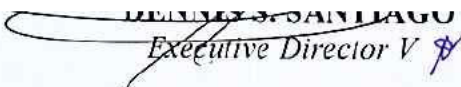
Nonetheless, please be informed that Sections 11.1.1 and 11.1.2 of the revised Implementing Rules and Regulations (IRR) of Republic Act (RA) No. 9184 provides that each procuring entity shall establish in its head office a single BAC to undertake the functions specified in Section 12 of this IRR in order to facilitate professionalization and harmonization.

of procedures and standards. In line with the standardization of procurement procedures and the thrust towards strengthening the procurement function to increase operational efficiency and effectiveness, Heads of Procuring Entities (HOPEs) shall aim to consolidate or unify all procurement activities of the organization, whether locally-funded or foreign-assisted, and whether pertaining to goods, infrastructure projects, or consulting services. However, to 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 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.

Accordingly, the creation of several BACs and its corresponding procurement assignments is dependent upon the determination of the HOPE, as it is in charge of the whole procuring entity in terms of its overall supervision and management. Hence, the validity of the transfer of a procurement activity from one BAC of the Department, Bureau or Office to another BAC of the said Department, Bureau or Office, including the transfer of funds, depends upon the power or authority vested upon the HOPE either by law, executive issuances, guidelines, rules and regulations in order to efficiently, expediently and economically manage the procurement activities of the procuring entity.

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.)

~~DENISE S. SANTIAGO~~
Executive Director V 

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