



Republic of the Philippines
Department of Education



FEB 17 2006


DepED MEMORANDUM

No. 67, s. 2006

BIDS AND AWARDS COMMITTEE (BAC) MEMBERS
AND SECRETARIAT DATABASE

To: Undersecretaries
Assistant Secretaries
Bureau Directors
Directors of Services/Centers and Heads of Units
Regional Directors
Schools Division/City Superintendents
DepED ARMM Regional Secretary

1. The Procurement Service (PS) of the Department of Education (DepED) is mandated to manage and administer the conduct of procurement training programs and capability building workshops aimed at professionalizing the procurement function, and facilitating professionalization and harmonization of procurement procedures and standards.
2. In order to effectively carry out its mandate, the PS needs to continuously update its database on the list of Bids and Awards Committee (BAC) Members and Secretariat in the regions and divisions.
3. All regions and divisions are therefore required to submit their updated list of BAC Members and Secretariat using the enclosed format on or before February 28, 2006. All forms are to be submitted through either of the following:
 - a. Courier: Procurement Service, Room 508, 5th Floor, Bonifacio Building, DepED Central Office, Meralco Avenue, Pasig City;
 - b. Telefax: (02) 6339343 or 6366542; or
 - c. Email: deped_procurementservice@yahoo.com.ph
4. Also enclosed are excerpts from RA No. 9184 otherwise known as the Government Procurement Reform Act (GPRA) and a copy of Commission on Audit (COA) Circular No. 2003-2004 for further information.
5. For inquiries, please contact Ms. Karen Yumping, PS Office at tel. nos. (02) 6339343, 6366542 and 6366543.
6. Immediate and wide dissemination of this Memorandum is desired.


FE A. HIDALGO
Undersecretary
Officer-in-Charge

Encls.:

As stated

Reference:

None

Allotment: 1- -(D.O. 50-97)

To be indicated in the Perpetual Index
under the following subjects:

BIDS
COMMITTEES
PROCUREMENT

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Region: _____
 Division: _____
 Head of Procuring Entity: _____
 Designation of Head of Procuring Entity: _____
 Telephone Number(s): (Area Code + Telephone Number)

Bids and Awards Committee (BAC) Members

NAME	POSITION	DESIGNATION IN BAC	RANK IN OFFICE	DATE OF		CONTACT NUMBERS)	
				APPOINTMENT	EXPIRATION	LANDLINE	CELLULAR
Ex. Atty. Camilo Miguel M. Montessa	Asst. Secretary	Chairman	3 rd	January 2, 2006	January 2, 2007	(02) 6337206	
Ex. Atty. Macur D. Marohombas	Chief, Admin. Officer	Vice Chairman	5 th	January 2, 2006	January 2, 2007	(02) 6337247	

Bids and Awards Committee (BAC) Secretariat

NAME	POSITION	NAME OF OFFICE	DESIGNATION/ASSIGNMENT OTHER THAN THE BAC SECRETARIAT (IF ANY)	CONTACT NUMBERS)	
				LANDLINE	CELLULAR

Excerpts of RA 9184 and its Implementing Rules and Regulations (IRR-A)

RULE V – BIDS AND AWARDS COMMITTEE

Section II. The BAC and the Composition

11.1 BAC Structure

Each procuring entity shall establish in its head office a single BAC to undertake the functions specified in Section 12 of this IRR-A. However, to 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 BACs may be organized wither 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 head of the procuring entity. The creation of the separate BACs shall be limited in order to facilitate professionalization and harmonization of procedures and standards. In line with the objective of integrate and operations of foreign assisted projects to the mainstream operation of agencies separate BACs created to manage foreign assisted projects are discouraged.

11.2 BAC Composition

11.2.1 National Government agencies, departments, bureaus, offices, or instrumentalities of the Government, including the judiciary and legislative branches, constitutional commissions, SUCs, GOCCs, and GFIs;

Regular Members:

1. Chairman, who is at least a **third ranking permanent official** of the procuring entity;
2. An officer, who is at least **fifth ranking permanent official**, with knowledge, experience and/or expertise in procurement who, to extent possible, **represent the legal or administrative area of the procuring entity**, provided that in the case of bureaus, regional offices and sub-regional/district offices, BAC members shall be at least a **third ranking permanent personnel**;
3. An officer, who is at least a **fifth ranking permanent official**, with knowledge, experience and/or expertise in procurement who, to the extent possible, represent the **finance area of the procuring entity**, provided that in the case of bureaus, regional offices and sub-regional/district offices, BAC members shall be at least a **third ranking permanent personnel**.

Provisional Members

4. An officer who has technical expertise relevant to the procurement at hand, and, to the extent possible, has knowledge, experience and/or expertise in procurement; and
5. A representative from the end user unit who has knowledge of procurement laws and procedures

The members of the BAC, including the Chairman and the Vice-Chairman, shall be **designated by the head of the procuring entity**. Moreover, the Vice-Chairman shall be a regular member of the BAC. For purposes of this IRR-A, the term "permanent" shall refer to a plantilla position within the procuring entity concerned.

- 11.2.3 The members to be designated by the head of the procuring entity to the BAC **shall be at least (5), but no more than seven (7).**
- 11.2.4 Unless sooner removed for a cause, the members of the BAC shall have a fixed term of one (1) year reckoned from the date of appointment, renewable at the discretion of the head of the procuring entity. In case of resignation, retirement, separation, transfer, re-assignment, removal, death, the replacement shall serve only for the unexpired term: Provided, however, That in case of leave or suspension, the replacement shall serve only for the duration of the leave or suspension. For justifiable causes, a member shall be suspended or removed by the head of the procuring entity. In the interest of professionalization, the head of the procuring entity is discouraged to extend the terms of office of deserving members.
- 11.2.5 In no case shall the head of the procuring entity and/or the approving authority be the Chairman or a member of the BAC.

Section 12. Functions of the BAC

- 12.1 The BAC shall have the following functions: advertise and/or post the invitation to bid, conduct pre-procurement and pre-bid conferences, determine the eligibility of prospective bidders, receive bids, conduct the evaluation of bids, undertake post-qualification proceedings, resolve motions for reconsiderations, recommend award of contracts to the head of the procuring entity or his duly authorized representative: Provided, however, That in the event the head of the procuring entity shall disapprove such recommendation, such disapproval shall be based only on valid, reasonable and justifiable grounds to be expressed in writing, copy furnished the BAC; recommend the imposition of sanctions in accordance with Rule XXIII, and perform such other related functions as may be necessary, including the creation of a Technical Working Group (TWG) from a pool of technical, financial and/or legal experts to assist in the procurement process, particularly in the eligibility screening, evaluation of bids and post-qualification. In proper cases, the BAC shall also recommend to the head of the procuring entity the use of Alternative Methods of Procurement as provided for in Rule XVI hereof.
- 12.2 The BAC shall be responsible for ensuring that the procuring entity abides by the standards set forth by the ACT and this IRR-A, and it shall prepare a procurement monitoring report that shall be approved and submitted by the head of the procuring entity to the GPPB on a semestral basis. The procurement monitoring report shall cover all procurement activities specified in the APP, whether ongoing and completed, costing fifty million pesos (P50,000,000) and above for goods and infrastructure projects, and five million pesos (P5,000,000) and above for consulting services. The report shall cover major procurement activities from the holding of the pre-procurement conference to the issuance of notice of award and the approval of the contract, including the standard and actual time for each major procurement activity. It shall be submitted in printed and electronic format within ten (10) working days after the end of each semester.
- 12.3 Quorum
- A majority of the total BAC Composition as designated by the head of the procuring entity shall constitute a quorum for the transaction of business, provided that the presence of the Chairman or Vice-Chairman shall be required.
- 12.4 Meetings
- The Chairman or, in his absence, the Vice-Chairman, shall preside at all meetings of the BAC. The decision of at least a majority of those present at a meeting at which there is a quorum shall be valid and binding as an act of the BAC: Provided, however, That the Chairman or, in his absence, the

Vice-Chairman, shall vote only in case of a tie. Observers and representatives of BAC members shall have no right to vote during BAC meetings, nor shall the representatives of BAC members be authorized to sign in behalf of the members present.

Section 14. BAC Secretariat

- 14.1 The head of the procuring entity shall create a Secretariat which will serve as the main support unit of the BAC. He may also designate an existing organic office within the said procuring entity to serve as Secretariat. However, to strengthen and promote the professionalization of the organizations' procuring unit, he may reorganize this unit by designating it as BAC Secretariat and redeploying appropriate existing personnel to it to perform this function, as well as procurement related task. The Secretariat shall have the following functions and responsibilities:
1. Provide administrative support to the BAC;
 2. Organize and make all necessary arrangements for the BAC meetings;
 3. Attend BAC meetings as Secretary;
 4. Prepare Minutes of the BAC meetings;
 5. Take custody of procurement documents and be responsible for the sale and distribution of bidding documents to interested bidders;
 6. Assist in Managing the procurement process;
 7. Monitor procurement activities and milestones for proper reporting to relevant agencies when required;
 8. Consolidate PPMPs from various units of the procuring entity to make them available for review as indicated in Section 7 of this IRR-A;
 9. Make arrangements for the pre-procurement and pre-bid conferences and bid openings; and,
 10. Be the central channel of communications for the BAC with end users, PMOs, other units of the line agency, other government agencies, providers of goods, civil works and consulting services, and the general public.
- 14.2 The head of the Secretariat in central offices shall be at least a **fifth ranking permanent employee** or, if not available, a permanent official of the next lower rank; or shall be at least a **third ranking permanent employee** in bureaus, regional offices and sub-regional/district offices, or if not available, a permanent employee of the next lower rank.
- 14.3 To expedite the procurement process, the head of the procuring entity shall ensure that the members of the BAC and TWG shall give utmost priority to BAC assignments over all other duties and responsibilities, until the requirements for the said assignments at hand are completed.



REPUBLIC OF THE PHILIPPINES
COMMISSION ON AUDIT
Commonwealth Avenue, Quezon City, Philippines

CIRCULAR

No. : 2003-004
Date : July 30, 2003

TO : Heads of Departments; Chiefs of Bureaus, Agencies, and Offices;
Managing Heads of Government-Owned and/or Controlled
Corporations; Local Chief Executives; Assistant Commissioners,
Directors, Officers-in-Charge, and Auditors of the Commission on
Audit; and All Others Concerned

**SUBJECT : Prohibition for the Chief Accountant and personnel of accounting
units to be regular members of the Bids and Award Committees**

Under Republic Act No. 9184, the Government Procurement Reform Act which amended Executive Order No. 40 on the same subject, the establishment of Bids and Award Committee (BAC) in all agencies of the government including state universities and colleges, government-owned and/or controlled corporations, government financial institutions and local government units is mandated. Specifically, the BAC shall be responsible for ensuring compliance with the standards in the law in the procurement of goods and services and prosecuting infrastructure projects of the agency.

On the other hand, the Chief Accountant and the personnel under him are tasked to approve the voucher in payment of such goods and services procured and of the infrastructure prosecuted and to certify to the availability of funds for the project subject of the bidding. Thus, it becomes necessary to ensure that the procurement and payment functions are segregated in keeping with the rules and principles of good internal control and to avert the possibility of conflict of interest that may arise under the circumstances.

Pursuant to the authority vested in this Commission to promulgate accounting and auditing rules and regulations including those for the strengthening of internal control in the operations of the government, it is hereby directed that the Chief Accountant and the personnel of the Accounting Unit of any agency of government are prohibited from being regular members of the agency's Bids & Awards Committee as contemplated under the Implementing Rules & Regulations of R.A. 9184. However, they may serve as provisional members when the Unit is the end-user of the items, subject of the bidding.

This Circular shall take effect immediately after its publication in a newspaper of general circular.


GUILLERMO N. CARAGUE
Chairman