

BIDS AND AWARDS COMMITTEE (BAC)
RESOLUTION NO. 2021-12-10

RECOMMENDING THE DELEGATION TO THE BIDS AND AWARDS COMMITTEE OF THE AUTHORITY TO DIRECTLY NEGOTIATE WITH A LEGALLY, TECHNICALLY AND FINANCIALLY CAPABLE CONTRACTOR FOR PROCUREMENT UNDERTAKEN THROUGH NEGOTIATED PROCUREMENT – EMERGENCY CASES FOR THE PROCUREMENT PROJECTS – CONSTRUCTION OF ISOLATION FACILITY FOR RHFG & RRCY UNDER SECTION 53.2 OF THE 2016 IRR OF RA 9184 AND REVISION OF THE APP TO COVER THIS PROCUREMENT ACTIVITY PURSUANT TO ITEM V(D) (2A) OF ANNEX “H” OF THE SAME LAW

WHEREAS, on September 10, 2021, the President signed **Proclamation No. 1218** otherwise known as *“Further Extending the Period of a State of Calamity Throughout the Philippines Due to Corona Virus Disease 2019 Declared under Proclamation No. 1021, Series of 2020”* extending the declared State of Calamity throughout the Philippines for a period of one (1) year, effective September 13, 2021 to September 12, 2022, unless earlier lifted or extended as circumstances may warrant (Please see ANNEX “A”);

WHEREAS, after declaring the bidding for the Procurement Projects: Construction of Isolation Facility for RHFG with ITB NO. GOP/DSWD3-2021-11-004 and Construction of Isolation Facility of RRCY with ITB NO. GOP/DSWD3-2021-11-003 under Section 35.1 (a) of the 2016 Implementing Rules and Regulations of Republic Act No. 9184 specifically: *“No bids are received”* xxx” the Bids and Awards Committee, received a letter dated December 15, 2021 from the End - User, Regional Project Management Team (RPMT) – CRCF justifying the urgent procurement of the Construction Facility for RHFG and RRCY with Purchase Request No. 2021-07-478 and Purchase Request No. 2021-07-481 respectively in response to the directive of the President to undertake such measures necessary to curtail and eliminate the local transmission of the new Delta and Omicron variants of COVID-19 and safeguard the health of its wards. (Please see attached ANNEX “B”);

WHEREAS, the Government Procurement Policy Board (GPPB) issued **GPPB Resolution No. 03-2020** also known as *“Approving the Adoption of Efficient, Effective and Expedient Procurement Procedures During a State of Public Health Emergency”* whereby it was explicit on its recognition that during State of Public Health Emergency, State of Calamity, or any other similar declarations by the Government in respect to calamities, disaster or emergencies, it becomes imperative for procuring entities to provide immediate response and initial recovery steps. (Please see attached ANNEX “C”);

WHEREAS, in order to undertake such immediate response, under the aforementioned resolution, the GPPB resolved to approve, to wit:

“xxx Paragraph (3)

AUTHORIZE the HoPE to delegate to either the BAC of the End-User unit or any other appropriate bureau, committee, support or procuring unit the authority to directly negotiate with a legally, technically and

PAGE 1 of 3



financially capable supplier, Contractor, or consultant for procurement undertaken through any of the allowable instances of Negotiated Procurement (Emergency Cases) under Section 53.2 of the 2016 revised IRR and item V(D) (2a) of Annex "H" of the same IRR.
xxx"

WHEREAS, under Section 53.2 of the 2016 Implementing Rules and Regulations of Republic Act No. 9184, it clearly states that:

"xxx... **Emergency Cases.** In case of imminent danger to life or property during a state of calamity, or when time is of the essence arising from natural or man-made calamities or other causes where immediate action is necessary to prevent damage to or loss of life or property, or to restore vital public services, infrastructure facilities and other public utilities.

The instances or situations where the foregoing conditions may be applied include the provision of Immediate response and initial recovery steps to avoid loss of life, injury, disease and other negative effects on human, physical, mental and social well-being, together with damage to property, destruction of assets, loss of services, social and economic disruption and environmental degradation. xxx"

WHEREAS, for the conduct of Negotiated Procurement – Emergency Cases as an Alternative Mode of Procurement in accordance with Annex "H" (V)(D)(2a) of the same law, the BAC shall observe its mandate to revise the Annual Procurement Plan accordingly, to wit:

"xxx...The BAC or the End-user unit or any other appropriate bureau, committee, support or procuring unit shall recommend to the HoPE any revision of the Annual Procurement Plan (APP) to cover the Procurement Project that will be resorting to Negotiated Procurement (Emergency Cases) under Section 53.2 of the 2016 revised IRR subject to the validation by the appropriate office in the Procuring Entity that there are funds in the budget to cover for the same.

The proposed APP revision(s) may only be approved by the HoPE upon its confirmation of the existence and veracity of the ground(s) relied upon in resorting to Negotiated Procurement (Emergency Cases) under Section 53.2 of the 2016 revised IRR...xxx"

PAGE 2 of 3

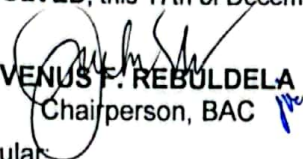
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NOW THEREFORE, the BAC RESOLVES, as it is hereby RESOLVED, to recommend to the Head of the Procuring Entity the delegation to the Bids and Awards Committee, the authority to directly negotiate with a legally, technically and financially capable contractor for procurement undertaken through Negotiated Procurement – Emergency Cases for the Procurement Projects – Construction of Isolation Facility for RHFG and Construction of Isolation Facility for RRCY under Section 53.2 of the 2016 IRR of RA 9184 and revision of the APP to cover this procurement activity pursuant to item V(D) (2a) of ANNEX “H” of the same law.


RESOLVED, this 17th of December 2021 at DSWD-Regional Office III.


VENUS F. REBULDELA
Chairperson, BAC

Regular:

ARMONT C. PECINA
Vice Chairperson, BAC

Alternate:

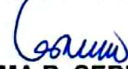

PRISCILA C. TIOPENGCO
Member, BAC

MARY CHRISTIE V. TORNO
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Member, BAC

MELANIE M. BARNACHEA
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MARITES D. LIWANAG
Member, BAC


VILMA R. SERRANO
BAC Member

ATTY. JESSA G. BERNARDO
Member, BAC

(☒) Approved

(☐) Disapproved


MARITES M. MARISTELA, CESO III
Regional Director
(per Special Order No. 2479, Series of 2019)

PAGE 3 of 3

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