

BIDS AND AWARDS COMMITTEE (BAC)
RESOLUTION NO. 2022-03-03

RECOMMENDING THE DELEGATION TO THE END-USER, GENERAL SERVICES SECTION 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 PROJECT – EMERGENCY PROCUREMENT FOR REPLACEMENT AND RELOCATION OF ELECTRICAL PANEL BOARDS AND REPAIRS OF CR’S WATER AND SEWAGE LINE AT DSWD FO III SUPPLY/ACCOUNTING/CASH BUILDING

WHEREAS, on March 7, 2022, the Bids and Awards Committee received the Procurement Request with Justification Letter from General Services Section relative to the **EMERGENCY PROCUREMENT FOR REPLACEMENT AND RELOCATION OF ELECTRICAL PANEL BOARDS AND REPAIRS OF CR’S WATER AND SEWAGE LINE AT DSWD FO III SUPPLY/ACCOUNTING/CASH BUILDING**;

WHEREAS, the End-User justified that the severely damaged electrical breakers and panel boards caused by embedded water and sewage line leakage pose electrical and fire hazards presenting significant risks to the operation and deadly to the employees and visitors of Field Office III;

WHEREAS, in consideration of the surrounding risk and harm this current situation of the Supply/Accounting/Cash Building poses to the safety of the employees and visitors of Field Office III, the Bids and Awards Committee understands the urgency to delegate the authority the End-User to immediately procure such services needed to resolve the impending danger in order to prevent unrevivable loss or damage to life and property of the Procuring Entity.

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 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"

WHEREAS, the law is clear that PhilGEPS Registration is not one of the requisites in **NEGOTIATED PROCUREMENT – EMERGENCY CASES** under **paragraph G of ANNEX "H"** of the same law, to wit:

"PhilGEPS Registration. Manufacturers, suppliers, distributors, contractors, and/or consultants are mandated to register with the PhilGEPS and provide a PhilGEPS Registration number in the following alternative methods of procurement as a condition for award of the contract:

- 1) Section 50 – Direct Contracting;
- 2) Section 52.1(b) – Shopping for ordinary office supplies and equipment not available in DBM-PS;
- 3) Section 53.3 – Take Over of Contracts (Only for New Bidders, if any.);
- 4) Section 53.6 – Scientific, Scholarly or Artistic Work, Exclusive Technology and Media Services;
- 5) Section 53.7 – Highly Technical Consultants;
- 6) Section 53.9 – Small Value Procurement; and
- 7) Section 53.10 – Lease of Real Property and Venue."

NOW THEREFORE, the **BAC RESOLVES**, as it is hereby **RESOLVED**, to recommend to the Head of the Procuring Entity the **delegation to General Services Section the authority to directly negotiate with a legally, technically and financially capable contractor for the project– EMERGENCY PROCUREMENT FOR REPLACEMENT AND RELOCATION OF ELECTRICAL PANEL BOARDS AND REPAIRS OF CR'S WATER AND SEWAGE LINE AT DSWD FO III SUPPLY/ACCOUNTING/CASH BUILDING** pursuant to Section 53.2 and Annex "H" of the 2016 Implementing Rules and Regulations of Republic Act No. 9184.

RESOLVED, this 7th March, 2022 at DSWD-Regional Office III.



VENUS F. REBULDELA
Chairperson, BAC

ARMONT C. PECINA
Vice Chairperson, BAC

PRISCILA C. TIOPENGCO
Member, BAC

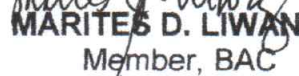
MARY CHRISTIE V. TORNO
BAC Member

Regular:


RENANN M. MACAPINLAC
Member, BAC

Alternate:

MELANIE M. BARNACHEA
BAC Member

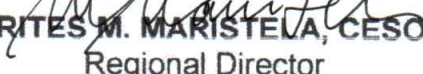

MARITES D. LIWANAG
Member, BAC

VILMA R. SERRANO
BAC Member

ATTY. JESSA G. BERNARDO
Member, BAC

Approved

Disapproved


MARITES M. MARISTELA, CESO III
Regional Director
(per Special Order No. 247, Series of 2019)