



## RESOLUTION NO. 03-2020

### **APPROVING THE ADOPTION OF EFFICIENT, EFFECTIVE AND EXPEDIENT PROCUREMENT PROCEDURES DURING A STATE OF PUBLIC HEALTH EMERGENCY**

**WHEREAS**, Republic Act (RA) No. 9184, otherwise known as the “Government Procurement Reform Act,” took effect on 26 January 2003, while its 2016 revised Implementing Rules and Regulations (IRR) took effect on 28 October 2016;

**WHEREAS**, Section 63 of RA No. 9184 and its 2016 revised IRR authorizes the Government Procurement Policy Board (GPPB) to formulate public procurement policies, rules and regulations, and amend its IRR, whenever necessary;

**WHEREAS**, Section 7 of RA No. 11332<sup>1</sup> authorizes the Department of Health (DOH) Secretary to declare epidemics of national and/or international concerns, and the President to declare the State of Public Health Emergency and mobilize governmental and nongovernmental agencies to respond to the threat;

**WHEREAS**, Section 3 of RA No. 11332 defines Public Health Emergency as an “occurrence of an imminent threat of an illness or health condition, which could pose a high probability of a large number of deaths in an affected population or widespread exposure to an infectious agent that pose a significant risk of substantial harm to a large number of people in the affected population;”

**WHEREAS**, on 9 March 2020, the President signed Proclamation No. 922 declaring a State of Public Health Emergency throughout the Philippines upon the recommendation of the DOH following the confirmed local transmission of the novel coronavirus disease (COVID-19);

**WHEREAS**, under the State of Public Health Emergency, the relevant government entities shall be capacitated to facilitate the sufficient and immediate access to funding, particularly for all concerned government agencies and local government units, intensify government response and measures such as easing procurement process, mandatory reporting, and enforcing quarantine and disease control prevention measures;

**WHEREAS**, Article XL of RA No. 11465,<sup>2</sup> otherwise known as the “General Appropriations Act (GAA) of 2020, has provided for the National Disaster Risk Reduction and Management Fund (NDRRMF), particularly for aid, relief and rehabilitation services to communities/areas affected by human-induced and natural calamities, and repair and reconstruction of permanent structures, including other capital expenditures for disaster operation, and rehabilitation activities;

**WHEREAS**, GPPB Circular No. 04-2016<sup>3</sup> entitled, “Clarification on Negotiated Procurement under Emergency Cases modality embodied in Section 53.2 of the 2016 revised Implementing Rules and Regulations of (IRR) of Republic Act (RA) No. 9184,” explains the provisions on Negotiated Procurement (Emergency Cases) in Section 53(b) of RA No. 9184 and Section 53.2 of its 2016 IRR;

<sup>1</sup> Issued 23 July 2018, entitled “An Act Providing Policies and Prescribing Procedures on Surveillance and Response to Notifiable Diseases, Epidemics, and Health Events of Public Health Concern, and Appropriating Funds Therefor, Repealing for the Purpose Act No. 3573, Otherwise Known as the Law on Reporting of Communicable Diseases.”

<sup>2</sup> Issued 6 January 2020.

<sup>3</sup> Issued 20 December 2016.

**WHEREAS**, Item 3.2 of the foregoing Circular, citing Section 53.2 of the 2016 revised IRR and Item V(D)(2a) of Annex “H” of the same IRR, on Negotiated Procurement (Emergency Cases) modality may be resorted to in the following instances:

- (a) in case of imminent danger to life or property during a state of calamity;
- (b) when time is of the essence arising from natural or man-made calamities; or
- (c) 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.

**WHEREAS**, the GPPB has determined that it is necessary to harmonize the foregoing provision with those under RA No. 11332 and RA No. 10121<sup>4</sup> in relation to the Special Provision No. 1<sup>5</sup> of the GAA of 2020 on the use of NDRRMF, particularly on the instances or situations where the foregoing conditions may be applied in order to provide 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;

**WHEREAS**, Section 11 of RA No. 9184 authorizes the Head of the Procuring Entity (HoPE) to delegate procurement-related responsibilities subject to the limitations provided by law;<sup>6</sup>

**WHEREAS**, Item 3 of the Letter of Instructions No. 755, series of 1978<sup>7</sup> authorizes the GPPB to include supplies, materials, and such other items in the list of the Common-Use Supplies and Equipment (CSE);”

**WHEREAS**, the DOH submitted a list of items to the GPPB, which are urgently required to address the current COVID-19 situation, and is being requested for inclusion in the list of CSE to expedite their emergency purchase by the concerned government entities for their prompt mobilization and delivery;”

**WHEREAS**, the GPPB recognizes that during a 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. Such immediate response and initial recovery steps may include, but not limited to the lease of real property or venue for use as quarantine centers, evacuation sites, medical relief and aid distribution locations, warehousing facilities, or similar temporary disaster or emergency response facility;

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<sup>4</sup> Issued 27 July 2009, entitled “An Act Strengthening the Philippine Disaster Risk Reduction and Management System, Providing for the National Disaster Risk Reduction and Management Framework and Institutionalizing the National Disaster Risk Reduction and Management Plan, Appropriating Funds Therefor and for Other Purposes.”

<sup>5</sup>(a) Disaster risk reduction or mitigation, prevention and preparedness activities such as, but not limited to, training of personnel, procurement of equipment, and capital expenditures. It can also be utilized for relief, recovery, reconstruction and other works or services in connection with natural or human-induced calamities which may occur during the current year or those that occurred in the two (2) preceding years, subject to the approval of the President of the Philippines who may take into consideration the recommendation of the National Disaster Risk Reduction and Management Council (NDRRMC) for local disasters or the appropriate agency for the international crises. XXX.

<sup>6</sup> Section 40 of Chapter 8, Book IV of Executive Order No. 292 or the Administrative Code of 1987 on the Delegation of Authority by the head of an agency.

<sup>7</sup> The Procurement Council, with the assistance of the Procurement Service, shall design and implement an integrated procurement system for supplies, materials and other items needed by the government. It shall undertake the following specific functions:

- a. Identify those supplies, materials, and such other items, including equipment and construction material, which can be economically purchased through central procurement and which it shall cover within its scope of activity;XXX.

**WHEREAS**, the GPPB, after careful review and deliberation, resolved to approve the following:

- (1) **INCLUDE** the paragraph, “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.” after the enumeration of instances where Negotiated Procurement (Emergency Cases) modality may be resorted to by the Procuring Entity under Section 53.2 of the 2016 revised IRR and Item V(D)(2a) of Annex “H” of the same IRR;
- (2) **ALLOW** either the Bids and Awards Committee (BAC) or the End-user unit or any other appropriate bureau, committee, support or procuring unit to 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 and Item V(D)(2a) of Annex “H” of the same 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 and Item V(D)(2a) of Annex “H” of the same IRR;

- (3) **AUTHORIZE** the HoPE to delegate to either the BAC or 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;
- (4) **ALLOW** the HoPE to delegate the awarding of contract under 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 to any official of the procuring entity except to the BAC Chairperson or members pursuant to Section 11.2.5 of the 2016 revised IRR of RA No. 9184 and other associated issuances or to any other official where there exists conflict of interest, such as those to whom the HoPE has delegated the authority to directly negotiate under the foregoing modality;
- (5) **INCLUDE** in the Procurement Projects that may be covered by 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 the lease of real property or venue for use as quarantine centers, evacuation sites, medical relief and aid distribution locations, warehousing facilities, or similar temporary disaster or emergency response facility as among those that may be procured under Negotiated Procurement (Emergency Cases);
- (6) **APPROVE** the related amendments to the Consolidated Guidelines for Alternative Methods of Procurement or Annex “H” of the 2016 revised IRR of

RA No. 9184 and GPPB Circular No. 06-2016, a copy of which is attached as Annex "A"; and

- (7) **APPROVE** the list of items submitted by the DOH, which are needed to address the current State of Public Health Emergency, as shown in Annex "B" for inclusion in the list of CSE."

**NOW, THEREFORE**, for and in consideration of the foregoing, **WE**, the Members of the **GOVERNMENT PROCUREMENT POLICY BOARD**, by virtue of the powers vested on **US**, by law and other executive issuances, hereby **RESOLVE**, to confirm, adopt, and approve, as **WE** hereby confirm, adopt, and approve the following:

- (1) **INCLUDE** the paragraph, "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." after the enumeration of instances where Negotiated Procurement (Emergency Cases) modality may be resorted to by the Procuring Entity under Section 53.2 of the 2016 revised IRR and Item V(D)(2a) of Annex "H" of the same IRR;
- (2) **ALLOW** either the BAC or the End-user unit or any other appropriate bureau, committee, support or procuring unit to 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 and Item V(D)(2a) of Annex "H" of the same 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 and Item V(D)(2a) of Annex "H" of the same IRR;

- (3) **AUTHORIZE** the HoPE to delegate to either the BAC or 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;
- (4) **ALLOW** the HoPE to delegate the awarding of contract under 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 to any official of the procuring entity except to the BAC Chairperson or members pursuant to Section 11.2.5 of the 2016 revised IRR of RA No. 9184 and other associated issuances or to any other official where there exists conflict of interest, such as those to whom the HoPE has delegated the authority to directly negotiate under the foregoing modality;
- (5) **INCLUDE** in the Procurement Projects that may be covered by 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 the lease of real property or venue for use as quarantine centers, evacuation sites, medical relief and aid distribution locations, warehousing facilities, or similar temporary disaster or emergency response facility as among those that may be procured under Negotiated Procurement (Emergency Cases);

- (6) **APPROVE** the related amendments to the Consolidated Guidelines for Alternative Methods of Procurement or Annex “H” of the 2016 revised IRR of RA No. 9184 and GPPB Circular No. 06-2016, a copy of which is attached as Annex “A”; and
- (7) **APPROVE** the list of items submitted by the DOH, which are needed to address the current State of Public Health Emergency, as shown in Annex “B” for inclusion in the list of CSE.”

This Resolution shall take effect immediately.

**APPROVED** this 9<sup>th</sup> day of March 2020 at Manila, Philippines.

(SGD)

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**DEPARTMENT OF BUDGET AND  
MANAGEMENT**

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**NATIONAL ECONOMIC AND  
DEVELOPMENT AUTHORITY**

(SGD)

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**DEPARTMENT OF EDUCATION**

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**DEPARTMENT OF ENERGY**

(SGD)

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**DEPARTMENT OF FINANCE**

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**DEPARTMENT OF HEALTH**

(SGD)

(SGD)

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**DEPARTMENT OF INFORMATION AND  
COMMUNICATION TECHNOLOGY**

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**DEPARTMENT OF INTERIOR AND LOCAL  
GOVERNMENT**

(SGD)

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**DEPARTMENT OF NATIONAL  
DEFENSE**

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**DEPARTMENT OF PUBLIC WORKS AND  
HIGHWAYS**

(SGD)

(SGD)

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**DEPARTMENT OF SCIENCE AND  
TECHNOLOGY**

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**DEPARTMENT OF TRADE AND INDUSTRY**

(SGD)

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**DEPARTMENT OF TRANSPORTATION**

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**PRIVATE SECTOR REPRESENTATIVE**

2016 REVISED IMPLEMENTING RULES AND REGULATIONS (IRR) OF  
 REPUBLIC ACT (RA) NO. 9184

<b>Annex "H" - Consolidated Guidelines for the Alternative Methods of Procurement</b>	
<b>ORIGINAL</b>	<b>AMENDMENT</b>
<p><b>IV. GENERAL GUIDELINES</b></p> <p>XXX</p> <p>J. <b>Delegation of Authority.</b> The conduct of Shopping and Negotiated Procurement under Emergency Cases, Small Value Procurement and Lease of Real Property and Venue may be delegated to the End-user unit or any other appropriate bureau, committee, or support unit duly authorized by the BAC through a Resolution approved by the HOPE.</p> <p>For Shopping under Section 52.1(a) and Negotiated Procurement under Emergency Cases, due to the urgent nature of the attendant circumstances, the BAC and the HOPE through a Resolution and issuance for the purpose, respectively, may delegate to specific officials, personnel, committee or office in the Procuring Entity the conduct of Shopping and award of contract to efficiently and expeditiously deal with the emergency sought to be addressed.<sup>(a)</sup></p> <p>For record and monitoring purposes, all awards shall be immediately reported with all supporting documents to the HOPE, through the BAC, to ensure compliance with all the conditions and requirements provided for under R.A. 9184, its IRR and related guidelines.</p>	<p><b>IV. GENERAL GUIDELINES</b></p> <p>XXX</p> <p>J. <b>Delegation of Authority.</b> The conduct of Shopping and Negotiated Procurement under Emergency Cases, Small Value Procurement and Lease of Real Property and Venue may be delegated to the End-user unit or any other appropriate bureau, committee, or support unit duly authorized by the BAC through a Resolution approved by the HOPE.</p> <p>For Shopping under Section 52.1(a) [<del>and Negotiated Procurement under Emergency Cases</del>] due to the urgent nature of the attendant circumstances, the BAC and the HoPE through a Resolution and issuance for the purpose, respectively, may delegate to specific officials, personnel, committee or office in the Procuring Entity the conduct of Shopping and award of contract to efficiently and expeditiously deal with the emergency sought to be addressed.<sup>(a)</sup></p> <p><b>(NEW) For Negotiated Procurement under Emergency Cases under Section 53.2, the HOPE, through an issuance for the purpose, may delegate to either the BAC or 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.</b></p> <p><b>(NEW) The HoPE may also delegate the awarding of contract under</b></p>

	<p><b>Negotiated Procurement (Emergency Cases) under Section 53.2 to any official of the procuring entity except to the BAC Chairperson or members pursuant to Section 11.2.5 of the 2016 revised IRR of RA No. 9184 and other associated issuances or to any other official where there exists conflict of interest, such as those to whom the HoPE has delegated the authority to directly negotiate under the foregoing modality.</b></p> <p>For record and monitoring purposes, all awards shall be immediately reported with all supporting documents to the HOPE, through the BAC, to ensure compliance with all the conditions and requirements provided for under R.A. 9184, its IRR and related guidelines.</p>
<p><b>2. EMERGENCY CASES.</b></p> <p><b>a) Instances when Negotiated Procurement under Emergency Cases may be resorted to:</b></p> <p>XXX</p> <p>In all instances of Negotiated Procurement under this Section, the HOPE shall confirm in writing the existence and veracity of the ground or grounds relied upon before approving the ensuing contract.</p> <p>Considering that the underlying reason to support a Negotiated Procurement through the Emergency modality relates to “time element” as when there is – a) imminent danger to life or property; or, b) when time is of the essence; or, c) immediate action is necessary, the Procuring Entity, through the HOPE, BAC, its Secretariat and End-User unit, should consider appropriate timing or the proximity of time between the actual procurement activity to be conducted and the emergency sought to be addressed, such that when the reason or cause for the emergency has already been abated, adoption of competitive bidding as the primary mode of procurement shall be considered.</p>	<p><b>2. EMERGENCY CASES.</b></p> <p><b>a) Instances when Negotiated Procurement under Emergency Cases may be resorted to:</b></p> <p>XXX</p> <p><del>[In all instances of Negotiated Procurement under this Section, the HoPE shall confirm in writing the existence and veracity of the ground or grounds relied upon before approving the ensuing contract.]</del></p> <p><b>(NEW) 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.</b></p> <p><b>(NEW) 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</b></p>



When the ground is based on imminent danger to life during a state of calamity, there must be a declaration by a competent authority of a state of calamity pursuant to existing laws, rules and regulations before any procurement activity may be undertaken.

**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.**

Considering that the underlying reason to support a Negotiated Procurement through the Emergency modality relates to “time element” as when there is – a) imminent danger to life or property; or, b) when time is of the essence; or, c) immediate action is necessary, the Procuring Entity, through the HoPE, BAC, its Secretariat and End-User unit, should consider appropriate timing or the proximity of time between the actual procurement activity to be conducted and the emergency sought to be addressed, such that when the reason or cause for the emergency has already been abated, adoption of competitive bidding as the primary mode of procurement shall be considered.

When the ground is based on imminent danger to life during a state of calamity, there must be a declaration by a competent authority of a state of calamity pursuant to existing laws, rules and regulations before any procurement activity may be undertaken.

**(NEW) The Procurement Projects that may be covered by this Section or Negotiated Procurement (Emergency Cases) under Section 53.2 of the 2016 revised IRR include the lease of real property or venue for use as quarantine centers, evacuation sites, medical relief and aid distribution locations, warehousing facilities, or similar temporary disaster or**

emergency response facility.

**b) Procedure**

- i. XXX
- ii. Upon preparation of the appropriate procurement documents, the BAC may directly negotiate with a supplier, contractor or consultant with technical, legal and financial capability to deliver the goods, execute the works and perform the services to address the emergency. Upon confirmation and ascertainment of such capability to address the emergency, the HOPE, upon recommendation of the BAC, shall immediately award the contract to the Supplier, Contractor or Consultant.

**b) Procedure**

- i. XXX
- ii. **(NEW) 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 subject 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.**
- iii. **(NEW) The HoPE may delegate to either the BAC or 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.**
- iv. ~~Upon preparation of the appropriate procurement documents, the BAC may directly negotiate with a supplier, contractor or consultant with technical, legal and financial capability to deliver the goods, execute the works and perform the services to address the emergency.~~ Upon confirmation and ascertainment of such capability to address the emergency, the HoPE, upon recommendation of the BAC or **End-user unit or any other appropriate bureau, committee, support or procuring unit**, authorized for the purpose shall immediately award the contract to the Supplier, Contractor or Consultant.

**GPPB CIRCULAR 04-2016**  
dated 20 December 2016

**SUBJECT: Clarification on Negotiated Procurement under Emergency Cases modality embodied in Section 53.2 of the 2016 Revised Implementing Rules and Regulations of (IRR) of Republic Act (RA) No. 9184**

<b>3.0 Emergency Cases Modality</b>	
<b>ORIGINAL</b>	<b>AMENDMENT</b>
<p>3.1 XXX</p> <p>3.2 XXX</p> <p>3.3 In all instances of Negotiated Procurement under Emergency Cases modality the Head of the Procuring Entity (HoPE) shall confirm in writing the existence and veracity of the ground or grounds relied upon before approving the ensuing contract.</p> <p>3.4 Considering that the underlying reason to support a Negotiated Procurement through the Emergency modality relates to “time element” as when there is – a) imminent danger to life or property; or, b) when time is of the essence; or, c) immediate action is necessary, the Procuring Entity, through the HOPE, Bids and Awards Committee, its Secretariat and End-User unit, should consider appropriate timing or the proximity of time between the actual procurement activity to be</p>	<p>3.1 XXX</p> <p>3.2 XXX</p> <p><b>3.3 (NEW) 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.</b></p> <p><b>(RENUMBERED)</b></p> <p><b>3.4 [In all instances of Negotiated Procurement under this Section, the HoPE shall confirm in writing the existence and veracity of the ground or grounds relied upon before approving the ensuing contract.] 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.</b></p>

conducted and the emergency sought to be addressed, such that when the reason or cause for the emergency has already been abated, adoption of competitive bidding as the primary mode of procurement should be considered.

3.5 When the ground is based on imminent danger to life during a state of calamity, there must be a declaration by a competent authority of a state of calamity pursuant to existing laws, rules and regulations before any procurement activity may be undertaken.

**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.**

3.5 Considering that the underlying reason to support a Negotiated Procurement through the Emergency modality relates to “time element” as when there is – a) imminent danger to life or property; or, b) when time is of the essence; or, c) immediate action is necessary, the Procuring Entity, through the HOPE, Bids and Awards Committee, its Secretariat and End-User unit, should consider appropriate timing or the proximity of time between the actual procurement activity to be conducted and the emergency sought to be addressed, such that when the reason or cause for the emergency has already been abated, adoption of competitive bidding as the primary mode of procurement should be considered.

3.6 When the ground is based on imminent danger to life during a state of calamity, there must be a declaration by a competent authority of a state of calamity pursuant to existing laws, rules and regulations before any procurement activity may be undertaken.

3.7 **(NEW) The Procurement Projects that may be covered by this Section or Negotiated Procurement(Emergency Cases) under Section 53.2 of the 2016 revised IRR include the lease of real property or venue for use as quarantine centers, evacuation sites, medical relief and aid distribution locations, warehousing facilities, or similar temporary disaster or emergency response facility.**

**4.0 Conduct of Negotiated Procurement under Emergency Cases Modality**

<p>4.1 XXX</p> <p><i>Procedures</i></p> <p>4.1.1 XXX</p> <p>4.1.2 Upon preparation of the appropriate procurement documents, the BAC may directly negotiate with a supplier, contractor or consultant with technical, legal and financial capability to deliver the goods, execute the works and perform the services to address the emergency. Upon confirmation and ascertainment of such capability to address the emergency, the HOPE, upon recommendation of the BAC, shall immediately award the contract to the Supplier, Contractor or Consultant.</p>	<p>4.1 XXX</p> <p><i>Procedures</i></p> <p>4.1.1 XXX</p> <p>4.1.2 <b>(NEW) 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 subject 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.</b></p> <p>4.1.3 <b>(NEW) The HoPE may delegate to either the BAC or 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.</b></p> <p><b>(RENUMBERED)</b></p> <p>4.1.4 <del>[Upon preparation of the appropriate procurement documents, the BAC may directly negotiate with a supplier, contractor or consultant with technical, legal and financial capability to deliver the goods, execute the works and perform the services to address the emergency.] Upon confirmation and ascertainment of such capability to address the</del></p>
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	<p>emergency, the HoPE, upon recommendation of the BAC or <b>End-user unit or any other appropriate bureau, committee, support or procuring unit,</b> shall immediately award the contract to the Supplier, Contractor or Consultant.</p>
<p><i>Delegation of Authority</i></p> <p>4.1.3 Due to the urgent nature of the attendant circumstances, the BAC and the HOPE through a Resolution and Office Order, respectively, may delegate to specific officials, personnel, committee or office in the Procuring Entity the conduct of procurement and award of contract to efficiently and expeditiously deal with the emergency sought to be addressed.</p>	<p><i>Delegation of Authority</i></p> <p><b>4.1.5</b> <del>[Due to the urgent nature of the attendant circumstances, the BAC and the HOPE through a Resolution and Office Order, respectively, may delegate to specific officials, personnel, committee or office in the Procuring Entity the conduct of procurement and award of contract to efficiently and expeditiously deal with the emergency sought to be addressed.]</del><b>The HoPE may also delegate the awarding of contract under Negotiated Procurement (Emergency Cases) under Section 53.2 of the 2016 revised IRR to any official of the procuring entity except to the BAC Chairperson or members pursuant to Section 11.2.5 of the 2016 revised IRR of RA No. 9184 and other associated issuances or to any other official where there exists conflict of interest, such as those to whom the HoPE has delegated the authority to directly negotiate under the foregoing modality.</b></p>

**LIST OF ITEMS SUBMITTED BY THE DEPARTMENT OF HEALTH FOR INCLUSION  
 IN THE LIST OF COMMON-USE SUPPLIES AND EQUIPMENT**

Item No.	Item Description/General Specification
1	ALCOHOL
2	SANITIZERS
3	TISSUE
4	THERMOMETERS
5	HAND SOAP
6	DETERGENT
7	SODIUM HYDROCHLORIDE
8	CLEANING MATERIALS
9	PERSONAL PROTECTIVE EQUIPMENT FOR UTILITY STAFF
10	POVIDONE IODINE
11	GLOVES
12	MASKS
13	COMMON MEDICINES A. PARACETAMOL TABLET AND SUSPENSION B. MEFENAMIC ACID C. VITAMINS TABLET AND SUSPENSION D. HYOSCINE TABLET AND SUSPENSION E. ORAL REHYDRATION SOLUTION F. CETIRIZINE TABLET AND SUSPENSION
14	TESTING KITS