



BIDS AND AWARDS COMMITTEE

BAC Resolution No. 01, Series of 2020

RESOLUTION ADOPTING THE NEGOTIATED PROCUREMENT (EMERGENCY CASES) MODALITY TO RESPOND TO THE IMMINENT THREAT BROUGHT BY THE CORONAVIRUS DISEASE (COVID-19) PANDEMIC AND PREVENT ITS ENTRY INTO THE PROVINCE

**WHEREAS**, under Section 2 of Republic Act No. 9184, otherwise known as "Government Procurement Reform Act," as amended, it is the policy of the State to promote the ideals of good governance in all its branches, departments, agencies, subdivisions and instrumentalities, including government owned and controlled corporation and the local government units;

**WHEREAS**, Section 53 of the 2016 Revised Implementing Rules and Regulations of RA 9184 defines Negotiated Procurement as a method of procurement of Goods, Infrastructure Projects and Consulting services whereby the procuring entity directly negotiates a contract with a technically, legally and financially capable supplier, contractor or consultant;

**WHEREAS**, in the past, the Province of Oriental Mindoro has experienced extreme disasters, catastrophes and emergencies, both natural and man-made, which devastated the province, affected the lives of its people and caused damage to public services, infrastructure facilities and other public utilities;

**WHEREAS**, pursuant to Section 53(2) of Republic Act No. 9184 and its Implementing Rules and Regulations, procurement of Goods, Infrastructure Projects and Consulting services under the alternative mode of Negotiated Procurement (Emergency Cases) allowed in any of the following circumstances:

1. In case of imminent danger to life or property during a state of calamity;
2. When time is of the essence arising from natural or man-made calamities;
3. Other causes where immediate action is necessary:  
or  
a. To prevent damage to or loss of life or property; and  
b. To restore vital public services, infrastructure facilities and other public utilities.

**WHEREAS**, the aforesaid provision of RA 9184 on Negotiated Procurement is subject to the conditions, requirements and procedure outlined in Annex "H" (V)(D)(2) of the 2016 Revised Implementing Rules and Regulations of RA 9184;

**WHEREAS**, on 09 March 2020, the Government Procurement Policy Board (GPPB) issued Resolution No. 03-2020, APPROVING THE ADOPTION OF EFFICIENT, EFFECTIVE AND EXPEDITIOUS PROCEDURE DURING A STATE OF PUBLIC HEALTH EMERGENCY, attendant to Proclamation No. 922 (Declaring a State of Public Health Emergency throughout the Philippines), issued by President Rodrigo Roa Duterte on 08 March 2020 after confirmation of a local transmission of COVID-19 in the Philippines;

**WHEREAS**, in response thereto, there is a need for concerned government agencies and LGUs to expeditiously implement intervening measures to prevent loss of life, contain or prevent the spread of Covid-19, mitigate its effects and impact to the community, and prevent serious disruption of the functioning of the government and the community;

**WHEREAS**, on 12 March 2020, Governor Humerto A. Dolor issued Executive Order No. 21, Series of 2020 (An Executive Order Strengthening Measures Against the Entry and Spread of the 2019 - Corona Virus Disease (COVID-19) in the Province of Oriental Mindoro), and subsequently, Suppletory Executive Order No. 22, Series of 2020 (An Executive Order Restricting the Movement of People and Goods in Order to Prevent the Entry and Spread of COVID-19 in the Province of Oriental Mindoro) was issued;

CERTIFIED ZEROX COPY  
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HEAD, BAC SECRETARIAT