
CIRCULAR NO. 03-2006

December 6, 2006

TO: Heads of Departments, Bureaus, Offices and Agencies of the National Government, Government Owned and/or Controlled Corporations, Government Financial Institutions, State Universities and Colleges, and Local Government Units

SUBJECT: Clarification on the procurement process in case of natural or man-made calamities

1.0 Purpose

This circular is issued to identify the appropriate mode and procedure of procurement under Republic Act 9184 (R.A. 9184) and its Implementing Rules and Regulations Part A (IRR-A) in case of natural or man-made calamities.

2.0 Coverage

All National Government Agencies (NGAs), Government Owned and/or Controlled Corporation (GOCCs), Government Financial Institutions (GFIs), and State Universities and Colleges (SUCs), and Local Government Units (LGUs).

3.0 Rules and Regulations

3.1 In case immediate procurement is necessitated due to the occurrence of natural or man-made calamities, the alternative mode of negotiated procurement under Section 54.2(b) of R.A. 9184 and its IRR-A may be adopted in order to:

3.1.1.1 Prevent damage to or loss of life or property; or

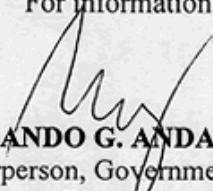
3.1.1.2 Restore vital public services, infrastructure facilities, and other public utilities

3.2 Under this mode, the procuring entity shall simply negotiate with a previous supplier, contractor or consultant of good standing, or a supplier, contractor or consultant of good standing situated within the vicinity where the calamity or emergency occurred.

3.3 A supplier, contractor, or consultant is considered in good standing if it/she/he has not committed any breach of contract (*e.g.*, short deliveries, unreasonable delays in delivery of goods or prosecution of works, delivery or completion of defective goods or works, must not have incurred a negative slippage, or similar acts) in any previous transactions with the procuring entity and other government entity.

3.4 The award of contract shall be posted at the G-EPS website, website of the procuring entity, if any and in a conspicuous place within the premises of the procuring entity.

4.0 For information.



ROLANDO G. ANDAYA, JR.
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