



RESOLUTION NO. 12-2009

GUIDELINES ON THE CONDUCT OF PROCUREMENT ACTIVITIES FROM MARCH 26 TO MAY 10, 2010

WHEREAS, the synchronized national and local elections are scheduled to take place on May 10, 2010;

WHEREAS, the Commission on Elections, (COMELEC) pursuant to the powers vested in it by the Constitution and other elections laws, promulgated Resolution No. 8646 providing therein the period for prohibited activities under Section 261 (v) and (w) of the Omnibus Election Code;

WHEREAS, there is a need to reconcile said resolution with the provisions of Republic Act No. 9184 and its Implementing Rules and Regulations in order to guide government agencies on the conduct of their procurement activities from March 26 to May 10, 2010 or the period of prohibition under Section 261 (v) and (w) of the Omnibus Election Code;

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, hereby **RESOLVE** to approve the attached **Guidelines on the Conduct of Procurement Activities from March 26 to May 10, 2010**.

This resolution shall take effect immediately after its publication.

APPROVED this 27th day of **November 2009** at Pasig City, Philippines

(Sgd.)

ROLANDO G. ANDAYA JR.
Secretary
Department of Budget and Management

(Sgd.)

AUGUSTO B. SANTOS
Acting Director General
National Economic and Development
Authority

(Sgd.)

**NATIONAL ECONOMIC AND
DEVELOPMENT AUTHORITY**

(Sgd.)

**DEPARTMENT OF NATIONAL
DEFENSE**



RESOLUTION NO. 12-2009

(Sgd.)

DEPARTMENT OF EDUCATION

(Sgd.)

DEPARTMENT OF HEALTH

(Sgd.)

**DEPARTMENT OF THE INTERIOR
AND LOCAL GOVERNMENT**

(Sgd.)

DEPARTMENT OF ENERGY

(Sgd.)

**DEPARTMENT OF PUBLIC WORKS
AND HIGHWAYS**

(Sgd.)

DEPARTMENT OF FINANCE

(Sgd.)

**DEPARTMENT OF TRADE AND
INDUSTRY**

(Sgd.)

**DEPARTMENT OF SCIENCE AND
TECHNOLOGY**

(Sgd.)

**DEPARTMENT OF TRANSPORTATION
AND COMMUNICATIONS**

(Sgd.)

PRIVATE SECTOR REPRESENTATIVE

Attested by:

(Sgd.)

RUBY. U. ALVAREZ
Board Secretary, GPPB
Executive Director, GPPB-TSO

**GUIDELINES ON CONDUCT OF PROCUREMENT ACTIVITIES
FROM MARCH 26 TO MAY 10, 2010**

1.0 SCOPE

These guidelines shall govern the conduct of procurement activities of the government, including local government units, state universities and colleges, and government owned and controlled corporations from March 26 to May 10, 2010.

2.0 PURPOSE

These guidelines are being issued in order to advise government agencies on the procurement activities it may or may not undertake under Section 261 (v) and (w) of the Omnibus Election Code.

They serve to remind agencies that the election ban is not designed to paralyze the operations of the government but to insulate government procurement from political partisan activities, usually in the form of new projects, which are designed to influence the public during the upcoming national and local elections.

3.0 DEFINITION OF TERMS

3.1 Public Works

The term “public works” shall refer to the construction, improvement, rehabilitation, repair, or restoration of roads and bridges, railways, airports, seaports, communication facilities, irrigation, flood control and drainage, water supply, sanitation, sewerage and solid waste management systems, shore protection, energy/power and electrification facilities, national buildings, school buildings, hospitals buildings, and other related construction projects of the government.

3.2 Social and Housing Related Projects

The term “social projects” shall refer to activities undertaken by the Department of Social Welfare and Development (DSWD), Housing and Urban Development Coordinating Council (HUDCC), and other agencies performing similar functions.

3.3 Routine and Normal/Administrative Expenses

Expenses required for the day-to-day operations of the agency, such as salaries, light, heat, and power.

4.0 GUIDELINES

Public bidding and procurement through any of the alternative modes may be undertaken and completed from March 26 to May 10, 2010 in accordance with the Annual Procurement Plan (APP) of the procuring entity, except for the following:

- 4.1 **Public Works.** No notices of award, whether through public bidding or any of the alternative modes of procurement, may be issued for public works from March 26 to May 10, 2010.

While public bidding for public works may be conducted, the procuring entity should withhold the issuance of the Notice of Award from March 26 until May 10, 2010.

However, procurement for any of the following public works is allowed:

- 4.1.1 *Maintenance Work.* Maintenance of existing and/or completed public works projects; *provided* that no additional laborers shall be employed. Only the average number of laborers or employees employed during the six (6) month period immediately prior to March 26, 2010 shall be permitted to work during such time.
- 4.1.2 *Contract entered into or awarded before election ban.* Notices of award, whether through public bidding or any of the alternative modes of procurement, issued before March 26, 2010, *provided* that such award was reported to the Commission on Elections (COMELEC) in accordance with Section 5 of these guidelines.
- 4.1.3 *Preparatory works.* Payment for the usual cost of preparation for working drawings, specifications, bills of materials, estimates, and other procedures preparatory to actual construction including the purchase of materials and equipment and all incidental expenses for wages of watchmen and other laborers employed for such work in the central office and filed storehouses before March 26, 2010.

- 4.1.4 *Calamity.* Emergency works necessitated by the occurrence of a public calamity, but such work shall be limited to the restoration of the damaged facility.
- 4.1.5 *Ongoing projects.* Ongoing public works commenced before March 26, 2010, *provided* that such project was reported to the COMELEC in accordance with Section 5.
- 4.1.6 *Similar projects under foreign agreements.* Ongoing foreign assisted projects commenced before March 26, 2010 are likewise allowed, *provided* that such project was reported to COMELEC in accordance with Section 5.

- 4.2 ***Social Projects.*** No notice of award, whether through public bidding or any of the alternative modes of procurement, may be issued for social projects by the DSWD and any other departments performing functions similar to DSWD from March 26 to May 10, 2010.

While public bidding for social projects may be conducted, the procuring entity should withhold the issuance of the Notice of Award from March 26 to May 10, 2010, except for the following:

- 4.2.1 *Routine and normal expenses.* Routine and normal expenses of the department.
- 4.2.2 *COMELEC Exemption.* Such other expenses authorized by COMELEC after due notice and hearing.

- 4.3 ***Housing-related projects.*** No notice of award, whether through public bidding or any of the alternative modes of procurement, may be made for housing-related projects by the HUDCC and any other agency of the government performing similar functions from March 26 to May 10, 2010.

While public bidding for housing projects may be conducted, the procuring entity should withhold the issuance of the Notice of Award from March 26 until May 10, 2010, except for the following:

- 4.3.1 *Administrative expenses.* Such other necessary administrative expenses.

4.3.2 *COMELEC Exemption.* Such other expenses authorized by COMELEC after due notice and hearing.

4.4 *Issuance of treasury warrants or similar devices.* Issuance, use or availment of treasury warrants or any device undertaking future delivery of money, goods or other things of value chargeable against public funds such as letters of credit.

5.0 REPORTORIAL REQUIREMENTS

5.1 COMELEC

On or before March 26, 2010, the head of the procuring entity shall submit to the COMELEC through its regional election directors/provincial election supervisors/election officers concerned certified lists of the following:

- (i) All ongoing public works projects commenced before March 26, 2010;
- (ii) Similar ongoing projects under foreign agreements commenced before March 26, 2010; and
- (iii) Notices of award for public works issued before March 26, 2010 together with a copy of each contract.

Except for local government units, all other procuring entities shall furnish the Department of Public Works and Highways (DPWH) a copy of the certified list submitted to COMELEC.

5.2 Philippine Government Electronic Procurement System (PhilGEPS)

All invitations to bid and awards of contracts shall be posted in the PhilGEPS in accordance with the provisions of Republic Act No. 9184 and its Implementing Rules and Regulations.

6.0 EFFECTIVITY

These Guidelines shall take effect immediately after its publication.