



## RESOLUTION NO. 34-2013

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### **GRANTING ALL CONCERNED GOVERNMENT PROCURING ENTITIES THE AUTHORITY TO RESORT TO NEGOTIATED PROCUREMENT UNDER SECTION 53.2 (EMERGENCY CASES) OF THE IMPLEMENTING RULES AND REGULATIONS OF REPUBLIC ACT NO. 9184**

**WHEREAS**, Republic Act (RA) No. 9184, otherwise known as the “Government Procurement Reform Act” and its revised Implementing Rules and Regulations (IRR) took effect on 26 January 2003 and 2 September 2009, respectively;

**WHEREAS**, Section 63 of RA 9184 mandates the Government Procurement Policy Board (GPPB) to protect national interest in all matters affecting public procurement;

**WHEREAS**, Executive Order (EO) No. 423, S. 2005, as amended by EO 645, S.2007, prescribes the rules and procedures on the review on approval of government contracts to conform with RA 9184;

**WHEREAS**, Section 4 of EO 423, S. 2005, as amended, provides that where the Head of the Procuring Entity (HOPE) has made a determination that the Government contract involving an amount of at least Five Hundred Million Pesos (PhP 500,000,000.00) falls under the exceptions from public bidding, the HOPE shall, before proceeding with the alternative methods of procurement, obtain the approval of the GPPB that said Government proposed procurement undertaking falls within the exceptions from public bidding and that the proposed specific alternative mode of procurement is appropriate;

**WHEREAS**, the President of the Republic of the Philippines signed Proclamation No. 682, S. 2013, on 11 November 2013, declaring a state of national calamity, as a result of the widespread death, destruction and incalculable damage in several areas, including Samar provinces, Leyte, Cebu, Iloilo, Capiz, Aklan and Palawan caused by Typhoon Yolanda (international codename: Haiyan) last 8 November 2013;

**WHEREAS**, on 14 November 2013, the Department of Social Welfare and Development (DSWD), through Secretary Corazon Juliano-Soliman requested that the DSWD be allowed to resort to Negotiated Procurement under Section 53.2 (Emergency Cases) of the IRR of RA 9184, in procuring PhP 3.1 Billion worth of relief goods and other logistics requirements;

**WHEREAS**, the DSWD, in its letter dated 14 November 2013, stated that “[t]here is imminent danger to life because the basic sustenance of the typhoon victims is dependent upon the relief operations of the national and local governments which are logistically challenged by the sheer magnitude of damage caused by the typhoon. There is imminent danger to property as well because looting poses a continuing threat in the affected communities and the authorities on the ground are not enough to maintain peace and order. These circumstances emphatically justify the need to employ *Emergency Cases* procedure”;

**WHEREAS**, DSWD's request was discussed and deliberated upon by the GPPB in a Special meeting held on 14 November 2013;

**WHEREAS**, in view of the urgency of the procurement, the GPPB resolved to dispense with some of the procedural requirements outlined in its Resolution No. 011-2006 dated 14 June 2006 and to approve the request of the DSWD, subject to the high voting requirement of ten (10) members and submission of all documents required under GPPB Resolution No. 015-2006;

**WHEREAS**, aside from DSWD, other similarly situated government agencies need to procure goods and infrastructure projects through Negotiated Procurement under Section 53.2 (Emergency Cases) of the IRR of RA 9184 in order to carry out rescue, recovery, relief, and/or rehabilitation efforts brought about by the damage caused by Typhoon Yolanda;

**NOW, THEREFORE**, for and in view of all 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:

- a) **REITERATE** that GPPB approval is not necessary for government contracts procured through any of the alternative methods of procurement involving an Approved Budget for the Contract less than Five Hundred Million Pesos (PhP500,000,000.00);
- b) **GRANT** authority to all concerned government procuring entities to procure goods and infrastructure projects, for the purpose of providing rescue, recovery, relief, and/or rehabilitation efforts for, and to continue to provide basic services to victims in areas affected by Typhoon Yolanda, through Negotiated Procurement under Section 53.2 (Emergency Cases) of the IRR of RA 9184 with an Approved Budget for the Contract of at least Five Hundred Million Pesos (PhP500,000,000.00) for the duration of the State of National Calamity until lifted by the President pursuant to Proclamation No. 682, Series of 2013.

All concerned procuring entities are required to comply with all the conditions and requirements provided for under RA 9184, its IRR and associated rules.

The GPPB reserves the right to review the grant of authority provided under this Resolution to all concerned procuring entities every three (3) months from the issuance of this Resolution or until the State of National Calamity has been lifted by the President, whichever comes first;

- c) **REQUIRE** all concerned government procuring entities to submit a List of all transactions covered by this grant of authority at the end of every month to the GPPB - Technical Support Office.

This Resolution shall take effect immediately.

**APPROVED** this 14<sup>th</sup> day of November 2013 at City of 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**

(Sgd.)

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**DEPARTMENT OF ENERGY**

(Sgd.)

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**DEPARTMENT OF FINANCE**

(Sgd.)

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**DEPARTMENT OF HEALTH**

(Sgd.)

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**DEPARTMENT OF THE INTERIOR  
AND LOCAL GOVERNMENT**

(Sgd.)

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**DEPARTMENT OF NATIONAL  
DEFENSE**

(Sgd.)

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**DEPARTMENT OF PUBLIC WORKS  
AND HIGHWAYS**

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**DEPARTMENT OF SCIENCE AND  
TECHNOLOGY**

(Sgd.)

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**DEPARTMENT OF TRADE AND  
INDUSTRY**

(Sgd.)

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**DEPARTMENT OF TRANSPORTATION  
AND COMMUNICATIONS**

(Sgd.)

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**PRIVATE SECTOR REPRESENTATIVE**

Attested by:

(Sgd.)

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**DENNIS S. SANTIAGO**  
*Board Secretary, GPPB*  
*Executive Director, GPPB-TSO*