

NEGOTIATED PROCUREMENT: EMERGENCY CASES

Overview

This mode of procurement may be adopted in Emergency Cases, where immediate action is required under any of the following circumstances:

- (a) there is an imminent danger to life or property during a state of calamity;
- (b) time is of the essence due to natural or man-made calamities; or
- (c) other causes necessitate urgent action to (i) prevent damage to or loss of life or property,
 - i) To prevent damage to or loss of life or property, or
 - ii) To restore vital public services, infrastructure facilities and other public utilities.
- d) 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.



The documentary requirements, such as expired Mayor's permit with Official Receipt for the renewal application and Unnotarized Omnibus Sworn Statement are accepted as basis for award, and subject to the submission after the award of the Contract, but before payment.

In the case of Infrastructure Projects, the Procuring Entity has the option to undertake the project through Negotiated Procurement or by Administration or, in high security risk areas, through the Armed Forces of the Philippines (AFP).

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Process

Under this mode of procurement, the following procedure shall be observed:

- a) The HoPE may delegate to either the BAC or the End-User or Implementing 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 this Section.
- b) The End-User or Implementing Unit or the duly authorized official or personnel shall submit a request to the BAC or the HoPE, as the case may be, accompanied by appropriate supporting documents identifying the emergency sought to be addressed, and the necessary Goods, Infrastructure Projects or Consulting Services (e.g., Technical Specifications, Scope of Work or Terms of Reference) that have to be procured to address the emergency.
- c) The BAC or the End-User or Implementing Unit or any other appropriate bureau, committee, support or procuring unit shall recommend to the HoPE the necessary revisions of the APP to cover the Procurement Project that will be subject to Negotiated Procurement (Emergency Cases) under this Section subject to the validation by the appropriate office in the Procuring Entity that there are funds in the budget to cover for the same.
- d) After conducting the negotiations with a legally, technically, and financially capable supplier, contractor, or consultant, the HoPE, upon recommendation of the BAC or the End User or Implementing 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.

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