

NEGOTIATED PROCUREMENT: AGENCY-TO-AGENCY

Overview

This mode of procurement may be adopted through Agency-to-Agency arrangements, involving the procurement of Goods, Infrastructure Projects, or Consulting Services from another government agency that has the mandate and absorptive capacity to effectively undertake the project.



Conditions

This mode of Negotiated Procurement may be adopted, provided the following conditions are present:

- a) The Servicing Agency has certified that it has the mandate and absorptive capacity to undertake the project, and the Procuring Entity has validated the same;
- b) The Servicing Agency owns or has access to the necessary tools and equipment required for the project;
- c) Sub-contracting is not allowed. However, the Servicing Agency may implement the Infrastructure Project in-house, by job order, or through the pakyaw contracting system; and
- d) For procurement of Infrastructure Projects, the Servicing Agency must have a track record of having completed, or supervised a project, by Administration or by contract, similar to and with a cost of at least fifty percent (50%) of the project at hand.

NEGOTIATED PROCUREMENT: AGENCY-TO-AGENCY

Process

Under this mode of procurement, the following shall be observed by the Procuring Entity:

- a) It shall secure a certificate from the relevant officer of the Servicing Agency that the latter complies with all the foregoing conditions.
- b) Based on the assessment and recommendation of the End User or Implementing Unit, the BAC shall issue a Resolution recommending the use of Agency-to-Agency Agreement to the HoPE.
- c) In case of approval, the HoPE shall enter into a MOA with the Servicing Agency.

The following Agency-to-Agency procurement shall be excluded from the application of the provisions under this Section, and shall be governed by the following laws and issuances:

- a) Infrastructure Projects undertaken through the AFP Corps of Engineers which shall continue to be governed by the Guidelines on implementation of Infrastructure Projects undertaken by the AFP Corps of Engineers;
- b) Procurement of Printing Services from recognized government printers shall be governed by their respective charter; and
- c) Procurement of Goods from the PS-DBM which is tasked with centralized procurement of commonly used Goods for the government in accordance with Section 40 of the IRR of RA No. 12009.