



**BAC RESOLUTION RECOMMENDING THE USE OF NEGOTIATED
PROCUREMENT-EMERGENCY CASES AS AN ALTERNATIVE METHOD FOR THE
PROCUREMENT OF CHARTERED FLIGHT FOR DISTRESSED AND STRANDED
FOREIGN TOURISTS IN BORACAY ISLAND**

Resolution No. 2020 - 092

WHEREAS, the Department of Tourism (DOT) is mandated to monitor the conditions of any tourists and community in the Philippines and, in consultation with the LGUs and law enforcers issue timely advisories on the safety or viability of travel to particular places within the Philippines and on patronage of entities engaged in tourism related activities and of tourism products;

WHEREAS, on 16 March 2020, Proclamation No. 929 was issued by the President Rodrigo Roa-Duterte declaring a state of calamity throughout the Philippines due to Corona Virus Disease 2019 (COVID-19) and further imposing an Enhanced Community Quarantine throughout Luzon. A copy of Proclamation No. 929 dated 16 March 2020 is hereto attached, marked as **Annex "A"**, and made an integral part hereof;

WHEREAS, pursuant to such Proclamation, the Executive Secretary issued a Memorandum dated 16 March 2020 providing guidelines on the imposition of an Enhanced Community Quarantine and the Stringent Social Distancing Measures over the entire Luzon. Among the restrictions provided under the said Memorandum are land, air, and sea travel, thus causing sudden cancellation or stoppage of flights. A copy of the Memorandum from the Executive Secretary dated 16 March 2020 is hereto attached, marked as **Annex "B"**, and made an integral part hereof;

WHEREAS, the issuance of the above-mentioned declarations from the Philippine government authorities unfortunately left the foreign tourists with no access to commercial or public transportation, no access to shelter or proper provision, and have run short of finances because of costly rebooking of international flights and unforeseen extension of stay in the country. This situation imposes an obligation for the Department of Tourism (DOT) to step-up, fulfill its mandate, and address the concerns of the distressed and stranded tourists in the Philippines;

WHEREAS, on 20 March 2020, the DOT entered into a contract with Royal Air for the transfer of 1,080 passengers from Boracay Island, Malay, Aklan to Manila, with a total of six (6) roundtrips, pursuant to approved BAC Resolution No. 2020-091

WHEREAS, Royal Air successfully completed the transfer of approximately 428 passengers thru four (4) flights on 21 to 22 March 2020. However, due to logistical and technical difficulties in their ground services, which is beyond their control, Royal Air informed the DOT that it can no longer service the last remaining two (2) flights as originally awarded;

WHEREAS, as of this date, there are still 550 stranded foreign tourists in Boracay Island wherein these tourists remain to be at high risk for COVID-19 because of age and health status, and physically, emotionally, and mentally exhausted because of the current crisis;

WHEREAS, to continue to assist DOT Regional Office VI in the immediate transfer of the stranded tourists, the Project Officer submitted a request for the procurement of one (1) chartered flight scheduled to operate on 26 March 2020 for the stranded foreign tourists in Boracay Island. The Approved Budget for the Contract (ABC) is Six Hundred Twenty-Seven Thousand Two Hundred Pesos (PhP627,200.00). A copy of the approved Purchase Request and Justification are hereto attached, marked as **Annex "C" and "D"**, and made integral parts hereof;

WHEREAS, subject to the prior approval of the Head of the Procuring Entity (HoPE), and whenever justified by the conditions provided in the revised Implementing Rules and Regulations (IRR) of Republic Act No. 9184 (RA 9184), otherwise known as the Government Procurement Reform Act (GPRA), the procuring entity may, in order to promote economy and efficiency, resort to any of the alternative methods of procurement provided in Rule XVI of the same IRR, provided that in all instances, the procuring entity shall ensure that the most advantageous price for the Government is obtained;

WHEREAS, Section 53.2 of the 2016 IRR of RA No. 9184, as amended by Government Procurement Policy Board (GPPB) Resolution No. 03-2020 on Approving the Adoption of Efficient and Expedient Procurement Procedures During a State of Public Health Emergency, enumerates the following instances where Negotiated Procurement (Emergency Cases) is resorted to:

- "(a) in case of imminent danger to life or property during a state of calamity;*
- (b) when time is of the essence arising from natural or man-made calamities;*
- (c) other causes where immediate action is necessary to prevent damage to or loss of life or property, or to restore vital public services, infrastructure facilities and other public utilities; or*
- (d) 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."*

WHEREAS, under the same GPPB Resolution, it states that:

"the BAC xxx shall recommend to the HoPE any revision of the Annual Procurement Plan (APP) to cover the Procurement Project that will be resorting to Negotiated Procurement (Emergency Cases) under Section 53.2 of the 2016 revised IRR subject to the validation by the appropriate office in the Procuring Entity that there are funds in the budget to cover for the same."

A copy of GPPB Resolution No. 03-2020 is hereto attached, marked as **Annex "E"**, and made an integral part hereof;

WHEREAS, pursuant to the foregoing, the Project Officer invited prospective airlines and negotiated with the interested airlines (service providers). Below are the quotations received:

Airline	Particulars	Bid Price
Cebu Pacific	MNL-MPH-MNL Type of Charter: Regular Aircraft: Airbus A320 with 180 seats	PHP 627,200.00 VAT inclusive
Philippine Airlines	MNL-MPH Type of Charter: Regular Aircraft: A321 with 199 seats	PHP 1,280,000.00 VAT inclusive; exclusive of applicable government taxes and airport fees


WHEREAS, after an evaluation of the quotations received from the above-mentioned airlines, Cebu Pacific was found compliant and responsive to the immediate need of the Department. A copy of the quotations submitted are hereto attached, marked as **Annex "F-1"**, and **Annex "F-2"**, and are made integral parts hereof;

NOW, THEREFORE, premises considered, WE the Members of the DOT Bids and Awards Committee (BAC), hereby **recommend to the Secretary the following:**

- 1) **Amend the Annual Procurement Plan (APP)** to include this procurement project with the corresponding total approved budget for the contract of Six Hundred Twenty-Seven Thousand Two Hundred Pesos (PhP627,200.00);
- 2) **Adopt Negotiated Procurement – Emergency Cases** as an Alternative Method of Procurement considering the above-mentioned justifications pursuant to Section 53.2 of the IRR of RA 9184, as amended by GPPB Resolution No. 03-2020;
- 3) **Confirm the authority of the designated Project Officer** to directly negotiate with a legally, technically and financially capable service provider and secure the quotation/s for the procurement of a chartered flight undertaken through the allowable instances of Negotiated Procurement (Emergency Cases) under Section 53.2 of the 2016 revised IRR and Item V (D) (2a) of Annex "H" of the same IRR, and submit to the BAC the results of negotiation;
- 4) **Award the contract to Cebu Pacific** for the procurement of a chartered flight in order to facilitate the immediate transfer of distressed and stranded foreign tourists from Boracay Island, Malay, Aklan to Manila on 26 March 2020, as their port of exit and catch their international outbound flights, with the contract price of **Six Hundred Twenty-Seven Thousand Two Hundred Pesos (PhP627,200.00)**;
- 5) Approve the foregoing.

Adopted this 24th day of March 2020 in Makati City.

Recommending Approval:



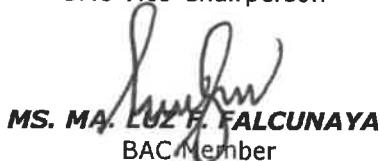
ASEC. ROBERTO P. ALABADO III
BAC Chairperson



DIR. MILAGROS Y. SAY
BAC Vice-Chairperson



MR. RAYMUND GLEN A AGUSTIN
BAC Member



MS. MA. LUZ F. FALCUNAYA
BAC Member



ATTY. JENNIFER A. OLBA
BAC Member

By Authority of the Secretary:

Approved Disapproved



ARTURO P. BONCATO, JR.
Undersecretary for Tourism Regulation,
Coordination and Resource Generation