



**BAC RESOLUTION RECOMMENDING THE USE OF EMERGENCY
PROCUREMENT UNDER THE *BAYANIHAN* ACT FOR THE PROCUREMENT OF
CHARTERED FLIGHT FOR LOCALLY STRANDED INDIVIDUALS (LSI) AND
STRANDED DOMESTIC TOURISTS IN MANILA AND CEBU**

Resolution No. 2020 - 094

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 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 (ECQ) 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, pursuant to B (1) of IATF Resolution No. 13, only foreign nationals, OFWs and balikbayans were allowed to leave the Philippines any time for the duration of the Enhanced Community Quarantine (ECQ), and outbound travel by Filipinos to jurisdictions where travel restrictions are in place were not allowed. A copy of IATF Resolution No. 13 is hereby attached, marked as **Annex "C"**, and made an integral part hereof;;

WHEREAS, despite the government interventions, the number of confirmed cases of COVID-19 disease continues to rise, thus the Inter-agency Task Force (IATF) for the Management of Emerging Infectious Diseases issued IATF Resolution Nos. 20 and 21 extending the ECQ until 30 April 2020. A copy of IATF Resolution Nos. 20 and 21 are hereby attached, marked as **Annexes "D"** and **"E"**, respectively;

WHEREAS, pursuant to IATF Resolution No. 29, the ECQ was further extended until 15 May 2020 in National Capital Region, Region III (Central Luzon) except the Province of Aurora, Region IVA (CALABARZON), Province of Pangasinan, Province of Benguet, Baguio City, Province of Iloilo, Province of Cebu, Cebu City, and Davao City. Likewise, in the said Resolution, the DOT was authorized to undertake necessary measures to charter and fund sweeper flights for stranded domestic tourists from other regions to the National Capital Region. A copy of the IATF Resolution is hereto attached, marked as **Annex "F"**, and made an integral part hereof;

WHEREAS, the IATF Resolution imposes an obligation for the DOT to act with urgency according to its mandate to ensure the safety of our tourists and personnel at the time of crisis, as there is imminent danger to life and time is of the essence.

WHEREAS, additionally, during the 13th Intertask Group Meeting on 02 May 2020, the body has approved the Operational Guidelines in the Management of Locally Stranded Individuals (LSIs) who are classified as Foreign nationals, or Filipino citizens (e.g. construction and domestic workers, tourists, students, among others) in a specific locality within the Philippines who have expressed their intention to return to their place of residence/home origin. A copy of the Minutes of the 13th Intertask Group Meeting and Operational Guidelines in the Management of Locally Stranded Individuals are hereto attached, marked as **Annex "G" and "H"**, and made an integral parts hereof;

WHEREAS, pursuant to the said IATF Resolution and Operational Guidelines, the Project Officer submitted a request for the procurement of chartered flight (Manila-Cebu-Manila) on 8 May 2020, with the following justifications:

- a. To fulfill the Department's mandate, the immediate procurement of chartered flights is imperative to provide assistance to distressed and stranded domestic tourists in different parts of the country;
- b. With the extension of the Enhanced Community Quarantine in the said regions/provinces, all non-basic establishments are indefinitely ordered closed and will leave our domestic tourists with no shelter, proper provision, and impossibility of returning home. They are the government's responsibility for as long as they are stranded and away from home.
- c. The majority of these tourists have run short of finances because they have been stranded for almost two months now. In addition, due to the successive declaration of extension, most of the tourists had to rebook tickets and get cancelled several times.
- d. That in the initial registration for the first domestic flight, domestic tourists accounted were only less than 180 pax, however, since the news about the sweeper flights reached the majority, more than 400 additional stranded domestic tourists registered with the DOT Central Visayas office. Out of that, the project officer have identified 273, subject to validation, who are bound for NCR. The schedule of the second sweeper flight is targeted on 08 May 2020;
- e. Pursuant to Article 6.7 of the said operational guidelines, the DOT shall undertake the necessary measures to provide chartered and sweeper flights for tourists considered as LSI to transport them to their residences. Hence, DOT has extended its chartered flight to stranded passengers in Manila who are residing in Cebu which justifies the request for a roundtrip chartered flight;

WHEREAS, the Project Officer submitted a request for the procurement of one (1) chartered flight (Manila-Cebu-Manila) scheduled to operate on 08 May 2020 for the locally stranded individuals in Manila and stranded domestic tourists in Cebu. The Approved Budget for the Contract (ABC) is **Nine Hundred Seventy Thousand Pesos (PhP 970,000.00)**. A copy of the approved Purchase Request (PR) and Justification are hereto attached, marked as **Annex "I" and "J"** respectively, and are made integral parts hereof;

WHEREAS, whenever justified by the conditions provided in the Government Procurement Policy Board (GPPB) Circular No. 01-2020, providing "Guidelines for Emergency Procurement under the Republic Act No. 11469 (RA 11469), or the *Bayanihan*

to Heal as One Act”, the procuring entity may, in order to expedite the procurement of highly needed supplies, materials, equipment, utilities, telecommunications, and **other critical services authorized** under RA 11469, otherwise known as the *Bayanihan to Heal as One Act*, resort to emergency procurement under the said Act, provided that in all instances, the procuring entity shall ensure that the most advantageous price for the Government is obtained. A copy of GPPB Circular No. 01-2020 is hereto attached, marked as **Annex “K”**, and is made an integral part hereof;

WHEREAS, the DOT, having authorized to undertake necessary measures to charter and fund sweeper flights for stranded domestic tourists from other regions to the National Capital Region (NCR) determines that the said sweeper flights are considered ancillary services related to the immediate mobilization of assistance in the provision of basic necessities to families and individuals affected by the imposition of Community Quarantine, and in the provision of safety nets to all affected sectors pursuant to Section 2.2(f) of GPPB Circular No. 01-2020;

WHEREAS, pursuant to the foregoing, the BAC, through the assistance of the Project Officer, invited prospective airlines and negotiated with the interested airlines (service providers) and below are the quotations received:

Airline	Particulars	Bid Price	Findings
CEBU PACIFIC	Manila – Cebu – Manila A321/230 seats Inclusive of aircraft fuel cost, overfly and navigation fees, ground handling fees & other required logistics Flight Schedule: 8 May 2020	PHP 956,250.00	Responsive
AIR ASIA	Can only provide A320 capacity is 180 seats, no A321 available	PHP1,014,480.00	Non-responsive
PHILIPPINE AIRLINES	Can only provide 199 seater	none	Non-responsive

WHEREAS, after an evaluation of the quotation received from Cebu Pacific, its proposal was found compliant and responsive to the immediate need of the Department. A copy of the quotation submitted by Cebu Pacific is hereto attached, marked as **Annex “L”**, and is made an integral part 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 a procurement modality of “Emergency procurement under the *Bayanihan Act*”, with the corresponding total approved budget for the contract (ABC) of Nine Hundred Seventy Thousand Pesos (PhP 970,000.00);
- 2) **Adopt Emergency Procurement under the *Bayanihan Act*** as the mode of procurement considering the above-mentioned justifications and as provided under GPPB Circular 01-2020 providing Guidelines for Emergency Procurement under Republic Act No. 11469 (RA 11469) or the *Bayanihan to Heal as One Act*;

- 3) **Confirm the authority of the designated Project Officer** to assist the BAC by directly negotiating with a legally, technically and financially capable service provider and to secure the quotation/s for the procurement of chartered flights undertaken through the allowable instances of Emergency Procurement under the *Bayanihan* Act, and submit to the BAC the results of negotiation;
- 4) **Award the contract to Cebu Pacific** for the procurement of chartered flight in order to facilitate the immediate transfer of locally stranded individuals (LSIs) in Manila and stranded domestic tourists in Cebu on 08 May 2020, with the contract price of **Nine Hundred Fifty-Six Thousand Two Hundred Fifty Pesos (PhP956,250.00)**;
- 5) Approve the foregoing.

Adopted this 7th day of May 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. BONCAFO, JR.
Undersecretary for Tourism Regulation, Coordination
and Resource Generation