

BIDS AND AWARDS COMMITTEE (BAC)
Resolution No. 20-03-058

**RECOMMENDING THE USE OF NEGOTIATED PROCUREMENT THROUGH
EMERGENCY CASES AND AWARD OF CONTRACT FOR THE SUPPLY AND
DELIVERY OF ANTIBACTERIAL BAR SOAP FOR THE SENIOR CITIZENS
AFFECTED BY THE PANDEMIC SPREAD OF CORONA VIRUS DISEASE
(COVID-19)
(PR NO. 01-20001-PR-2020-03-00237)**

WHEREAS, the Department of Social Welfare and Development (DSWD) in its efforts to provide immediate protection for the Senior Citizens affected by the Pandemic Spread of Corona Virus Disease (Covid-19), the National Resource and Logistics Management Bureau (NRLMB) requested emergency procurement of 200,000 pieces Antibacterial Bar Soap under Purchase Request (PR) No. 01-20001-PR-2020-03-00237 as one of the component of sanitary kits to be distributed by the Department. Copies of the PR and Project Proposal are hereto attached, marked as **Annexes "A"**, and **"B"**, respectively, and are made integral parts hereof;

WHEREAS, Section 53.2¹ of the 2016 Revised Implementing Rules and Regulations (IRR) of Republic Act No. 9184 (RA No. 9184) otherwise known as the Government Procurement Reform Act, allows the use of Negotiated Procurement-Emergency Cases whereby the Procuring Entity can directly negotiate a contract with a technically, legally and financially capable supplier. Negotiated Procurement-Emergency Cases may be resorted on the following instances;

- i. *In case of imminent danger to life or property during a state of calamity, or*
- ii. *When time is of the essence arising from natural or man-made calamities or*
- iii. *Other causes where immediate action is necessary:*
 - a) *To prevent damage to or loss of life or property, or*
 - b) *To restore vital public services, infrastructure facilities and other public utilities.*

WHEREAS, the NRLMB, through Director Emmanuel P. Privado, submitted a justification requesting for the emergency procurement of 100,000 sanitary kits which includes the Antibacterial Bar Soap for the Senior Citizens affected by the Covid-19

¹ In case of imminent danger to life or property during a state of calamity, or when time is of the essence arising from natural or man-made calamities or other causes where imminent 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. In 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 AFP.

pursuant to Section IV, Article XV of the 1987 Constitution of Republic of the Philippines which states that “[t]he family has the duty to care for its elderly members but the State may also do so through just programs of social security”. A copy of the Justification is hereto attached, marked as **Annex “C”**, and made an integral part hereof;

WHEREAS, the President of the Philippines declared a state of Public Health Emergency throughout the Philippines through Proclamation No. 922 dated 08 March 2020. It was indicated in the Proclamation that *“the declaration of State of Public Health Emergency would capacitate the government agencies and LGUs to immediately act to prevent loss of life, utilize appropriate resources to implement urgent and critical measures to contain or prevent the spread of Covid-19, mitigate its effects and impact to the community, and prevent serious disruption of the functioning of the government and the community”*. A copy of the Proclamation No. 922 is hereto attached, marked as **Annex “D”**, and made an integral part hereof;

WHEREAS, in the exigency of service and considering the urgency of the aforesaid request and to ensure that competitive prices are obtained, the Procurement Management Service (PMS), through the Procurement Planning and Management Division (PPMD), immediately prepared the Request for Quotation (RFQ) No. 20-0310 NP-Emergency Cases for the 200,000 pieces Antibacterial Bar Soap and sent to the following prospective suppliers, to wit:

1. Lakshmi Zane Enterprise;
2. Vicarish Publication and Trading;
3. Super Saver;
4. 2GO Global International Corporation;
5. Beavans Dental Trading;
6. Dextel Trading;
7. Betillane Marketing;
8. Anjene Industries Inc.;
9. Sciontrade Corporation;
10. Puregold Price Club, Inc.;
11. Suy Sing Commercial Corp.;
12. Ramesh Trading
13. Lokal Industries;
14. Centerpoint Sales
15. L. Victoria Trading;
16. CYN Trading & Services, Inc.
17. A. M. Ramos Trading, Inc.
18. Vita-lize Distributions, Inc.
19. Emmiah Marketing
20. Anthony and Czes Enterprise;
21. 8 Dimension Trading & Supplies Inc.;
22. Green Cross Corporation;
23. DNL Corporation;
24. FNB Educational Inc.;
25. Endure Medical Inc.;
26. Steritex Medical System;
27. Infinite Medical Trading;
28. Rebmann, Inc.;
29. Panamed Philippines, Inc.;
30. Medical Center Trading Corporation;
31. AMB HK Enterprise, Inc.;
32. Micel Corporation;
33. S&S Enterprises, Inc.;
34. SPH International Corp.; and
35. Kulit’s Drugstore;

Copies of the RFQ, Proof of Invitation and Endorsement Memorandum from PPMD are hereto attached, marked as **Annexes “E”**, **“F”**, and **“G”**, respectively, and are made integral parts hereof;



WHEREAS, in response to the RFQ, the following suppliers submitted its price quotations within the specified deadline of submission which was not later than 3:00 p.m. of 20 March 2020, to wit;

1. FNB Education Inc.;
2. Emmaiah Marketing & Services, Inc.; and
3. Beavans Dental Trading;

Copies of the proof of quotations are hereto attached, marked as **Annexes “H-1”**, “H-2”, and “H-3”, respectively, and are made integral parts hereof;

WHEREAS, Emmaiah Marketing & Services, Inc. was determined as the Single Calculated and Responsive Quotation based on the result of evaluation as follows:

SUPPLIER'S NAME	PRICE QUOTATION (in Phil. Peso inclusive of Applicable Taxes)	EVALUATION AS TO SPECIFICATIONS	REMARKS/FINDINGS
Emmaiah Marketing & Services, Inc.	3,000,000.00	COMPLYING	Single Calculated and Responsive Quotation
FNB Education Inc.	3,017,000.00	NON-COMPLYING DUE TO DELIVERY TERMS	Declined due to lack of manpower
Beavans Dental Trading	3,036,000.00	NON-COMPLYING DUE TO SPECIFICATIONS	The item being offered is without a box/container

NOW, THEREFORE, in view of the foregoing and on the basis of the documents presented, we, the members of the Bids and Awards Committee resolves, as it is hereby resolved, to recommend the following:

1. Use of **Negotiated Procurement - Emergency Cases** for the Supply and Delivery of 200,000 pieces Antibacterial Bar Soap pursuant to Section 53.2 of the 2016 Revised IRR of RA No. 9184, to provide immediate protection to the Senior Citizens affected by the Pandemic Spread of Corona Virus Disease (Covid-19); and
2. Award of contract to **Emmaiah Marketing & Services, Inc.** being the technically, legally and financially capable supplier, with a total contract cost amounting to **Three Million Pesos (PhP3,000,000.00)**, inclusive of applicable taxes for the **Supply and Delivery of 200,000 pieces Antibacterial Bar Soap for the Senior Citizens affected by the Pandemic Spread of Corona Virus Disease (Covid-19)**.

RESOLVED, this 20th day of **March 2020** at Quezon City, Philippines.

EMMANUEL P. PRIVADO

*Director, National Resource and
Logistics Management Bureau*
Regular Member

FELIX M. ARMEÑA

*Division Chief, Information and
Communication Technology
Management Service*
Alternate Member

ERNESTINA Z. SOLLOSO

*Director, Pantawid Pamilyang Pilipino
Program*
Regular Member

IRENE B. DUMLAO

*Officer-in-Charge, Social Marketing
Service*
Alternate Member

RENE GLEN O. PAJE*

*Undersecretary for Inclusive and
Sustainable Peace*
Regular Member

NOEL M. MACALALAD

*Assistant Secretary for Standards and
Capacity Building*
Alternate Member

FELICISIMO C. BUDIONGAN

*Undersecretary for Disaster Response
Management*
Chairperson

EMMANUEL P. PRIVADO

*Director, National Resource and
Logistics Management Bureau*
Regular Member

() Approved () Disapproved

FELICISIMO C. BUDIONGAN

Undersecretary for Disaster Response Management
(Per Special Order No. 3242, Series of 2019)
(Head of the Procuring Entity/Authorized Representative)

**Designated as Vice-Chairperson in the absence of the Chairperson*