



Republic of the Philippines  
DEPARTMENT OF PUBLIC WORKS AND HIGHWAYS  
**CENTRAL OFFICE**  
Manila

097.7 DPWH  
09.30.2020

September 29, 2020

**DEPARTMENT MEMORANDUM** )

CIRCULAR NO. 82 )  
Series of 2020 9/30/20 )

**FOR / TO : Senior Undersecretary**  
**Undersecretaries**  
**Assistant Secretaries**  
**Bureau Directors**  
**Service Directors**  
**Regional Directors**  
**Heads of UPMOs**  
**District Engineers**  
**BAC Chairpersons and Members**  
This Department

For information and guidance, attached is a copy of **GPPB Resolution No. 18-2020** entitled "**Approving the Rules on the Conduct of Procurement Activities under Republic Act No. 11494 or the BAYANIHAN to recover as One Act**".

A copy of said Resolution may also be downloaded from the **DPWH website: <http://dpwhweb>**. If an office cannot access the DPWH website, a hard copy may be obtained from the Records Management Division, HRAS, upon request.

**MARICHU A. PALAFOX, CESO III**  
Assistant Secretary for Support Services

Incl: GPPB Resolution No. 18-2020 dated September 16, 2020

Cc: Office of the Secretary

12.1.1 EYAP/RAG/MVSG



**APPROVING THE RULES ON THE CONDUCT OF PROCUREMENT ACTIVITIES UNDER  
REPUBLIC ACT NO. 11494 OR THE *BAYANIHAN TO RECOVER AS ONE ACT***

**WHEREAS**, Republic Act (RA) No. 9184, otherwise known as the "Government Procurement Reform Act," took effect on 26 January 2003, while its 2016 revised Implementing Rules and Regulations (IRR) took effect on 28 October 2016;

**WHEREAS**, Section 63 of RA No. 9184 and its 2016 revised IRR authorizes the Government Procurement Policy Board (GPPB) to formulate public procurement policies, rules and regulations, and amend its IRR, whenever necessary;

**WHEREAS**, on 8 March 2020, the President signed Proclamation No. 922 declaring a State of Public Health Emergency throughout the Philippines upon the recommendation of the Department of Health (DOH) following the confirmed local transmission of the Coronavirus Disease 2019 (COVID-19);

**WHEREAS**, on 16 March 2020, due to the rapid increase of cases of infection in the country, the President signed Proclamation No. 929 declaring a State of Calamity throughout the Philippines for a period of six (6) months, unless lifted or extended as circumstances may warrant, and further providing for the imposition of "Enhanced Community Quarantine" over the entire Luzon;

**WHEREAS**, on 24 March 2020, the President signed RA No. 11469 or the *Bayanihan to Heal as One Act (Bayanihan Act)*, which granted the President temporary emergency powers to address the national emergency brought about by the COVID-19 pandemic. The said law is only effective for a period of three (3) months;

**WHEREAS**, on 6 April 2020, the GPPB issued Resolution No. 06-2020 approving the issuance of the GPPB Circular No. 01-2020 on the Guidelines for Emergency Procurement under the *Bayanihan Act* wherein Procuring Entities (PEs) are encouraged to directly purchase agricultural products from local farmers or farmers' associations or cooperatives, among others;

**WHEREAS**, on 11 September 2020, the President signed RA No. 11494 or the *Bayanihan to Recover as One Act (Bayanihan 2)* in view of the unabated spread of the COVID-19 virus and the ensuing economic disruption therefrom. Section 4(u) of *Bayanihan 2* exempts specific procurement projects<sup>1</sup> related to the COVID-19 response from the coverage of RA No. 9184;

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<sup>1</sup> a. Goods, which may include PPE such as gloves, gowns, masks, goggles, and face shields; surgical equipment and supplies; laboratory equipment and its reagents; medical equipment and devices; support and maintenance for laboratory and medical equipment, surgical equipment and supplies; medical supplies, tools, and consumables such as alcohol, sanitizers, tissue, thermometers, hand soap, detergent, sodium hypochlorite, cleaning materials, povidone iodine, common medicines (e.g., paracetamol tablet and suspension, mefenamic acid, vitamins tablet and suspension, hyoscine tablet and suspension, oral rehydration solution, and cetirizine tablet and suspension); testing kits, and such other supplies or equipment as may be determined by the DOH and other relevant government agencies: Provided, That the DOH shall prioritize the allocation and distribution of the aforesaid goods, supplies and other resources to the following:

- (i) Public health facilities in the regions, provinces, or cities, that are designated as COVID-19 referral hospitals, such as, but not limited to, Philippine General Hospital (PGH), Lung Center of the Philippines (LCP), and Dr. Jose N. Rodriguez Memorial Hospital;
- (ii) Private hospitals which have existing capacities to provide support care and treatment to COVID-19 patients; and

**WHEREAS**, Section 4(ooo) of the *Bayanihan 2* provides that PEs may directly purchase agricultural and fishery products from farmers and fisher folk and agricultural cooperatives as a form of direct assistance even beyond the lapse of the *Bayanihan Act* in accordance with RA No. 11321, or the Sagip Saka Act;

**WHEREAS**, paragraph one (1) of Section 4(u) of the *Bayanihan 2* requires specific information and documents<sup>2</sup> related to the procurement projects covered under the *Bayanihan 2*, including the certification stating that the PE exerted all efforts to secure the most advantageous price to the government to be published in the GPPB Online Portal, the website of the PE concerned, if available, and at any conspicuous place reserved for this purpose in the premises of the PE within seven (7) working days from the date of acceptance of the award;

**WHEREAS**, to ensure the seamless implementation of the procurement provisions under RA No. 11494 or the *Bayanihan 2*, the Board resolved, upon recommendation of the GPPB - Technical Support Office, to adopt the below-described rules for the efficient conduct of procurement activities under the *Bayanihan 2*;

**NOW, THEREFORE**, for and in consideration of the foregoing, **WE**, the Members of the **GOVERNMENT PROCUREMENT POLICY BOARD**, by virtue of the powers vested on **US**, by law and other executive issuances, hereby **RESOLVE**, to confirm, adopt, and approve, as **WE**, hereby confirm, adopt, and approve the following:

1. **APPROVE** the use of the relevant procedure and requirements under GPPB Circular No. 01-2020 dated 6 April 2020 for the procurement of general support services, which includes non-personal or contractual services and related or analogous services, Infrastructure Projects, and Consulting Services covered under the *Bayanihan 2*. However, PEs shall require the submission of the revised Omnibus Sworn Statement, attached hereto as Annex "A", regardless of the amount of the approved budget for the contract (ABC). Pursuant to Section 4(u) of RA No. 11494 or the *Bayanihan 2*, the PE shall likewise submit a certification stating that it exerted all efforts to secure the most advantageous price to the government based on existing price data of the agency, the Department of Trade and Industry (DTI) or other relevant agencies or preliminary market scanning done by the agency showing prevailing market prices and practice pursuant to Section 4(u) of RA No. 11494 or the *Bayanihan 2*;
2. **APPROVE** the use of the relevant procedure and requirements under GPPB Circular No. 01-2020 dated 6 April 2020 for the direct purchase of agricultural and fishery products from farmers and fisherfolk, and farmers' associations or cooperatives, as provided under Section 4(ooo) of RA No. 11494 or the *Bayanihan 2*;

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(iii) Public and private laboratories that have existing capacities to test suspected COVID-19 patients.  
b. Goods and services for social amelioration measures in favor of affected communities;  
c. Lease of real property or venue for use to house health workers or serve as quarantine centers, medical relief and aid distribution locations, or temporary medical facilities;  
d. Establishment, construction, and operation of temporary medical facilities;  
e. Utilities, telecommunications, and other critical services in relation to operation of quarantine centers, medical relief and aid distribution centers and temporary medical facilities; and  
f. Ancillary services related to the foregoing

<sup>2</sup> (i) Project name; (ii) Approved Budget for the Contract (ABC); (iii) Contract period; (iv) Name of winning supplier, distributor, manufacturer, contractor or consultant; (v) Amount of contract as awarded; (vi) Notice of award (NOA); (vii) Date of award and acceptance; and (viii) Contract or purchase order.

3. **REMIND** the PEs to comply with the additional posting requirements under RA No. 11494 or the *Bayanihan 2* for the procurement of Goods, Infrastructure Projects, and Consulting Services covered therein and publish the following information and documents in the GPPB Online Portal, the website of the procuring entity concerned, if available, and at any conspicuous place reserved for this purpose in the premises of the procuring entity within seven (7) working days from the date of acceptance of the award:
  - a. Project name;
  - b. Approved Budget for the Contract;
  - c. Contract period;
  - d. Name of winning supplier, distributor, manufacturer, contractor or consultant;
  - e. Amount of contract as awarded;
  - f. Notice of award (NOA);
  - g. Date of award and acceptance;
  - h. Contract or purchase order; and
  - i. A certification stating that the PE exerted all efforts to secure the most advantageous price to the government based on existing price data of the agency, the DTI or other relevant agencies or preliminary market scanning done by the agency showing prevailing market prices and practice;
  
4. **REMIND** PEs that the rules on the conduct of procurement activities covered under RA No. 11494 or the *Bayanihan 2* shall only be in effect during the effectivity of the said law which is until **December 19, 2020**. Thus, PEs which issued a NOA during its effectivity may proceed with their contract implementation even after said effectivity. After the lapse of the effectivity of the *Bayanihan 2*, no NOA shall be issued.

This Resolution shall take effect immediately.

**APPROVED** this 16<sup>th</sup> day of September 2020 at Pasig City, Philippines.

Sgd.

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**WENDEL E. AVISADO**  
*GPPB, Chairperson*  
**DEPARTMENT OF BUDGET AND  
MANAGEMENT**

Sgd.

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**LAURA B. PASCUA**  
*Alternate to the Chairperson*  
**DEPARTMENT OF BUDGET AND  
MANAGEMENT**

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**NATIONAL ECONOMIC AND  
DEVELOPMENT AUTHORITY**

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**DEPARTMENT OF EDUCATION**

Sgd.

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**DEPARTMENT OF ENERGY**

Sgd.

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**DEPARTMENT OF FINANCE**

Sgd.

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**DEPARTMENT OF HEALTH**

Sgd.

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**DEPARTMENT OF THE INTERIOR AND  
LOCAL GOVERNMENT**

Sgd.

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**DEPARTMENT OF NATIONAL  
DEFENSE**

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**DEPARTMENT OF PUBLIC WORKS AND  
HIGHWAYS**

Sgd.

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**DEPARTMENT OF SCIENCE AND  
TECHNOLOGY**

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**DEPARTMENT OF TRADE AND INDUSTRY**

Sgd.

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**DEPARTMENT OF TRANSPORTATION**

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**DEPARTMENT OF INFORMATION AND  
COMMUNICATIONS TECHNOLOGY**

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**PRIVATE SECTOR REPRESENTATIVE**

**Omnibus Sworn Statement  
For the Conduct of Procurement Activities under Republic Act No. 11494 or the *Bayanihan*  
to Recover as One Act**

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REPUBLIC OF THE PHILIPPINES )  
CITY/MUNICIPALITY OF \_\_\_\_\_ ) S.S.

**AFFIDAVIT**

I, *[Name of Affiant]*, of legal age, *[Civil Status]*, *[Nationality]*, and residing at *[Address of Affiant]*, after having been duly sworn in accordance with law, do hereby depose and state that:

1. *[Select one, delete the other:]*

*[If a sole proprietorship:]* I am the sole proprietor or authorized representative of *[Name of Bidder]* with office address at *[address of Bidder]*;

*[If a partnership, corporation, cooperative, or joint venture:]* I am the duly authorized and designated representative of *[Name of Bidder]*;

2. *[Select one, delete the other:]*

*[If a sole proprietorship:]* As the owner and sole proprietor, or authorized representative of *[Name of Bidder]*, I have full power and authority to do, execute and perform any and all acts necessary to participate, submit the bid, and to sign and execute the ensuing contract for *[Name of the Project]* of the *[Name of the Procuring Entity]*, as shown in the attached duly notarized *Special Power of Attorney*;

*[If a partnership, corporation, cooperative, or joint venture:]* I am granted full power and authority to do, execute and perform any and all acts necessary to participate, submit the bid, and to sign and execute the ensuing contract for *[Name of the Project]* of the *[Name of the Procuring Entity]*, as shown in the attached *[state title of attached document showing proof of authorization (e.g., duly notarized Secretary's Certificate, Board/Partnership Resolution, or Special Power of Attorney, whichever is applicable)]*;

3. *[Name of Bidder]* is not "blacklisted" or barred from bidding by the Government of the Philippines or any of its agencies, offices, corporations, or Local Government Units, foreign government/foreign or international financing institution whose blacklisting rules have been recognized by the Government Procurement Policy Board, by itself or by its association or relation with another blacklisted person or entity as defined and provided for in the Uniform Guidelines on Blacklisting;

4. Each of the documents submitted in satisfaction of the bidding requirements is an authentic copy of the original, complete, and all statements and information provided therein are true and correct;

5. *[Name of Bidder]* is authorizing the Head of the Procuring Entity or its duly authorized representative(s) to verify all the documents submitted;

6. *[Select one, delete the rest:]*

*[If a sole proprietorship:]* The owner or sole proprietor is not related to the Head of the Procuring Entity, members of the Bids and Awards Committee (BAC), the Technical Working Group, and the BAC Secretariat, the head of the Project Management Office or

the end-user unit, and the project consultants by consanguinity or affinity up to the third civil degree;

*[If a partnership or cooperative:]* None of the officers and members of *[Name of Bidder]* is related to the Head of the Procuring Entity, members of the Bids and Awards Committee (BAC), the Technical Working Group, and the BAC Secretariat, the head of the Project Management Office or the end-user unit, and the project consultants by consanguinity or affinity up to the third civil degree;

*[If a corporation or joint venture:]* None of the officers, directors, and controlling stockholders of *[Name of Bidder]* is related to the Head of the Procuring Entity, members of the Bids and Awards Committee (BAC), the Technical Working Group, and the BAC Secretariat, the head of the Project Management Office or the end-user unit, and the project consultants by consanguinity or affinity up to the third civil degree;

7. *[Name of Bidder]* complies with existing labor laws and standards; and
8. *[Name of Bidder]* is aware of and has undertaken the responsibilities as a Bidder in compliance with the Philippine Bidding Documents, which includes:
  - a. Carefully examine all of the Bidding Documents;
  - b. Acknowledge all conditions, local or otherwise, affecting the implementation of the Contract;
  - c. Made an estimate of the facilities available and needed for the contract to be bid, if any; and
  - d. Inquire or secure Supplemental/Bid Bulletin(s) issued for the *[Name of the Project]*.
9. *[Name of Bidder]* did not give or pay directly or indirectly, any commission, amount, fee, or any form of consideration, pecuniary or otherwise, to any person or official, personnel or representative of the government in relation to any procurement project or activity.
10. In case advance payment was made or given, failure to perform or deliver any of the obligations and undertakings in the contract shall be sufficient grounds to constitute criminal liability for Swindling (Estafa) or the commission of fraud with unfaithfulness or abuse of confidence through misappropriating or converting any payment received by a person or entity under an obligation involving the duty to deliver certain goods or services, to the prejudice of the public and the government of the Philippines pursuant to Article 315 of Act No. 3815 s. 1930, as amended, or the Revised Penal Code.

IN WITNESS WHEREOF, I have hereunto set my hand this \_\_\_ day of \_\_\_, 20\_\_ at \_\_\_\_\_, Philippines.

\_\_\_\_\_  
Name and Signature of Bidder's  
Authorized Representative

*[Jurat]*

*[Format shall be based on the Rules on Notarial Practice]*