



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

Resolution No. 2020 - 091

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 foreign tourists in the Philippines.

WHEREAS, the Project Officer submitted a request for the procurement of chartered flights for stranded foreign tourists in Boracay and Siargao Islands with the following justifications:

- a. given that the entire Philippines is under a state of calamity, the DOT had to act with urgency according to its mandate to ensure the safety of our tourists and personnel at this time of crisis; as there is imminent danger to life and time is of the essence;
- b. to fulfill the Department's mandate, the immediate procurement of chartered flights is imperative to provide assistance to distressed and stranded tourists in Boracay Island, Malay, Aklan, and Siargao Island, by facilitating transfers and timely arrival to their ports of exit to catch international outbound flights;
- c. with the country in ECQ and under the state of health emergency all non-basic establishments were indefinitely ordered closed and will leave these tourists with no shelter and proper provision. They are the government's responsibility

for as long as they are here in the country. Majority of these tourists have run short of finances because of costly rebooking of international flights and unforeseen extension of stay in the Philippines;

- d. due to the sudden declaration, most of the tourists did not have enough time to do re-booking, or book another flight because flights were immediately cancelled; and
- e. A good number of these tourists are at high risk for CoViD-19 because of age and health status.

A copy of the submitted justification is hereto attached, marked **Annex "C"**, and made an integral part hereof;

WHEREAS, the total approved budget for the contract is Nine Million Nine Hundred Forty-Seven Thousand Five Hundred Pesos (PhP 9,947,500.00) classified into the following Lots:

Lot No.	Route	ABC per Lot
1	From Boracay Island, Malay, Aklan to Manila	PHP 4,243,500.00
2	From Siargao Island to Clark	PHP 5,704,000.00

A copy of the approved Purchase Request is hereto attached, marked as **Annex "D"**, and made an integral part 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	Findings
Royal Air	<p>LOT 1 - to transfer foreign tourists from Boracay Island, Malay, Aklan to Manila</p> <p>Type of Charter: Regular</p> <p>Allowable seat accommodation: 1,080 passengers (for total of six [6] roundtrips)</p> <p>Flight schedule:</p> <ul style="list-style-type: none"> • 21 March 2020 • 22 March 2020 	PHP 3,690,000.00	Responsive
Philippine Airlines	<p>LOT 2 - to transfer foreign tourists from Siargao Island to Clark</p> <p>Type of Charter: Regular</p> <p>Allowable seat accommodation: 430 passengers (for total of five [5] roundtrips)</p> <p>Flight schedule:</p> <ul style="list-style-type: none"> • 21 March 2020 • 22 March 2020 	PHP 5,030,950.00	Responsive

WHEREAS, after an evaluation of the quotations received from the above-mentioned airlines, the same were 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 Nine Million Nine Hundred Forty-Seven Thousand Five Hundred Pesos (PhP 9,947,500.00), as follows:

Lot No.	Route	ABC per Lot
1	From Boracay Island, Malay, Aklan to Manila	PHP 4,243,500.00
2	From Siargao Island to Clark	PHP 5,704,000.00

- 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 chartered flights 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 the following airlines for the procurement of chartered flights in order to facilitate the immediate transfer of distressed and stranded foreign tourists from Boracay Island, Malay, Aklan to Manila (Lot 1), and Siargao Island to Clark (Lot 2), as their ports of exit and catch their international outbound flights, with the following contract prices per Lot:

Lot No.	Airline	Route	Awarded Price per Lot
1	Royal Air	Boracay Island, Malay, Aklan to Manila	PHP 3,690,000.00
2	Philippine Airlines	Siargao Island to Clark	PhP 5,030,950,00

- 5) Approve the foregoing.

Adopted this 20th 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