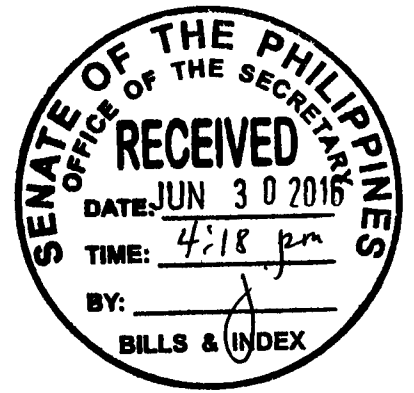


SEVENTEENTH CONGRESS OF THE )  
REPUBLIC OF THE PHILIPPINES )  
*First Regular Session* )



S E N A T E  
S. B. No. 116

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**Introduced by Senator Aquilino “Koko” Pimentel III**

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**AN ACT AMENDING SECTION 53 (B) OF REPUBLIC ACT  
NO. 9184, OTHERWISE KNOWN AS “AN ACT  
PROVIDING FOR THE MODERNIZATION,  
STANDARDIZATION AND REGULATION OF THE  
PROCUREMENT ACTIVITIES OF THE GOVERNMENT”  
AND FOR OTHER PURPOSES**

**EXPLANATORY NOTE**

According to the United Nations Office for Disaster Risk Reduction in its “The Human Cost of Weather Related Disasters” report, the Philippines is ranked fourth most disaster-prone country in the world with a total of 274 weather related disasters recorded from 1995 to 2015. Our country is also among countries with the highest number of affected people at 130 million.<sup>1</sup>

Local government units (LGUs) and local offices of the Executive Departments are in the frontlines of measures that address any calamity. One problem that LGUs and local offices encounter is the strict implementation of Section 53 (b) of Republic Act No. 9184, otherwise known as “*An Act Providing For The Modernization, Standardization And Regulation Of The Procurement Activities Of The Government*” (Government Procurement Reform Act or “GPR,” hereafter), which requires the existence of a calamity and a declaration of a “state of calamity” before a procuring entity may resort to negotiated procurements.

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<sup>1</sup> <http://www.gmanetwork.com/news/story/545760/scitech/weather/philippines-4th-most-disaster-prone-country-in-the-world-un-report>

While it is true that the GPRA and its objective to avoid graft and corruption in government are commendable, the requirement that a “state of calamity” be declared before allowing a negotiated procurement is considered a roadblock in the government’s thrust to be more proactive, and not merely responsive in protecting the lives and property of its constituents during calamities.

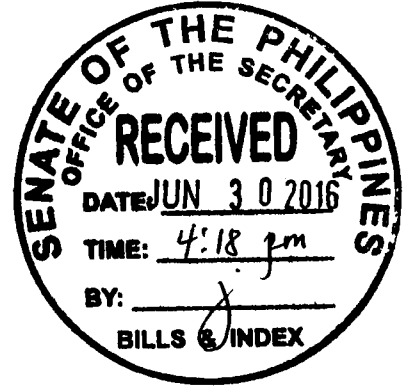
The recent Kidapawan incident last April 1, 2016, which is a clash between police forces and farmer-protesters that resulted to deaths and injuries, is a sorry example of how the requirement of a declaration of a “state of calamity” has hindered efforts by a government agency like the Department of Agriculture in augmenting the supply of rice and providing assistance to those affected by the El Niño phenomenon in Kidapawan.

This measure seeks to empower concerned government agencies to be more proactive in addressing mounting concerns related to any natural calamity or human-induced disaster by allowing these agencies to enter into negotiated procurements before any calamity strikes and without the need of a declaration of a “state of calamity”.

It is, thus, prayed that this bill would meet the expeditious approval of this Chamber.

  
AQUILINO “KOKO” PIMENTEL III

SEVENTEENTH CONGRESS OF THE )  
REPUBLIC OF THE PHILIPPINES )  
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1 **AN ACT AMENDING SECTION 53 (B) OF REPUBLIC ACT**  
2 **NO. 9184, OTHERWISE KNOWN AS “AN ACT**  
3 **PROVIDING FOR THE MODERNIZATION,**  
4 **STANDARDIZATION AND REGULATION OF THE**  
5 **PROCUREMENT ACTIVITIES OF THE GOVERNMENT”**  
6 **AND FOR OTHER PURPOSES**

*Be it enacted by the Senate and House of Representatives of the Philippines  
in Congress assembled:*

7 **SECTION 1.** Section 53 (b) of Republic Act No. 9184, otherwise  
8 known as “An Act Providing For The Modernization,  
9 Standardization and Regulation of the Procurement Activities of  
10 the Government” is hereby amended to read as follows:

11 “SEC. 53. Negotiated Procurement. - Negotiated  
12 Procurement shall be allowed only in the following  
13 instances:

14 a) xxx xxx xxx

15 b) In case of imminent danger to life or property  
16 **BEFORE**, during, **OR AFTER** a [state of] calamity,  
17 or when time is of the essence arising from natural or  
18 man-made calamities or other causes where immediate  
19 action is necessary to prevent damage to or loss of life  
20 or property, or to restore vital public services,  
21 infrastructure facilities and other public utilities;

22 c) xxx xxx xxx

