



DEPARTMENT OF ENVIRONMENT AND NATURAL RESOURCES  
KAGAWARAN NG KAPALIGIRAN AT LIKAS NA YAMAN



**MEMORANDUM**

**FOR /TO** : All End-User Units /Concerned Offices  
DENR Central Office

**FROM** : The Director  
Administrative Service

**SUBJECT** : **COPY OF BAC RESOLUTION NO. MP-2024-008 RECOMMENDING NEGOTIATED PROCUREMENT UNDER THE CASE OF DIRECT RETAIL PURCHASE OF PETROLEUM FUEL, OIL AND LUBRICANT (POL) PRODUCTS AND AIRLINE TICKETS, AND ONLINE SUBSCRIPTIONS AS THE METHOD OF PROCUREMENT OF THE POL PRODUCTS AND AIRLINE TICKETS, ONLINE SUBSCRIPTIONS REQUIREMENTS OF DENR-CENTRAL OFFICE IN ACCORDANCE WITH THE GUIDELINES SET FORTH UNDER SECTION 53.14, RULE XVI OF THE 2016 REVISED IMPLEMENTING RULES AND REGULATIONS OF RA 9184**

**DATE** : 15 October 2024

For your information and guidance, attached is a copy of **Bids and Awards Committee (BAC) Resolution No. MP-2024-008**, dated **05 January 2024**. This resolution recommends **Negotiated Procurement** under the case of **Direct Retail Purchase of POL Products, Airline Tickets, and Online Subscriptions** requirements of the DENR Central Office. The procurement method follows the guidelines under **Section 53.14, Rule XVI of the 2016 Revised Implementing Rules and Regulations (IRR) of RA 9184**.

A digital copy of the resolution can be accessed at:  
<https://drive.google.com/drive/folders/11n73impnhXwJ7z10naOLlv32ZJUYOPm0>.

If your office encounters any difficulty accessing the document online, a **hard copy** may be requested from the **Procurement Management Section-PSMD / BAC Secretariat**.

Please ensure the prompt dissemination of this information to all concerned units.

  
ROLANDO R. CASTRO



**BAC RESOLUTION NO. MP-2024-008**

**BAC RESOLUTION RECOMMENDING NEGOTIATED PROCUREMENT UNDER THE CASE OF DETAIL RETAIL PURCHASE OF PETROLEUM FUEL, OIL AND LUBRICANT (POL) PRODUCTS AND AIRLINE TICKETS, AND ONLINE SUBSCRIPTIONS AS THE METHOD OF PROCUREMENT FOR THE POL PRODUCTS AND AIRLINE TICKETS, ONLINE SUBSCRIPTIONS REQUIREMENTS OF DENR-CENTRAL OFFICE IN ACCORDANCE WITH THE GUIDELINES SET FORTH UNDER SECTION 53.14, RULE XVI OF THE 2016 REVISED IMPLEMENTING RULES AND REGULATIONS OF RA 9184**

**WHEREAS**, the 2016 Revised IRR of RA 9184, particularly Section 10 Rule IV thereof, states that all procurement shall be done through Competitive Bidding;

**WHEREAS**, Section 12.1 (j) Rule V of the 2016 Revised IRR of RA 9184 states that in proper cases, the Bids and Awards Committee (BAC) shall recommend to the Head of the Procuring Entity (HOPE) the use of Alternative Methods of Procurement as provided in Rule XVI thereof;

**WHEREAS**, Section 48, Rule XVI of the Revised IRR of RA 9184 states that for purposes of economy and efficiency, the agency concerned may adopt Alternative Methods of Procurement such as Negotiated Procurement (NP);

**WHEREAS**, Section 53.14, Direct Retail Purchase, Rule XVI of the 2016 Revised IRR of RA 9184 states that all procurement of POL Products, Airline Tickets, and Online Subscriptions can be contracted by the end-user through Negotiated Procurement under the case of Direct Retail Purchase when Procuring Entity has determined that the aforementioned method of procurement is the best modality for the procurement of non-bulk POL products or where fees for additional services or functionalities are charged on top of the payment for the required POL products, airline tickets, or online subscriptions subject to the following conditions:

- 1. For petroleum fuel (gasoline, diesel and kerosene), oil and lubricants:**
  - a) Direct retail purchase of POL products estimated to be necessary for the operations of the Procuring Entity within the fiscal year, including provisions for foreseeable emergencies based on historical records, shall be reflected in the annual procurement plan (APP) in its entirety including any amendment thereto which shall be reflected in the supplemental APP;
  - b) Direct purchase must be made from any available retailers, dealers or gas stations at retail pump price;
  - c) The requirement must be intended to be used for any official government vehicles and equipment for immediate consumption; and
  - d) Payment may be made through cash advance, reimbursement or other allowable payment modalities subject to pertinent auditing and accounting rules.

**2. For airline tickets:**

- a) Direct purchase of airline tickets required for official travels within the fiscal year, including provisions for foreseeable emergencies based on historical records, shall be reflected in the APP in its entirety including any amendment thereto which shall be reflected in supplemental APP;
- b) Direct purchase must be made from any commercial airline at fairly reasonable rates subject to flight availability at the time of booking, travel days, stopovers, routes, additional visa requirements and other reasonable considerations as determined by the end-user;
- c) Payment may be made through cash advance, reimbursement or other allowable payment modalities subject GPPB Resolution No. 24-2019, dated 30 October 2019 to pertinent auditing and accounting rules; and
- d) Procurement of airline Tickets must be in accordance with existing rules and regulations governing officials local and foreign travels of government personnel and Executive Order No. 77, s. 2019.

**3. For online subscriptions:**

- a) The APP shall reflect the direct purchase of online subscription necessary for the operations of the Procuring Entity within the fiscal year;
- b) Direct purchase shall be made for online subscription where no local provider is available;
- c) The maximum amount for the ABC shall be One Million pesos (P1,000,000.00);
- d) Justification shall be provided by the End-user on its need to directly purchase a specific online subscription to the HoPE. Thus, the End-user shall: (i) submit a report indicating that no local provider is available and (ii) prepare a comparative matrix ad evaluation showing that the preferred specific online subscription is better than any other similar online subscriptions available locally or that can be obtained at more advantageous terms;
- e) Payment for online subscription can only made through direct electronic payment using credit card subject to the issuance of a certification by the HoPE or his/her duly authorized representative stating that it is the more expeditious and inexpensive mode of payment in accordance with the Commission on Audit Circular No. 2021-014; and
- f) A payment confirmation receipt shall cover the direct purchase of online subscription.

**WHEREAS**, for purposes of economy and efficiency, the BAC hereby recommends NP under the case of Direct Retail Purchase as the method of procurement for DENR-CO's requirements for POL Airlines Tickets in accordance with Section 53.14, Rule XVI, 2016 Revised IRR of RA 9184;

**WHEREAS**, the BAC further recommends the General Services Division through its Cashier Section or end-user units, be authorized to process the said procurement requirements of the DENR-CO, in accordance with the guidelines provided by the General Services Division and/or the Management in coordination with the Property and Supply Management Division (PrMS) through its Procurement Management Section (PrMS). Provided further that the requirement does not exceed the amount of PhP5,000,000.00 and in accordance with Annex H, the Consolidated Guidelines for Alternative Method of Procurement of the 2016 Revised IRR of RA 9184;

**WHEREAS**, the BAC finally recommends that the General Services Division or End-User Units, for record and monitoring purposes, shall submit a monthly report with all the supporting documents per its defined guidelines to the HOPE, through the BAC, to ensure compliance with all the conditions and requirements provided under RA 9184, its IRR and related Guidelines;

**NOW THEREFORE, BE IT RESOLVED** as it is hereby resolved, that the BAC recommends to the Secretary or his duly authorized representative to adopt and approved the procurement of POL Products and Airline Tickets and Online Subscriptions of the DENR-CO through NP under case of Direct Retail Purchase as provided in Section 53.14, Rule XVI and the Consolidated Guidelines for the Alternative Methods of Procurement, Annex H of the 2016 Revised IRR of RA 9184;

**RESOLVED FURTHER** that a copy of this approved resolution be forwarded to all offices concerned for appropriate subsequent actions;

**RESOLVED FINALLY** that the only copies of this approved resolution with corresponding control number issued by PSMD-PrMS is valid.

**RESOLVED** at the DENR Central Office, Quezon City, this 05 JAN 2024

**BIDS AND AWARDS COMMITTEE**

  
**MARCIAL C. AMARO, JR., CESO II**  
Chairperson

  
**ATTY. NORLITO A. ENERAN, CESO III**  
Vice Chairperson

  
**RUBEN B. CANDELARIO**  
Alternate Vice Chairperson

  
**EVELYN G. NILLOSAN**  
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**ENGR. GILBERT C. MONDROY**  
Member

  
**NIZETHAL A. MATIAS**  
Member

  
**ENGR. GUILLERMO V. ESTIPONA, JR.**  
Alternate Member

  
**MAYBELL N. MANGUBOS**  
Alternate Member

Approved:

  
**ROLANDO R. CASTRO**  
Director, Administrative Service