



Republic of the Philippines  
Department of Agriculture

## AGRICULTURAL TRAINING INSTITUTE

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### AGRICULTURAL TRAINING INSTITUTE – CENTRAL OFFICE BIDS AND AWARDS COMMITTEE

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#### A RESOLUTION RECOMMENDING APPROVAL FOR ADOPTING ALTERNATIVE METHOD OF PROCUREMENT – DIRECT CONTRACTING AND AWARD TO NEPHILA WEB TECHNOLOGY INCORPORATED

Section 50 and Annex “H” A of 2016 Revised IRR of RA 9184

BAC Resolution No. ISD-04-04 s. 2023

**WHEREAS**, as a general rule, all procurement shall be done through competitive bidding except whenever justified by the conditions in order to promote economy and efficiency, may resort to any alternative method of procurement;

**WHEREAS**, one of the functions of BAC is to recommend to the Head of Procuring Entity (HOPE) the mode of procurement to be undertaken to meet the actual conditions and to ensure that the same is most advantageous to the government;

**WHEREAS**, Section 48, Rule XVI Alternative Methods of Procurement of the Revised Implementing Rules and Regulations (IRR) of R.A. 9184, otherwise known as the “Government Procurement Reform Act” provides that in order to promote economy and efficiency, the procuring entity may resort to any of the alternative methods of procurement provided that the most advantageous price for the government will be obtained;

**WHEREAS**, Section 50 provides further that **Direct Contracting** or single source procurement is a method of procurement of goods that does not require elaborate Bidding Documents. The supplier is simply asked to submit a price quotation or a pro-forma invoice together with the condition of sale. Direct Contracting maybe resorted under any of the following conditions:

- a) Procurement of Goods of proprietary nature which can be obtained only from proprietary source, *i.e.* when patents, trade secrets, and copyrights prohibits others from manufacturing the same item;
- b) When procurement of critical components from specific supplier is a condition precedent to hold a contractor to guarantee its project performance, in accordance to the provisions of its contract; or
- c) Those sold by an exclusive dealer of manufacturer which does not have sub-dealers selling at lower prices and for which no suitable substitute can be obtained at more advantageous terms to the GoP.

**WHEREAS**, the Agricultural Training Institute Director/Head of Procuring Entity had approved Purchase Request (P.R.) No. **ISD Fund 2023-05-46** to procure **Subscription/Hosting of Moodle Learning Management System (Latest Version)** to be served as platform for the **administration of eLearning Courses under the e-Extension Program** with Approved Budget for the Contract (ABC) of **Php 660,000.00** in accordance to the End-users Project Procurement Management Plan (PPMP);

**WHEREAS**, upon review of the cited P.R. No. **ISD Fund 2023-05-46** indicating item/s that is/are included in the current APP and PPMP, and that the supplier's Certificate of Sole Distributorship/ other documents as exclusive dealer of manufacturer/supplier's documents like patent, trade secrets and copyrights and the condition of sale to support the procurement, the BAC finds that the above conditions of Direct Contracting are satisfied.

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**NOW THEREFORE**, in the consideration of the foregoing, We, the Members of the Bids and Awards Committee, hereby **RESOLVE AS IT HEREBY RESOLVED** to:

- 1. Recommend Alternative Method of Procurement through Direct Contracting as provided in Sec. 50 and Annex H (Consolidated Guidelines for the Alternative Methods of Procurement) of the 2016 Revised IRR of RA 9184; and**
- 2. Recommend the approval and award by the ATI - Director IV of this Resolution and Purchase Order/Contract to NEPHILA WEB TECHNOLOGY INCORPORATED with the amount of Six Hundred Sixty Thousand Pesos Only (Php 660,000.00).**

Let copies of this Resolution be posted at the ATI website, and other conspicuous place inside the premises of ATI.

Done this 14<sup>TH</sup> day of JUNE 2023 at Agricultural Training Institute Bldg. Elliptical Road, Diliman, Quezon City.

**THE BIDS AND AWARDS COMMITTEE:**

 <b>JOVANE S. DELA CUADRA</b> Member	 <b>YOVINAR CLARE A. PAUIG</b> Member	 <b>GAY RITCHEL GQ. DIANALA</b> Member
 <b>LEONILA D. CAÑEZ</b> Vice Chairperson	 <b>EDITHA S. VINUYA</b> Chairperson	

**APPROVED BY:**

  
**REMELYN K. RECOTER, MNSA, CESO III**  
Director IV 

BAC Secretariat Office  
  
 BY:  T.S.O.