



Republic of the Philippines
Department of Education

DEC 14 2012

DepEd MEMORANDUM
No. **222**, s. 2012

**DISSEMINATION OF GPPB CIRCULAR NO. 04-2012
(Clarification on the Conduct of Procurement Activities in Relation
to the May 13, 2013 National and Local Elections)**

To: Undersecretaries
Assistant Secretaries
Bureau Directors
Directors of Services, Centers and Heads of Units
Regional Directors
Heads, Public Elementary and Secondary Schools
All Others Concerned

1. The Government Procurement Policy Board (GPPB) issues the enclosed Circular No. 04-2012 dated November 9, 2012 entitled **Clarification on the Conduct of Procurement Activities in Relation to the May 13, 2013 National and Local Elections** which is self-explanatory.
2. All concerned are enjoined to strictly adhere to the guidelines so as not to delay the delivery of basic services to the recipients of the projects.
3. Immediate dissemination of this Memorandum is desired.


BR. ARMIN A. LUISTRO FSC
Secretary

Encl.:
As stated

Reference:
None

To be indicated in the Perpetual Index
under the following subjects:

ELECTION
LEGISLATION
PROCUREMENT



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Pasig City, Philippines 1605

CIRCULAR 04-2012
9 November 2012

TO : Heads of Departments, Bureaus, Offices and Agencies of the National Government including State Universities and Colleges, Government Owned and/or Controlled Corporations, Government Financial Institutions, and Local Government Units

SUBJECT : Clarification on Conduct of Procurement Activities in relation to the May 13, 2013 National and Local Elections

1.0 PURPOSE

- 1.1** This Circular is issued to clarify the conduct of procurement activities of the government agencies from March 29 to May 13, 2013 (*hereinafter referred to as "Election Period"*) and to advise government agencies on the procurement activities it may or may not undertake under Section 261 (v) and (w) of the Omnibus Election Code.
- 1.2** This also serves to remind agencies that the election ban is not designed to paralyze the operations of the government, but to insulate government procurement from political partisan activities, usually in the form of new projects, which are designed to influence the public during the upcoming May 13, 2013 National and Local Elections.

2.0 SCOPE

All Departments, Bureaus, Offices and Agencies of the National Government including State Universities and Colleges, Government-Owned and/or Controlled Corporations, Government Financial Institutions, and Local Government Units.

3.0 DEFINITION OF TERMS

- 3.1 Public Works** - This refers to "**infrastructure projects**" as defined under Section 5 (k) of Republic Act No. 9184 (Government Procurement Reform Act). It shall refer to the construction, improvement, rehabilitation, repair, or restoration of roads and bridges, railways, airports, seaports, communication facilities, irrigation, flood control and drainage, water supply, sanitation, sewerage and solid waste management systems, shore protection, energy/power and electrification

issued for public works during the Election Period, except in the following cases:

- (a) *Maintenance Work.* Maintenance of existing and/or completed public works projects; *provided* that no additional laborers shall be employed. Only the average number of laborers or employees employed during the six (6) month period immediately prior to March 29, 2013 shall be permitted to work during such time.
- (b) *Contract entered into or awarded before election ban.* Notices of award, whether through public bidding or any of the alternative modes of procurement, issued before March 29, 2013, *provided* that such award was reported to the Commission on Elections (COMELEC) in accordance with Section 5 below.
- (c) *Preparatory works.* Payment for the usual cost of preparation for working drawings, specifications, bills of materials, estimates, and other procedures preparatory to actual construction including the purchase of materials and equipment and all incidental expenses for wages of watchmen and other laborers employed for such work in the central office and filed storehouses before March 29, 2013.
- (d) *Calamity.* Emergency works necessitated by the occurrence of a public calamity, but such work shall be limited to the restoration of the damaged facility.
- (e) *Ongoing projects.* Ongoing public works commenced before March 29, 2013, *provided* that such project was reported to the COMELEC in accordance with Section 5 below.
- (f) *Similar projects under foreign agreements.* Ongoing foreign assisted projects commenced before March 29, 2013 are likewise allowed, *provided* that such project was reported to COMELEC in accordance with Section 5 below.

5.0 REPORTORIAL REQUIREMENTS

5.1 COMELEC

On or before March 29, 2013, the Head of the Procuring Entity shall submit to the COMELEC through its regional election directors/provincial election supervisors/election officers concerned certified lists of the following: