



14 July 2020

REGULATORY ADVISORY NO. 2020-002

TO : ALL ELECTRIC COOPERATIVES (ECs)

SUBJECT : The Conduct of Competitive Selection Process Under the State of Community Quarantine

We truly value your safety as we work together in pursuing our joint mission to promote sustainable development in the rural areas through the Rural Electrification Program. In this trying time of pandemic situation brought about by COVID-19, there are stages in the Competitive Selection Process (CSP) that may be undertaken while at the same time observing the directives under the Omnibus Guidelines on the Implementation of Community Quarantine in the Philippines (Omnibus Guidelines), issued on 02 July 2020.

As the Electric Cooperatives (ECs) are required to conduct CSP pursuant to DOE Memorandum Circular (DOE-DC) No. 2018-02-0003, they are being constrained by the community quarantine measures imposed in specific areas in the country. As a result, some provisions of the said DOE-DC cannot be strictly complied with without violating the directives under the Omnibus Guidelines.

Thus, considering that existing rules on power supply procurement do not provide for a circumstance under the present pandemic situation, then insofar as the conduct of virtual bidding process is concerned, **Resolution No. 09-2020 dated May 7, 2020** issued by the Government Procurement Policy Board (GPPB) entitled, **"Approving Measures For The Efficient Conduct Of Procurement Activities During A State Of Calamity, Or Implementation Of Community Quarantine Or Similar Restrictions,"** *enjoining procuring entities to maximize the use of existing rules under R.A. No. 9184, its IRR and related issuances on the conduct of procurement activities, particularly those meant to streamline, simplify and expedite the conduct of procurement and address the challenges and disruptions brought by calamities and crisis such as the COVID-19 pandemic, such as use of videoconferencing, webcasting and similar technology in the conduct of any of the meetings and determination of quorum by the TPBAC and use of digital signatures in procurement related documents* (Emphasis supplied), very well finds suppletory application.

To be specific, Sections 8.6 (Pre-Bid Conference) and 8.8 (Receipt of Opening of Bids) of the DOE-MC require said activities to be held face-to-face, whereas the Omnibus Guidelines discourages such mode and enjoins everyone to practice social distancing, as may be inferred from the definition of minimum public health standards, as follows:

"Minimum public health standards - refers to guidelines set by the DOH under Administrative Order No. 2020-0015, as well as sector-relevant guidelines issued by national government agencies as authorized by the IATF, to aid all sectors in all settings to implement non-pharmaceutical interventions (NPI), which refer to public health measures that do not involve vaccines, medications or other pharmaceutical interventions, which individuals and communities can carry out in order to reduce transmission rates, contact rates, and the duration of infectiousness of individuals in the population to mitigate COVID-19. x xx "

The same Omnibus Guidelines mentions different kinds of community quarantine measures, as follows:

Enhanced Community Quarantine (ECQ) - refers to the implementation of temporary measures imposing stringent limitations on movement and transportation of people, strict regulation of operating industries, provision of food and essential services, and heightened presence of uniformed personnel to enforce community quarantine protocols.

General Community Quarantine (GCQ) - refers to the implementation of temporary measures limiting movement and transportation, regulation of operating industries, and presence of uniformed personnel to enforce community quarantine protocols.

Modified Enhanced Community Quarantine (MECQ) - refers to the transition phase between ECQ and GCQ, when the following temporary measures are relaxed and become less necessary: stringent limits on movement and transportation of people, strict regulation of operating industries, provision of food and essential services, and heightened presence of uniformed personnel to enforce community quarantine protocols.

Modified General Community Quarantine (MGCQ) - refers to the transition phase between GCQ and the New Normal, when the following temporary measures are relaxed and become less necessary: limiting movement and transportation, the regulation of operating industries, and the presence of uniformed personnel to enforce community quarantine protocols.

Further, mass gatherings **shall still be prohibited in the ECs which are in the ECQ status**. But, mass gatherings, which may be work conferences, which are considered as essential for the provision of government services or authorized humanitarian activities shall be allowed as expressed in Section 2 (10), Guidelines for Areas placed under Enhanced Community Quarantine, which provides:

“Mass gatherings such as but not limited to, movie screenings, concerts, sporting events, and other entertainment activities, community assemblies, religious gatherings, and non-essential work gatherings shall be prohibited. However, **gatherings that are essential for the provision of government services or authorized humanitarian activities shall be allowed.**”

Therefore, ECs in areas under ECQ status may conduct pre-bid conference and opening of bids under CSP as it may be considered under the term “essential for the provision of government services or authorized humanitarian activities” but with extreme caution on the observance of the stringent precautionary health and safety measures to prevent COVID-19 contamination of the participants in the CSP activities.

On the other hand, ECs in areas under MECQ may conduct pre-bid conference and opening of bids under CSP, provided that they shall comply with the provisions of Section 3, (9) Guidelines for Areas placed under Modified Enhanced Community Quarantine, as follows:

“Mass gatherings such as but not limited to, movie screenings, concerts, sporting events, and other entertainment activities, community assemblies, and non-essential work gatherings shall be prohibited. **Gatherings that are for the provision of critical government services and authorized**

humanitarian activities while adhering to the prescribed minimum health standards shall be allowed.x xx .”

Likewise, ECs located in the areas under GCQ may conduct pre-bid conference and opening of bids under CSP, as long as it is in line with the provisions of Section 4 (12) of the Guidelines for Areas under General Community Quarantine, as follows:

“Mass gatherings such as but not limited to, movie screenings, concerts, sporting events, and other entertainment activities, community assemblies, and non-essential work gatherings shall be prohibited. Gatherings that are for the provision of critical government services and authorized humanitarian activities while adhering to the prescribed minimum health standards shall be allowed.x xx “

Lastly, ECs which are placed under the MGCQ may also conduct pre-bid conference and opening of bids under CSP provided that participants shall only be limited to fifty percent (50%) of the seating capacity or venue capacity as contemplated in the provisions of Section 5 (5), Guidelines for Areas placed under Modified General Community Quarantine (MGCQ), as follows:

“Mass gatherings such as but not limited to, movie screenings, concerts, sporting events, and other entertainment activities, religious services, and work conferences shall be allowed provided that participants shall be limited to fifty percent (50%) of the seating capacity or venue capacity.”

In view of the foregoing, the ECs are allowed to conduct CSP during the period of community quarantine. However, they are enjoined to strictly observe the directives under the Omnibus Guidelines on the Implementation of Community Quarantine, provided hereunder:

1. **Observe health and safety standards** - This refers to proper hygiene, physical and area disinfection, wearing of protective masks, face shield, etc.
2. **Practice physical distancing**- An open or wider venue for the bidding activity shall be provided. (May opt to install a transparent shield for every participant who is physically present.) If the EC has no available space it may coordinate with the Local Government Unit (LGU).
3. **Limit the number of participants** - This can be best implemented by limiting the physical presence of participants to only one (1) representative from each prospective bidder, the TPBAC Chairperson and Members, the TWG-Chair and the Secretariat, while observers and members of the TWG can join the bidding process virtually.

For your guidance.


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