

MEMORANDUM OF AGREEMENT

KNOW ALL MEN BY THESE PRESENTS:

This Memorandum of Agreement made and entered into this MAR 01 2022 2022 by and between the following:

The **DEPARTMENT OF BUDGET AND MANAGEMENT**, a government agency duly organized and existing under the laws of the Republic of the Philippines with principal office address at General Solano St., San Miguel, Manila, represented herein by its **OFFICER-IN-CHARGE, TINA ROSE MARIE L. CANDA**, hereinafter called the "DBM";

-and-

The **NATIONAL PRINTING OFFICE**, a government agency duly organized and existing under the laws of the Republic of the Philippines with office address at EDSA corner NIA North Road, Diliman, Quezon City, represented by its **DIRECTOR, FRANCISCO V. VALES, JR.**, hereinafter called the "NPO";

Collectively, the "Parties";

WITNESSETH:

WHEREAS, the DBM, particularly its Administrative Service (AS), determined the need to procure publication services in compliance with Executive Order No. 200 dated June 18, 1987¹ requiring the publication of laws either in Official Gazette or in Newspaper of General Circulation in the Philippines as a requirement for their effectivity;

WHEREAS, the FY 2022 Indicative Annual Procurement Plan of the DBM includes the Project, "Posting of Notices to the Official Gazette," with an Approved Budget for the Contract of P1,000,000.00;

WHEREAS, for the purpose of early procurement authorized under Section 7.6 of the 2016 Revised Implementing Rules and Regulations (IRR) of Republic Act (RA) No. 9184, the proposed budget under the FY 2022 National Expenditure Program was used as basis;

¹ Providing for the Publication of Laws either in the Official Gazette or in a Newspaper of General Circulation in the Philippines as a requirement for their effectivity.

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Director IV

WHEREAS, Sections V(D)(5)(a) and (b) of the Annex "H" of the 2016 Revised IRR of RA No. 9184² re Consolidated Guidelines for the Alternative Methods of Procurement (Guidelines) provide, in part, the definition of Agency-to-Agency as the "[p]rocurement from another agency of the government (i.e., Servicing Agency) that has the mandate to deliver goods or services or to undertake infrastructure projects or consultancy services as required by the Procuring Entity", and the rule that it is the general policy of government to purchase its requirements from the private sector. However, it acknowledges that, in some exceptional cases, procurement from another agency of the government is more efficient and economical for the government, subject to the following conditions, among others: (i) The Procuring Entity shall justify that entering into an Agency-to-Agency Agreement with the Servicing Agency is more efficient and economical to the government; (ii) Servicing Agency has the mandate to deliver the goods and services required to be procured or to undertake the infrastructure project or consultancy required by the Procuring Agency; (iii) Servicing Agency has the absorptive capacity to undertake the project; (iv) Servicing Agency owns or has access to the necessary tools and equipment required for the project; (v) Sub-contracting is not allowed;

WHEREAS, Section 6 of Executive Order No. 285³ states, among others, that "[t]here is hereby created a NPO out of the merger of the Government Printing Office and the relevant printing units of the Philippine Information Agency. The Office shall have exclusive printing jurisdiction over the following: (a) Printing, binding and distribution of all standard and accountable forms of national, provincial, city and municipal governments, including government corporations; (b) Printing of official ballots; and (c) **Printing of public documents such as the Official Gazette, General Appropriations Act, Philippine Reports, and development information materials of the Philippine Information Agency.**";

WHEREAS, pursuant to item (ii) of Section V(D)(5)(c) of the Guidelines and in order to determine that the resort to Agency-to-Agency Agreement with the NPO is more efficient and economical to the government, per letter dated November 29, 2021, the DBM-BAC requested for a Certification from the NPO that covers the following conditions:

1. That the agency has the mandate to undertake the required publication services;
2. That the agency has the absorptive capacity to undertake the project;
3. That the agency owns or has access to the necessary tools and equipment required for the project; and

² Government Procurement Reform Act

³ Abolishing the General Services Administration and Transferring its Functions to Appropriate Government Agencies

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4. That sub-contracting is not allowed for the project.

WHEREAS, NPO submitted the required Certification dated December 1, 2021 issued by Director Francisco V. Vales, Jr. of the NPO;

WHEREAS, after careful assessment of the submitted documents and as recommended by the AS as the end-user unit, the DBM-BAC has verified that the resort to Agency-to-Agency with the NPO as the Servicing Agency, pursuant to Section 53.5 of the 2016 Revised IRR of RA No. 9184, is more efficient and economical for the DBM, in accordance with item (i) of Section V(D)(5)(c) of the Guidelines;

WHEREAS, item 6 (d) of the Implementing Guidelines on Agency-to-Agency Agreements, issued by the Government Procurement Policy Board (GPPB) through Resolution No. 018-2007 dated May 31, 2007, provides that the use of Agency-to-Agency Agreement shall be subject to the prior approval of the Secretary, as the Head of the Procuring Entity (HoPE), upon recommendation of the BAC;

WHEREAS, items (iii) and (iv) of Section V(D)(5)(c) of the Guidelines provide that based on the assessment and recommendation of the end-user unit, the BAC shall issue a Resolution recommending the use of Agency-to-Agency Agreement to the Head of the Procuring Entity (HoPE), and in case of approval, the HoPE shall enter into a Memorandum of Agreement (MOA) with the Servicing Agency (i.e., NPO);

WHEREAS, in accordance with Section V.D.5(c) (iii) of Annex "H" of the 2016 Revised IRR of RA No. 9184; the DBM-BAC, through Resolution No. 2021-67, recommended to the Officer-in-Charge of the DBM as the HoPE, that the contract for the Project, "Posting of Notices to the Official Gazette," in the amount of One Million Pesos (P1,000,000.00) be awarded to NPO through an Agency-to-Agency Agreement, pursuant to Section 53.5 of the same IRR of RA No. 9184;

WHEREAS, the aforesaid recommendation of the DBM-BAC was subsequently approved by the Officer-in-Charge of the DBM as the HoPE;

NOW, THEREFORE, for and in consideration of the foregoing premises and the mutual covenants, stipulations and agreements, the Parties have agreed, as they do hereby agree, and bind themselves as follows:

1. The following documents shall form and be read and construed as part of this Memorandum of Agreement (MOA):

- Annex A – Technical Specifications and Schedule of Requirements
- B – Submitted Certification
- C – Notice of Award

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2. In consideration of the payments to be made by the DBM pursuant to this MOA, NPO hereby covenants with the DBM to provide publication services in accordance with the following Technical Specifications specified in Annex A.
3. Further, NPO warrants the following:
 - i. that NPO, as the Servicing Agency, has the mandate to deliver the services required by the DBM;
 - ii. that NPO owns and has access to the necessary tools and equipment required;
 - iii. that NPO has the absorptive capacity to undertake the project; and
 - iv. that NPO will not enter into any sub-contracting activities pertaining to the subject project.
4. The DBM hereby covenants to pay NPO upon issuance of the billing statement to the DBM together with a complimentary copy of the Official Gazette book published.
5. The quantities are indicative numbers only. The DBM's AS-Central Records Division (CRD) may adjust the required quantities, and in such case, the resulting change in the total cost shall not exceed the Contract Price of One Million Pesos (P1,000,000.00).
6. The period for the performance of the obligations under this MOA shall not go beyond the validity of the appropriation for this Project.
7. Entire Agreement. The Parties agree that this MOA, including the attached Annexes, contains their full agreement and supersedes all previous agreements, either written or oral, if there are any. No agreements, understandings, commitments, discussions, warranty, representations or other covenants, whether oral or written, between the Parties are included in this MOA, including the attached Annexes, except as set forth herein.
8. Confidentiality. The Parties are required to maintain the confidentiality of information which shall pertain to those which: (i) are by its nature confidential; (ii) are designated by the Parties as such; and (iii) they know or ought reasonably to know are confidential. Disclosure of any confidential information may only be made upon consent of the party to whom the confidential information belong or pertain to.
9. Governing Law. This MOA shall be governed by and construed in accordance with the laws of the Republic of the Philippines. Any action brought to enforce or interpret this MOA shall be brought to the courts of the City of Manila to the exclusion of all other courts.

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10. Good Faith. The Parties undertake to act in good faith with respect to each other's rights under this MOA and to adopt all reasonable measures to ensure the realization of the objectives of this MOA.

IN WITNESS WHEREOF, the Parties hereto have signed this MOA on this day of **MAR 01 2022** 2022 at General Solano St., San Miguel, Manila, Philippines.

DEPARTMENT OF BUDGET AND MANAGEMENT

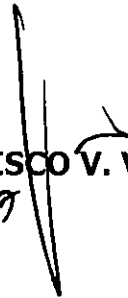
By:



TINA ROSE MARIE L. CANDA
Officer-in-Charge

NATIONAL PRINTING OFFICE

By:



FRANCISCO V. VALES, JR
Director

SIGNED IN THE PRESENCE OF:



ANDREA CELENE M. MAGTALAS
Director IV
Administrative Service



ENGR. NEIL L. MACARAEG
Superintendent

ACKNOWLEDGMENT

REPUBLIC OF THE PHILIPPINES)
MANILA, METRO MANILA, Quezon City) S.S.

BEFORE ME, a Notary Public for and in the City of Quezon City, Philippines on this
___ day of MAR 01 2022, 2022, personally appeared the following:

NAME	VALID ID	VALID UNTIL
TINA ROSE MARIE L. CANDA	DBM ID No.	
FRANCISCO V. VALES, JR	_____	_____

known to me to be the same persons who executed the foregoing instrument and who acknowledged to me that the same is their free and voluntary act and deed and of the entities they respectively represent.

This MOA for the Posting of Notices to the Official Gazette was signed by the Parties, and their material witnesses on each and every page thereof.

WITNESS MY HAND AND SEAL this MAR 01 2022 day of _____, 2022.

Doc. No 25;
Page No 17;
Book No 17;
Series of 2022.

ATTY. SONIA S. CANONIZADO
Notary Public for Quezon City
Adm. Matter No. 100 (2021-2022)
Until December 31, 2022
No. 19 Marunong Street,
Central Dist. Quezon City
Roll of Attorney No. 53968
PTR No. 0632635-1/7/21
Lifetime IBP No. 06634

FRANCISCO V. VALES, JR.
Director IV

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REPUBLIC OF THE PHILIPPINES
DEPARTMENT OF BUDGET AND MANAGEMENT
GENERAL SOLANO STREET, SAN MIGUEL, MANILA

JAN 07 2022

NOTICE OF AWARD

DIRECTOR FRANCISCO V. VALES, JR.

National Printing Office
EDSA corner NIA North Road
Diliman, Quezon City

Dear **Director Vales:**


We are pleased to inform you that the contract for the Project, "Posting of Notices to the Official Gazette," in the amount of One Million Pesos (P1,000,000.00), is hereby awarded to the National Printing Office.

Thank you and God Bless.

Very truly yours,


TINA ROSE MARIE L. CANDA
Undersecretary and Officer-in-Charge




Herbert S. Bonafe
2-7-22



REPUBLIC OF THE PHILIPPINES
DEPARTMENT OF BUDGET AND MANAGEMENT
GENERAL SOLANO STREET, SAN MIGUEL, MANILA

NOTICE TO PROCEED

16 FEB 2022

DIRECTOR FRANCISCO V. VALES, JR.

National Printing Office
EDSA corner NIA North Road
Diliman, Quezon City

Dear **Director Vales:**

This is to inform your agency that the performance of the obligations specified in the attached Memorandum of Agreement for the Project, "Posting of Notices to the Official Gazette," shall commence upon receipt of this Notice to Proceed in accordance with Section 37.4 of the 2016 Revised Implementing Rules and Regulations of Republic Act No. 9184 (the Government Procurement Reform Act).

Thank you and God Bless.

Very truly yours,


TINA ROSE MARIE L. CANDIA
Undersecretary and Officer-in-Charge



I acknowledge receipt and acceptance of this Notice on Mar 01, 2022.

Name of Authorized Representative: FRANCISCO V. VALES, JR.

Director IV

Signature: _____