



Bureau of Corrections

PROCEDURE FOR THE APPROVAL OF CONTRACTS

Document Reference Code

BUC-STO-PR-017

Revision No.

0


Effectivity Date

01/05/2018

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PROCEDURE ON CONTRACTS

| Rev. | Date | Nature of Changes | Approved By |
|------|------|-------------------|------------------------|
| 0 | | Original issue. | Atty. Daisy Castillote |
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1. PURPOSE

Develop a systematic approach to expedite the approval of Contracts or Memorandum of Agreements.

2. SCOPE

This section covers BuCor's procedure in the proposal, review and revision of contacts/MOA.

3. DEFINITION OF TERMS

| | |
|---------------------------|--|
| Contracts | <ul style="list-style-type: none"> A document embodying the binding agreements of two parties. |
| Legal Research | <ul style="list-style-type: none"> A process of finding applicable and appropriate laws on each case. |
| Review | <ul style="list-style-type: none"> To check the inclusions of pertinent provisions on the contract. |
| Revision | <ul style="list-style-type: none"> Amendments of additional or exclusion of provisions. |
| Assessment and Evaluation | <ul style="list-style-type: none"> Assessment on the completeness of the contract as to inclusion of provisions on the benefits and protections of the PDL and the BuCor. |
| Validations | <ul style="list-style-type: none"> The process of verifying the actual situation and additional real evidences/proofs. |

4. RESPONSIBILITIES

The following are responsible for the procedure on contracts:

1. Legal Administrative Staff
2. Case Evaluator
3. Chief, Legal
4. Legal Office Investigator



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5. PROCEDURE DETAILS

| Activity | Person Responsible | Details/Functions | References |
|---|---------------------------|---|--|
| <p>START</p> <p>Request for a Contract or Agreements</p> | Legal Admin. Staff | <ul style="list-style-type: none"> Receives and logs the request | <ul style="list-style-type: none"> Disposition Forms , Routing Slips, Letter request from contracting party Other attached related documents |
| <p>Legal Research</p> | Case evaluator | <ul style="list-style-type: none"> Research related laws and other information | <ul style="list-style-type: none"> Applicable and related laws Office Memo and other guidelines |
| <p>Assessment and Evaluation</p> | Chief, Legal | <ul style="list-style-type: none"> Assess the parameters of parties in the conditions. Inclusion of provisions for the benefit and protection of the BuCor. Evaluate the completeness of the contract. | <ul style="list-style-type: none"> Applicable and related laws Office Memorandum and other guidelines Past contracts/agreements of the same parties |
| <p>Validation</p> | Legal Office Investigator | <ul style="list-style-type: none"> Conducts ocular inspections or actual operations connected to the contract. Requires additional documents needed. | <ul style="list-style-type: none"> Special Order |
| <p>Final Assessment and Evaluation</p> <p>END</p> | Chief, Legal | <ul style="list-style-type: none"> Evaluate the completeness of the Contract or Agreement. | <p>Additional new documents</p> |

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6. GUIDELINES

- 6.1. The letter request by contracting party should include a draft of the contract or Memorandum of Agreement. In case, the letter request or document does not include a draft MOA, Legal Administrative Staff or clerk should send a letter requiring the submission of the said draft MOA.
- 6.2. The legal laws and other office memoranda to be used on the legal opinion should be recent and applicable for the issue on the contract.
- 6.3. The parameters on the contract should include provisions on security and safety of both Persons Deprived of Liberty (PDL) and prison employees. It should further include the benefits and protection of PDL and BuCor, and sharing of undertakings and liabilities.
- 6.4. For validation purposes, the Chief, Legal may require additional documents such are but not limited to business profile, feasibility study, etc. Also, she/he may send a team to the subject site for ocular inspections.
- 6.5. The after mission report of the team and other submitted documents are collated by the case evaluator for final inclusion of the provisions. The said inclusions should be communicated to the contracting party for the finality of the contract. Any changes should be communicated between parties.
- 6.6. If the provisions on the Contract or Agreement is complete on the final assessment and evaluation, all the documents are forwarded to the ODG for the approval or disapproval of the Director General.