



**DEPARTMENT OF HEALTH  
NATIONAL TASK FORCE AGAINST COVID-19**

**JOINT MEMORANDUM CIRCULAR**

**MAY 20 2021**

No. 2021- 0001

**SUBJECT: Procedures on the Procurement and Distribution of COVID - 19 Vaccines for Private Entities**

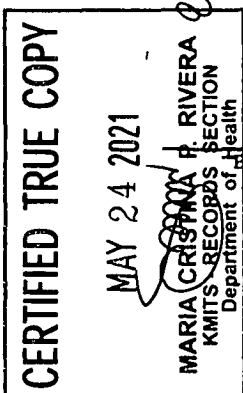
**I. RATIONALE**

The Philippine National Government, in its pursuit to secure and provide COVID-19 vaccines for the country, strives to establish and maintain relations with international entities, which includes, but not limited to the COVAX Facility, inter-governmental organizations, international Non-Governmental Organizations, vaccine manufacturers and international philanthropists. This initiative is done through the efforts of the DOH and the National Task Force (NTF) against COVID-19.

Following the vision, goals and targets identified by the country in its Strategic Plan and the National Deployment and Vaccination Plan (NDVP), the National Government commits to ensure the vaccination of at least 70% of its eligible population. This plan is anchored on a whole-of-nation approach, strong leadership and governance and evidence-based interventions.

To complement the efforts of the national government, the Local Government Units (LGU) as well as the private sector, offered to secure and procure COVID-19 vaccines for its employees. The national government, which welcomed and encouraged these actions, emphasized that the country is implementing one COVID-19 vaccination program. There shall be uniform implementation of national policies particularly the prioritization criteria that the country has adopted following the World Health Organization Strategic Advisory Group of Experts on Immunization Values Framework, which gives priority to the needs of the following groups: healthcare workers (HCWs), senior citizens, persons with comorbidities, frontline personnel in essential services, and the indigent population, in the order indicated in relevant issuance.

These guidelines shall provide the relevant processes and necessary steps to guide entities in the private sector who wish to procure and administer COVID-19 Vaccines as contained in Sections VI.C, VII.A.1 and VII.C.1 of Republic Act No. 11525 known as "An Act Establishing the COVID-19 Vaccination Program expediting the Vaccine Procurement and Administration Process" and its implementing rules and regulations (IRR).



## II. OBJECTIVES

To establish the mechanisms for the procurement and receipt of COVID-19 vaccines by private entities for their respective employees in accordance with the COVID-19 Vaccination Program.

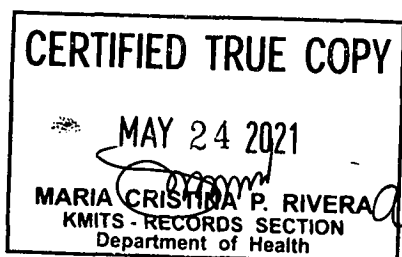
## III. SCOPE AND COVERAGE

This shall apply to all concerned Department of Health (DOH) Bureaus and Services, Centers for Health Development (CHDs), and other attached agencies, Ministry of Health - Bangsamoro Autonomous Region in Muslim Mindanao (MOH-BARMM) pursuant to RA No. 11054, or the "Bangsamoro Organic Law," private sector entities, such as companies, industries, among others, all public and private health facilities, other relevant National Government Agencies (NGAs) who are members of the NTF Against COVID-19, LGUs, all others that are involved in the implementation of the COVID-19 Vaccination Program, and the private entities that will procure and receive COVID-19 vaccines in accordance with this Joint Memorandum Circular.

It covers all the procurement and logistics management by private entities of COVID-19 vaccines with valid Emergency Use Authorization (EUA) from the Philippine Food and Drug Administration (FDA) pursuant to this JMC.

## IV. DEFINITION OF TERMS

- A. **Employee** - refers to any employee, regardless of status or rank, as defined under the Labor Code of the Philippines, of a Private Entity, including probationary, regular, project-based, casual, fixed period, contractual, seasonal, temporary or job order employees as well as interns/ apprentices. The term shall also include members of the board of directors, advisers and senior management/ governing bodies of Private Entities.
- B. **Multiparty Agreement** – refers to the agreement for the procurement of COVID-19 vaccines, and ancillary supplies and services, if any, entered into between and among the (i) Private Entity, (ii) the vaccine manufacturer/importer, and (iii) the National Government through the DOH and NTF, in accordance with the provisions of RA No. 11525.
- C. **Private Entity** – refers to a business organization, association, institution, or group not being owned, controlled, or managed by the government (whether national or local), lawfully doing business in the Philippines, regardless of size or type of business activity.
- D. **Qualified Recipient Entity** – refers to any of the following: (1) the legal/common law spouse, ascendants and descendants (including adopted children) and relatives within the fourth degree of consanguinity or affinity (whether legal or common law) of an employee, (2) a household member or an individual with whom the employee shares



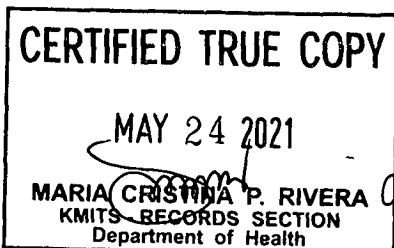
the same close quarters, apartment, room, dwelling (including housemates, helpers and drivers), (3) any other dependent of the employee.

**E. Common law Spouse** – a person with whom an employee cohabits for at least a specific number of years as proved by an Affidavit of Cohabitation.

## **V. IMPLEMENTING GUIDELINES**

### **A. Private Entity Application to Procure Vaccines**

1. ***Application and Submission of Requests to Vaccine Manufacturer***
  - i. Private entities *may* procure COVID-19 vaccines only through a multiparty agreement with the DOH, NTF through the Task Force on Procurement and Finance and the relevant suppliers of COVID-19 vaccines. However, employees of the private sector entity are not precluded from receiving their vaccination from the government, using government procured/secured COVID 19 vaccines;
  - ii. The COVID-19 vaccines procured by private entities shall not be for sale and shall only be for the exclusive/sole use of the private entities for workers in their businesses or for the qualified recipient entities, in case of donated COVID-19 vaccines; *Provided, that* their inoculation shall prioritize their Healthcare Workers, senior citizens, economic front liners, and essential workers; *Provided, further,* that the Chief Medical Officers/Healthcare Provider of the private entities shall be allowed to formulate their own vaccine recipient list and implement their own operational procedures, subject to the prioritization of the above-mentioned individuals;
  - iii. The employee and its qualified recipient entities, as defined in this policy, shall not pay for the cost of the vaccine. These vaccines are free and form part of the corporate social responsibility of the company to its employees;
  - iv. Companies may procure COVID – 19 vaccines on behalf of their related and affiliate companies and subsidiaries (including unincorporated joint ventures), based on their internal arrangement as long as the transaction will not involve a markup or profit margin on the cost of vaccines, which may constitute a commercial transaction or sale, which is prohibited by the law and as indicated in the EUA;
  - v. Private Entities may engage a duly-licensed healthcare institution (HCI) for the administration of COVID-19 Vaccines for the Private Entities' employees, and Qualified Recipient Entities (QRE), subject to a reasonable fee for the services rendered, and (ii) administer the vaccines



to the general population for a reasonable fee for the services to be rendered by the HCI;

- vi. The private entity, in agreement with its employees, may charge the QREs of the employees for expenses relative to the ancillary supplies, rent for the vaccination site, hiring of the Vaccination Team, etc. The private entity may also tap the vaccination services of the LGU for free;
- vii. Private entities, including Micro, Small, and Medium Enterprises shall submit a Letter of Intent (in the prescribed template) to the vaccine manufacturers through the local EUA holder, copy furnished the DOH Secretary (c19vaccineopcen@gmail.com) and the NTF Chief Implementer and Vaccine Czar (vaccine.czar@peace.gov.ph). If there is no local EUA holder, the vaccine manufacturer may identify a third party to consolidate such requests.

The Letter of Intent shall contain, but will not be limited to the following:

- a. List and nature of the company/ies;
- b. Number of company employees including breakdown by Priority eligible population (e.g. Number of A.1. Healthcare Workers, A.2 Senior Citizens, etc.);
- c. Number of vaccines to be procured

**2. Review by the NTF**

- i. The NTF and the various vaccine manufacturers shall coordinate for the list of approved requests for vaccines;
- ii. Once the list of approved private entities has been confirmed, the NTF shall evaluate and cluster the requests, based on the following conditions:
  - a. Preferred vaccine has been issued an EUA by the Philippine FDA. Vaccines with no EUA may be chosen but emphasis will be given that procurement can only be facilitated once an EUA has been issued;
  - b. Presence or absence of a Vaccination Micro – Plan including prospective Vaccination Implementing Unit and Vaccination Site, if known already;
  - c. Capacity to contract the services of a Third Party Logistics (3PL) service provider
  - d. Other requirements as contained in V.A.1.v.
- iii. As part of efforts to ensure alignment of activities of the private entity, the National/Regional/Local Vaccination Operations Center shall provide technical assistance to the private entities for the development

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and submission of a Micro - Plan following relevant sections of the National Deployment and Vaccination Plan and other future issuance.

- iv. The Micro - Plan, which may be submitted after the finalization of the list of private entities included in the multilateral agreement, should include the Master list of official company employees with complete contact details (number and address), disaggregated by Region and certified by the authorized representative (e.g. Company owner, President, CEO, Chair, etc.) of the private entity;

The submission of Micro-Plans is applicable to private entity signatories in the multiparty agreements signed before the effectivity of RA 11525.

- v. The Local Vaccination Operations Center (LVOC), using the Vaccine Immunization Management System (VIMS) shall ensure that the Master list linked to the VIMS by the Third Party Logistics service provider, shall have no duplication with the Master list of the Local Government Unit. If there are duplications, the LVOC shall address this concern and report to the National Vaccination Operations Center (NVOC) through the Regional Vaccination Operations Center (RVOC);
- vi. For private entities with no 3PL service provider, their vaccinees must register with their respective LGU;
- vii. The private entities procuring vaccines for their employees are NOT required to donate vaccines to the National government.

3. ***Negotiations and finalization of multiparty supply agreements***

- i. The Local EUA Holder and the COVID-19 vaccine manufacturers shall coordinate for prospective purchase of vaccines by the private sector as covered under this JMC;
- ii. Subject to item (iii) below, the NTF and DOH shall facilitate the negotiation and review of the Supply Agreement, and any other relevant documents that may be required by the vaccine manufacturer;
- iii. In its review, the DOH and NTF shall reasonably ensure that the following are met in the multiparty Supply Agreement:
  - a. Price and payment terms shall reflect price uniformity to prevent price competition;
  - b. Contain roles and responsibilities of all parties involved;
  - c. Inclusion of a 3PL service provider or provision of company-owned transportation for the delivery of COVID-19 vaccines to the facilities of their choice shall be provided by the private sector,

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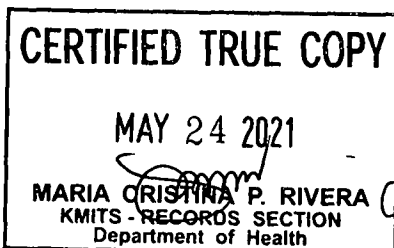
- pursuant to existing government policies, the cost of which shall be shouldered fully by the private sector;
- d. In case the above mentioned conditions are inapplicable, the DOH and the concerned parties may enter into a separate agreement to ensure the delivery of the vaccine;
  - e. No cost of vaccination in the workplace shall be charged or passed on, directly or indirectly, to the employees and its Qualified Recipient Entities. The private entity may reasonably charge the QRE for ancillary expenses, if applicable; and
  - f. Other parameters, based on the RA 11525, its Implementing Rules and Regulations, as well as other relevant laws and regulations, as deemed necessary.

**B. Payment to manufacturers**

- i. For the payment of vaccines, the local EUA Holder, if applicable, may be designated to collect the payment and coordinate with the manufacturer, using an Agreement or any other acceptable mode of payment by the vaccine manufacturer.

**C. Importation and Arrival of the Vaccines**

- i. The vaccine manufacturer shall indicate in all shipping documents that the consignee is the local EUA holder or the identified private sector entity;
- ii. The local EUA holder shall inform the private entities of the arrival date of the vaccines, once known;
- iii. Pick - up arrangements may be further clarified in the Supply Agreement. The private entities may arrange for one/collective payment for said transportation;
- iv. The private entity, in coordination with the manufacturer, shall ensure the submission of relevant documents to the FDA and the DOH as contained in Department Memorandum No. 2021 – 0053 “Interim Guidelines on the Shipment and the Acceptance of the COVID – 19 Vaccines and Ancillary Immunization Commodities (e.g. packing list, invoice, airway bill, certificate of analysis, batch release certificate);
- v. The private sector entity shall prepare and submit the necessary documents to the Bureau of Customs for Customs clearance following relevant Bureau of Customs policies and issuance;
- vi. Beginning January 1, 2021, the procurement, importation, donation, storage, transport, deployment, and administration of COVID-19 vaccines through the COVID-19 Vaccination Program by the government or any of its political subdivisions and by private entities shall be exempt from customs duties, value-added tax, excise tax, donor’s tax. and other fees; Provided, That the vaccines shall not be



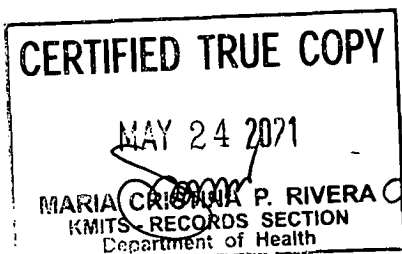
intended for resale or other commercial use and shall be distributed without consideration from persons to be vaccinated.

**D. Pick-up, delivery and distribution**

- i. The private entities procuring vaccines shall ensure the availability of 3PL services for their respective procurement upon arrival. Should above arrangement be inapplicable, the DOH may enter into another agreement with the private entity for the delivery of the vaccines;
- ii. In case the procured vaccines by the private entity includes a portion that will be donated to the DOH (the "Donated Vaccines"), the Private Entity shall provide the DOH the names of contact details of their 3PL service provider for closer coordination purposes;
- iii. The DOH shall facilitate the delivery of the Donated Vaccines from the airport to its DOH - appointed COVID - 19 Warehouse. Alternatively, the Private Entity and the DOH can enter into an arrangement where the DOH will pick up the Donated Vaccines from the designated warehouse of the Private Entity where the vaccines will be delivered from the airport;
- iv. Upon delivery of the vaccines from the airport to the warehouse, a Vaccine Arrival Report shall be prepared by the Private Entity for submission to the DOH within 24 hours from receipt of the vaccines at the following email address ([smpmd.scmo.doh@gmail.com](mailto:smpmd.scmo.doh@gmail.com)). A copy must be provided by the 3PL Service Provider to the accompanying personnel of the Philippine National Police (PNP);
- vi. The 3PL service provider of the private entity shall submit its daily distribution reports to the Vaccine Information Management System.
- iv. Relevant national policies on the acceptance of the COVID-19 vaccines in the cold storage facilities shall be followed.

**X. SEPARABILITY CLAUSE**

If any part, section or provision of this JMC is held invalid or unconstitutional, the remaining parts or provisions not affected thereby shall remain in full force and effect.

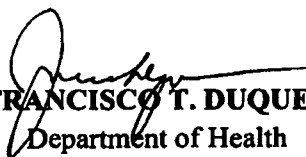



**XI. REPEALING CLAUSE**

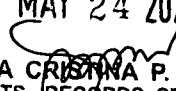
All orders, rules, regulations, and other related issuances inconsistent with or contrary to this JMC are hereby repealed, amended, or modified accordingly. All other provisions of existing issuances which are not affected by this JMC shall remain valid and in effect.

**XII. EFFECTIVITY**

This JMC shall take effect immediately after its publication in the Official Gazette or in any national newspaper of general circulation, with three (3) certified copies to be filed with the Office of the National Administrative Register (ONAR) of the University of the Philippines Law Center. This shall remain in full force during the period of state of calamity as declared under Proclamation No. 929, which was extended by Proclamation No. 1021, unless otherwise rescinded or revised.

  
**SEC. FRANCISCO T. DUQUE III, MD, MSc**  
Department of Health

  
**SEC. CARLITO G. GALVEZ, JR.**  
Vaccine Czar, National Task Force  
Against COVID-19

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