

DOF: 04/03/2020

**AGREEMENT establishing extraordinary actions that must be carried out for the acquisition and import of the goods and services referred to in sections II and III of Article Second of the Decree declaring extraordinary actions in the affected regions of all the national territory in terms of general health to combat the serious disease of priority attention generated by the SARS-CoV2 virus (COVID-19), published on March 27, 2020.**

**In the margin a stamp with the National Shield, which says: United Mexican States.- HEALTH.- Ministry of Health.**

JORGE CARLOS ALCOCCER VARELA, Secretary of Health, based on articles 4 o. , fourth paragraph and 73, fraction XVI, Bases 2a. and 3rd, of the Political Constitution of the United Mexican States; 39 of the Organic Law of the Federal Public Administration; 3rd., Fractions I, II, III and XV, 4th. section III, 7th., sections I and XV, 13, section A, sections V, IX and X, 133, section IV, 134, section II, 141, 147 and 184 of the General Health Law; Second and Third of the Decree declaring extraordinary actions in the affected regions of the entire national territory in terms of general health to combat the serious disease of priority attention generated by the SARS-CoV2 virus (COVID-19), and

#### CONSIDERING

That on March 27, 2020, the Head of the Federal Executive published in the Official Gazette of the Federation the Decree declaring extraordinary actions in the affected regions of the entire national territory in terms of general health to combat serious attention disease priority generated by the SARS-CoV2 virus (COVID-19);

That among the extraordinary actions are, among others: (i) acquiring all kinds of goods and services, nationally or internationally, including medical equipment, diagnostic agents , surgical and healing materials, and hygienic products, as well as all kinds of merchandise and objects that are necessary to face the contingency, without the need to carry out the public bidding procedure, for the quantities or concepts necessary to face it, and (ii) the others that the Secretariat deems necessary of health;

That on March 30, 2020, the General Health Council published in the Official Gazette of the Federation the Agreement declaring the epidemic of disease caused by the SARS-CoV2 virus as a health emergency due to force majeure ( COVID-19), noting that the Ministry of Health will determine all the actions that are necessary to attend said emergency;

That derived from the pandemic of the SARS-CoV2 virus (COVID-19), there is an international demand for various goods, services and supplies to provide care to patients infected by said virus, generating scarcity and more expensive, by which requires flexible measures to be taken in the procedures for their acquisition and import, in order to guarantee that such equipment is available for the health care of the affected population, and

That in such circumstances, the Government of Mexico urgently requires the material and human resources to provide the population with the health services provided by the State, making it necessary to streamline and simplify procurement procedures and make advance payments to suppliers. of these supplies to guarantee their supply, so I have been kind enough to issue the following

#### AGREEMENT

**FIRST ARTICLE.-** The purpose of this Agreement is to establish extraordinary actions that must be carried out for the acquisition and import of the goods and services referred to in sections II and III of Article Second of the Decree declaring extraordinary actions in the affected regions throughout the national territory in terms of general health to combat the serious disease of priority attention generated by the SARS-CoV2 virus (COVID-19), published on March 27, 2020 in the Official Gazette of the Federation.

**SECOND ARTICLE.-** It is established that the Health Secretariats; of the National Defense, and of the Navy; as well as the Institute of Health for Well-being; the Mexican Institute of Social Security, and the Institute of Security and Social Services of State Workers, in their respective areas of competence and subject to their available resources, will be the units empowered to acquire and, where appropriate, import the goods and services, as well as the merchandise and objects referred to in sections II and III of Article Two of the Decree indicated in the previous article.

For this purpose, the empowered units will simplify the procedures of the direct award procedure provided in the applicable legal provisions.

Among the acquisitions and imports indicated, those related to medicines, medical equipment, diagnostic agents, reagents, surgical and healing material and hygienic products, as well as all kinds of goods and services, merchandise and objects, that are necessary for cope with the contingency, carried

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out since the General Health Council recognized the epidemic of disease due to the SARS-CoV2 virus (COVID-19) in Mexico, as a serious disease of priority attention.

**THIRD ARTICLE.-** The empowered units may hire doctors and nurses, and other medical personnel that they deem necessary, on an eventual or fee basis, in order to strengthen their medical care capabilities, for the duration of the emergency.

**ARTICLE FOUR.-** To carry out the acquisitions of goods and services, as well as the merchandise and objects referred to in this Agreement, the empowered units may grant the necessary payments and advances that allow them to obtain the best opportunity conditions for the State, in order to have them in the shortest possible time, and thus immediately attend to the harmful effects on health that the disease caused by the SARS-CoV2 virus (COVID-19) causes in the Mexican population .

**ARTICLE FIFTH.-** For the purposes of the provisions of section III of Article Second of the Decree referred to in Article One of this Agreement, within the procedures with respect to which there is no need to exhaust by the authorized units, those in charge of the Federal Commission for the Protection against Sanitary Risks find it, in order to respond to the emergency derived from the disease generated by the SARS-CoV2 virus (COVID-19).

Notwithstanding the foregoing, the Federal Commission for Protection against Health Risks will provide immediate and expedited advice to the empowered units, to carry out the acquisition of the goods and services in question, in the shortest possible time and under conditions of quality and safety.

**ARTICLE SIX.-** The Secretariats of Finance and Public Credit and Economy, within the scope of their respective competences, will monitor and advise the empowered units regarding the acquisitions referred to in this Agreement.

**SEVENTH ARTICLE. -** The Secretariat of the Public Function in support of the empowered units, will carry out the preventive accompaniment of the procedures for the acquisition of goods and services, as well as the goods and objects referred to in this Agreement, in order to respond to the emergence of the disease generated by the SARS-CoV2 virus (COVID-19).

#### TRANSIENT

**SOLE.-** This Agreement will enter into force on the day it is published in the Official Gazette of the Federation and will remain in force until the emergency that originated it is declared terminated.

Given in Mexico City, on the three days of April 2020. - The Secretary of Health , **Jorge Carlos Alcocer Varela** .- Rubric