



Republic of the Philippines
Professional Regulation Commission
Manila

BIDS AND AWARDS COMMITTEE

Resolution No. 2022 - 143

**DECLARATION OF SECOND FAILURE OF BIDDING FOR THE PROCUREMENT OF
VARIOUS MEDICAL SUPPLIES AND EQUIPMENT: LOT 1 – PROCUREMENT OF
VARIOUS MEDICAL SUPPLIES-REBID WITH A TOTAL APPROVED BUDGET FOR
THE CONTRACT OF ONE HUNDRED FORTY-FOUR THOUSAND THREE HUNDRED
FIFTY-NINE PESOS AND EIGHT CENTAVOS (PHP144,359.08) THROUGH
NEGOTIATED PROCUREMENT UNDER SECTION 53.9 – SMALL VALUE
PROCUREMENT**

WHEREAS, the invitation to apply for eligibility and to bid through Negotiated Procurement under Section 53.9 – Small Value Procurement was posted in the website of the Commission, at the Bids Awards Committee (BAC) Bulletin Board, and in the Philippine Government Electronic Procurement System (PhilGEPS) for the project: Procurement of Various Medical Supplies and Equipment: Lot 1 – Procurement of Various Medical Supplies-Rebid with an approved budget for the contract of One Hundred Forty-Four Thousand Three Hundred Fifty-Nine Pesos And Eight Centavos (Php144,359.08) only.

WHEREAS, several prospective bidders were also invited through electronic mail to submit quotation for the project;

WHEREAS, during the scheduled deadline and submission of bid proposals on December 12, 2022, only one (1) bidder participated and submitted its eligibility and technical requirements, namely: AMARDEX Drugstore (AMARDEX).

WHEREAS, during the opening and evaluation of bid, the submitted notarized Special Power of Attorney (SPA) of AMARDEX did not bear the date on when the SPA was executed and notarized. It also failed to submit the required manufacturer certificate authorizing the said company to distribute its product. Therefore, AMARDEX was marked as failed and declared as disqualified.

WHEREAS, Section 30, Rule IX of the 2016 Revised Implementing Rules and Regulations (IRR) of Republic Act No. 9184, known as the Government Procurement Reform Act, requires that the preliminary examination of the bids be conducted by merely checking for the presence or absence of documentary requirements using a non-discretionary “pass/fail” criterion. If a bidder submits the required document, it shall be rated “passed” for the particular requirement. In this regard, bids that fail to include any requirement or are incomplete or patently insufficient shall be considered as “failed”.

WHEREAS, Section 35, Rule X of the 2016 Revised IRR provides for the authority of the BAC to declare a failure of bidding in cases where no bidders responded to the request for quotation, to wit:

Section 35. Failure of Bidding

35.1 The BAC shall declare the bidding a failure when:

- a) No bids are received;
- b) All prospective bidders are declared ineligible;**
- c) All bids fail to comply with all the bid requirements or post-qualification, or x xxx (Emphasis supplied)

WHEREAS, Section 35. 2 of the same IRR provides for the steps and procedures that the BAC should take in case of failure of bidding; x x x to wit:

35.2. In order to determine the reason for the failed bidding, the BAC shall conduct a mandatory review and evaluation of the terms, conditions, and specifications in the Bidding Documents, including its cost estimates.

35.3. Based on its findings, the BAC shall revise the terms, conditions, and specifications, and if necessary, adjust the ABC, subject to the required approvals, and conduct a re-bidding with re-advertisement and/or posting, as provided for in Section 21.2 of this IRR.(a) (underscoring supplied)


WHEREFORE, the **BIDS AND AWARDS COMMITTEE RESOLVES**, as it hereby **RESOLVED**, to **DECLARE A SECOND FAILURE OF BIDDING FOR THE PROCUREMENT OF VARIOUS MEDICAL SUPPLIES AND EQUIPMENT: LOT 1 – PROCUREMENT OF VARIOUS MEDICAL SUPPLIES-REBID** with a total approved budget for the contract of **ONE HUNDRED FORTY-FOUR THOUSAND THREE HUNDRED FIFTY-NINE PESOS AND EIGHT CENTAVOS (PHP144,359.08).** Consequently, the BAC shall conduct a re-bidding with re-advertisement and/or posting of said procurement project.

Done in the City of Manila, Philippines, this 12th day of December 2022.

BIDS AND AWARDS COMMITTEE


MARIA LIZA M. HERNANDEZ
 Vice-Chairperson


HENRIETTA P. NARVAEZ
 Member


WILMA T. UNANA
 Member


OMAIMAH E. GANDAMRA
 Alternate Member