



Republic of the Philippines
Professional Regulation Commission
Manila



BIDS AND AWARDS COMMITTEE

Resolution No. 2021 - 30

**DECLARING A SECOND FAILURE OF BIDDING FOR THE PROJECT: PRINTING
AND SHREDDING OF TEST BOOKLETS FOR THE SEPTEMBER 26, 2021
LICENSURE EXAMINATION FOR PROFESSIONAL TEACHERS AND
RECOMMENDING TO THE PROFESSIONAL REGULATION COMMISSION
CHAIRMAN THE CHANGE IN THE MODE OF PROCUREMENT IN THE ANNUAL
PROCUREMENT PLAN AND TO UNDERTAKE A NEGOTIATED PROCUREMENT
UNDER SECTION 53.1 – TWO FAILED BIDDINGS**

WHEREAS, the bidding for the project: Printing and Shredding of Test Booklets for the September 26, 2021 Licensure Examination for Professional Teachers was declared for the first time as failed on August 4, 2021, through the approved Bids and Awards Committee (BAC) Resolution No. 21, Series of 2021.

WHEREAS, the BAC caused the re-posting of the invitation to apply for eligibility and to bid for the project on August 17, 2021 through Competitive Bidding and was posted in the website of the Commission, at the BAC Bulletin Board, and in the Philippine Government Electronic Procurement System (PhilGEPS), with an approved budget for the contract of Two Million Four Hundred Seventy Two Thousand Two Hundred Pesos (Php2,472,200.00).

WHEREAS, on August 24, 2021, a Pre-Bid Conference was held, to explain and clarify the bidding documents and to accommodate any inquiry which the bidders may have, and was attended by a single prospective Bidder, Midtown Printing Co., Inc.

WHEREAS, during the scheduled deadline and submission of bid proposals on September 6, 2021 at 10:00 o'clock in the morning, no bidder bought the bidding documents, thus, caused the failure of bidding for the above stated project.

WHEREAS, Section 35, Rule X of the 2016 Revised Implementing Rules and Regulations (RIRR) of the Republic Act (RA) No. 9184, states for the authority of the BAC to declare a failure of bidding in cases where the bidders fail to comply with all the bid requirements as prescribed, 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 x x x (Emphasis supplied)***

WHEREAS, Section 35 of the same RIRR also 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.

35.4 All bidders who have initially responded to the Invitation to Bid/Request for Expression of Interest and have been declared eligible or short listed in the previous biddings shall be allowed to submit new bids. The BAC shall observe the same process and set the new periods according to the same rules followed during the previous bidding(s).

35.5 Should there occur a second failure of bidding, the Procuring Entity may resort to negotiated procurement as provided for in Section 53.1 of this IRR. (underscoring supplied)

WHEREAS, Section 48.3, and Section 53. 1 of the same RIRR allows to resort to negotiated procurement under Two Failed Biddings subject to the prior approval of the Head of the Procuring Entity, as prescribed, to wit:

Section 48.3 The method of procurement to be used shall be as indicated in the approved APP. If the original method of procurement recommended in the APP was competitive bidding but cannot be ultimately pursued, the BAC, through a resolution, shall justify and recommend the change in the method of procurement to be approved by the HoPE. Such changes must be reflected in the APP to be submitted to the GPPB, pursuant to Section 7.4 of this IRR.

X X X X

Section 53.1. Two Failed Biddings.

Where there has been failure of competitive bidding or Limited Source Bidding for the second time as provided in Section 35 of the Act and this IRR. (underscoring supplied)

WHEREFORE, the **BIDS AND AWARDS COMMITTEE RESOLVES**, as it is hereby **RESOLVED**, to **DECLARE A SECOND FAILURE OF BIDDING** for the project: Printing and Shredding of Test Booklets for the September 26, 2021 Licensure Examination for Professional Teachers – Rebid.

FURTHER RESOLVED, TO **RECOMMEND TO THE COMMISSION'S CHAIRMAN THE CHANGE IN MODE OF PROCUREMENT IN THE ANNUAL PROCUREMENT PLAN FOR THE PROJECT AND TO UNDERTAKE A NEGOTIATED PROCUREMENT** in accordance with **Section 53.1 – TWO FAILED BIDDINGS** of the 2016 RIRR of the R.A. No. 9184.

Done in the City of Manila, Philippines, this 7th day of September, 2021.

BIDS AND AWARDS COMMITTEE



ARISTOGERSON T. GESMUNDO
BAC Chairman


OMAIMAH E. GANDAMRA
Vice-Chairperson


WILMA T. UNANA
Member



CARLA ANGELINE B. UJANO
Member


CRISANTO L. DECENA
Member


TEODORO V. MENDOZA II
Provisional Member, Non-IT Projects


RICHARD M. ARANIEGO
Provisional Member, IT Projects

APPROVED:


TEOFILO S. PILANDO, JR.
Chairman
