



Republic of the Philippines
Professional Regulation Commission
Manila



BIDS AND AWARDS COMMITTEE

Resolution No. 2021 - **55(A)**

DECLARING OF FAILURE OF BIDDING FOR THE PROJECT: SUPPLY AND DELIVERY OF BROTHER TONER TN 3448 (ORIGINAL) COMPATIBLE WITH HL-L6400DW HIGH VOLUME MONOCHROME LASER PRINTER WITH TOTAL APPROVED BUDGET FOR THE CONTRACT OF SEVEN HUNDRED SEVEN THOUSAND TWO HUNDRED PESOS (PHP707,200.00)

WHEREAS, the invitation to apply for eligibility and to bid through Competitive Bidding 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: Supply and Delivery of Brother Toner TN 3448 (Original) Compatible with HL-L6400DW High Volume Monochrome Laser Printer with an approved budget for the contract of Seven Hundred Seven Thousand Two Hundred Pesos (Php707,200.00).

WHEREAS, on October 11, 2021 a pre-procurement conference was held to discuss the terms of reference prepared and submitted by the end user for the abovementioned project before the preparation of the bidding documents.

WHEREAS, on October 27, 2021, a Pre-Bid Conference via video conferencing was held to explain and clarify the bidding documents and to accommodate any inquiry which the bidders may have. This was attended by one (1) prospective Bidder namely: Business Machines Corp.

WHEREAS, On October 28, 2021, the BAC issued Bid Bulletin No. 1 (Annex "A") reflecting the modification/amendment to the bidding document as a result of the pre-bid conference.

WHEREAS, Section 30, Rule IX of the 2016 Revised Implementing Rules and Regulations 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, on November 8, 2021 during the submission and opening of bids, only Business Machine Corp. submitted its bidding documents. Upon evaluation thereof using the non-discretionary "pass/fail" criterion, BAC gave Business Machine Corp. a failed mark for not complying on the Financial Eligibility Requirement. Business Machines Corp. failed to submit its Audited Financial Statement and its Net Financial Contracting Capacity (NFCC).

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:

35.3. 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.


WHEREFORE, the **BIDS AND AWARDS COMMITTEE RESOLVES**, as it is hereby **RESOLVED**, to **DECLARE A FAILURE OF BIDDING** for the project: Supply and Delivery of Brother Toner TN 3448 (Original) Compatible with HL-L6400DW High Volume Monochrome Laser Printer with total approved budget for the contract of **SEVEN HUNDRED SEVEN THOUSAND TWO HUNDRED PESOS (PHP707,200.00)**. 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 November 10, 2021.

BIDS AND AWARD COMMITTEE


ARISTOGERSON T. GESMUNDO
BAC Chairman


OMAIMAH E. GANDAMRA
Vice-Chairperson


WILMA T. UNANA
Member


CRISANTO L. DECENA
Member


CARLA ANGELINE B. UJANO
Member


RICHARD M. ARANIEGO
Provisional Member, IT Projects



Bids and Awards Committee

Republic of the Philippines
Professional Regulation Commission
P. Paredes St. cor. N. Reyes St., Sampaloc, Metro Manila
Tel. No.: 310-0037/310-4045
Fax: 310-0037/736-2243
Email: bac@prc.gov.ph / prcbac2013@gmail.com



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Chairman


OMAIMAH E. GANDAMRA
Vice-Chairperson

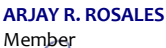

WILMA T. UNANA
Member


CRISANTO L. DECENA
Member


CARLA ANGELINE B. UJANO
Member

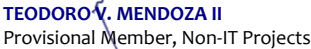
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Vice-Chairperson


ARJAY R. ROSALES
Member

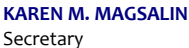

HENRIETTA P. NARVAEZ
Member

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Provisional Member, Non-IT Projects


RICHARD M. ARANIEGO
Provisional Member, IT Projects


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Member


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Member


JOEL P. IGNACIO
Member

BID BULLETIN NO. 1
October 28, 2021

PROJECT: SUPPLY AND DELIVERY OF BROTHER TONER TN 3448 (ORIGINAL) COMPATIBLE WITH HL-L6400DW HIGH VOLUME MONOCHROME LASER PRINTER WITH TOTAL APPROVED BUDGET FOR THE CONTRACT SEVEN HUNDRED SEVEN THOUSAND TWO HUNDRED PESOS (PHP707,200.00) – ITB NO. 2021 – 24

Please be advised of the following modification/amendments to the Bidding Documents.

1. Section VI. Schedule of Requirement shall now read as follows:

Item No.	Description	Quantity	Total	Delivered, Weeks/Months (TIMELINE)
1 LOT	Supply and Delivery of Brother Toner TN 3448 (Original) Compatible with HI-L6400dw High Volume Monochrome Laser Printer	136 Carts	136	Within sixty (60) calendar days from receipt of Notice to Proceed.

When submitting the bid documents, the Bidders will enter PRC through the public entrance gate, and have the time recorded at the DTR bundy clock. The Bid envelope will be received by the personnel of the BAC Secretariat. The Bidders are advised to submit their bids at least thirty (30) minutes before the deadline of 10:00 o'clock in the morning of November 8, 2021 in order to prepare for the videoconferencing. The Bidders are requested to send in the official email address of their authorized representative/s to this email address bac@prc.gov.ph and are hereby enjoined to participate in the videoconferencing of the bid opening.

ACKNOWLEDGMENT AND COMPLIANCE
WITH THE TERMS OF REFERENCE FOR THE
SUPPLY AND DELIVERY OF BROTHER TONER TN 3448 (ORIGINAL)
COMPATIBLE WITH HL-L6400DW HIGH VOLUME
MONOCHROME LASER PRINTER

SIGNATURE OVER PRINTED NAME
OF AUTHORIZED REPRESENTATIVE,
DESIGNATION AND PRINTED NAME OF COMPANY

Please be guided accordingly.


ATTY. ARISTOGERSON T. GESMUNDO
Assistant Commissioner
BAC Chairman