



Republic of the Philippines
Professional Regulation Commission
Manila



BIDS AND AWARDS COMMITTEE
Resolution No. 2021 - 54(A)

**DECLARING THE FAILURE OF BIDDING FOR THE PROJECT: SUPPLY,
DELIVERY AND TESTING OF FIFTY (50) UNITS AIR PURIFIER WITH TOTAL
APPROVED BUDGET FOR THE CONTRACT OF ONE MILLION TWO HUNDRED
FIFTY THOUSAND PESOS (Php1,250,000.00)**

WHEREAS, the invitation to apply for eligibility and to bid through Competitive Bidding was posted in the website of the Commission, at the Bids and Awards Committee (BAC) Bulletin Board, and in the Philippine Government Electronic Procurement System (PhilGEPS) for the project: Supply, Delivery, and Testing of Fifty (50) Units Air Purifier with an approved budget for the contract of One Million Two Hundred Fifty Thousand Pesos (Php1,250,000.00).

WHEREAS, on September 27, 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 08, 2021, a Pre-Bid Conference via videoconferencing was held to explain and clarify the bidding documents and to accommodate any inquiry which the bidders may have. This was attended by five (5) prospective Bidders namely: Inhail Trading, Persabe Merchandising, Dual Air Inc., Gakken Phils. Inc., and Pacific Office Solution.

WHEREAS, On October 12, 2021, the BAC issued Bid Bulletin No. 1 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 October 21, 2021 during the submission and opening of bids only Inhail Trading and Buoyant Industrial Systems, Inc. (Buoyant) submitted their bidding document. the BAC gave Inhail Trading a failed mark for not complying in the Sealing and Marking of Bids specified in item 15 of the Bid Data Sheet (BDS) which requires the submission of three (3) sets of copies of Eligibility, Technical and Financial Components. While Buoyant failed to submit a copy of duly signed and acknowledged Section IV and V in its bid.

WHEREAS, Inhail Trading and Buoyant was declared disqualified and was given three (3) calendar days to file a Motion for Reconsideration (MR). Hence, both bidders manifested their intention to file a motion for reconsideration.

WHEREAS, on October 25, 2021, Inhail Trading submitted a letter via email, requesting that its failed mark be reconsidered.

WHEREAS, on October 29, 2021, the BAC issued a resolution for the denial of the request for reconsideration of Inhaul Trading. (**ANNEX “A”**)

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, Delivery, and Testing of Fifty (50) Units Air Purifier with total approved budget for the contract of **ONE MILLION TWO HUNDRED FIFTY THOUSAND PESOS (Php1,250,000.00)**. 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 8th day of November, 2021.

BIDS AND AWARDS COMMITTEE



ARISTOGERSON T. GESMUNDO
Chairman


OMAIMAH E. GANDAMRA
Vice-Chairperson


WILMA T. UNANA
Member


CRISANTO L. DECENA
Member


CARLA ANGELINE B. UJANO
Member


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



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Manila

ANNEX A



BIDS AND AWARDS COMMITTEE
Resolution No. 2021 - 47(B)

**DENIAL OF THE REQUEST FOR RECONSIDERATION OF INHAIL TRADING
FOR THE SUPPLY, DELIVERY AND TESTING OF FIFTY (50) UNITS AIR
PURIFIER**

WHEREAS, on October 21, 2021, the Bids and Awards Committee (BAC) conducted the opening of bids for the project: Supply, Delivery, and Testing of Fifty (50) Units Air Purifier, at the BAC Conference Room, 4th Floor, Annex Building, P. Paredes St., Sampaloc, Manila. Two bidders submitted their bids contained in a sealed envelope with its eligibility and technical documents, and the financial bid proposals; namely, Inhail Trading (Inhail Trading) and Buoyant Industrial Systems, Inc. (Buoyant).

WHEREAS, Section 30, Rule IX of the Revised Implementing Rules and Regulations of Republic Act No. 9184, known as the Government Procurement Reform Act requires that the preliminary examination of 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 that particular requirement. In this regard, bids that fail to include any requirement or are incomplete or patently insufficient shall be considered as “failed”.

WHEREAS, during the opening of bids, the BAC gave Inhail Trading a failed mark for not complying in the Sealing and Marking of Bids specified in item 15 of the Bid Data Sheet (BDS) which requires the submission of three (3) sets of copies of Eligibility, Technical and Financial Components. While Buoyant failed to submit a copy of duly signed and acknowledged Section IV and V in its bid.

WHEREAS, Inhail Trading and Buoyant was declared disqualified and was given three (3) calendar days to file a Motion for Reconsideration (MR). Hence, both bidders manifested their intention to file a motion for reconsideration.

WHEREAS, on October 25, 2021, Inhail Trading submitted a letter via email, requesting that its failed mark be reconsidered.

WHEREAS, Inhail Trading claims that “*Item 15 of the Instruction to Bidders (ITB) clearly and unequivocally states: "Each Bidder shall submit one copy of the first and second components of its Bid. The Procuring Entity may request additional hard copies and/or electronic copies of the Bid. However, failure of the Bidders to comply with the said request shall not be a ground for disqualification."*

WHEREAS, the ITB should be read together with other bidding documents such as the Bid Data Sheet wherein ITB Clause 15 was further clarified bearing the specific instruction and illustration on the number of envelopes in order for the prospective bidders to prepare responsive bids;

WHEREAS, Item No. 2 of the Government Procurement Policy Board (GPPB) Non-Policy Opinion (NPM) 009-2012 states:

“Whether there is an upper limit on the number of copies of the bid that the BAC may require.

The PBDs does not provide for an upper limit on the number of copies that the BAC may require. Based on the Bid Data Sheet, the BAC may require any number of copies it deems necessary for its evaluation. Reason, economy and necessity, however, dictate that the BAC should require such number of copies that are reasonable, necessary, and desirable to facilitate the evaluation and post-qualification of the bids.”

WHEREAS, based on the foregoing, the BAC maintains its decision to disqualify Inhail Trading.


WHEREFORE, the **BIDS AND AWARDS COMMITTEE RESOLVES**, as it is hereby **RESOLVED**, to **DENY** the Motion for Reconsideration of Inhail Trading.

Done in the City of Manila, Philippines, this 29th day of October, 2021.

BIDS AND AWARDS COMMITTEE


ARISTOGERSON T. GESMUNDO
BAC Chairman


OMAIMAH E. GANDAMRA
Vice-Chairperson


WILMA T. UNANA
Member


CRISANTO L. DECENA
Member


CARLA ANGELINE B. UJANO
Member


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