



Republic of the Philippines
Professional Regulation Commission
Manila



BIDS AND AWARDS COMMITTEE
Resolution No. 2021 - 83(A)

POST DISQUALIFICATION OF THE SINGLE CALCULATED BIDDER INNOVALITE INC. AND DECLARING THE FAILURE OF BIDDING FOR THE PROJECT: SUPPLY, DELIVERY AND TESTING OF FIFTY (50) UNITS AIR PURIFIER - REBID 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-Rebid with an approved budget for the contract of One Million Two Hundred Fifty Thousand Pesos (Php1,250,000.00).

WHEREAS, on December 03, 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 three (3) prospective Bidders namely: Innovalite Inc. (Innovalite), Gakken Phils. Inc. (Gakken), and Pacific Office Solution, Inc. (Pacific Office).

WHEREAS, On December 07, 2021, the BAC issued Bid Bulletin No. 1 reflecting the modification/amendment to the bidding document.

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 December 16, 2021 during the submission and opening of bids only Inhail Trading and Innovalite submitted their bidding document. the BAC gave Inhail Trading a failed mark for not complying in the submission of Bid Securing Declaration (BSD) and Omnibus Sworn Statement (OSS).

WHEREAS, Inhail Trading was declared disqualified and was given three (3) calendar days to file a Motion for Reconsideration (MR). Hence, on the same day, Inhail Trading manifested its intention through an email and submit the corrected notarized BSD and OSS.

WHEREAS, only Innovalite have passed the eligibility and technical evaluation. The bidders' financial bid was opened, in the amount of One Million Ninety Three Thousand and Five Hundred Pesos (Php1,093,500.00). Thus, Innovalite was declared to be the Single Calculated Bidder and was subjected to Post-Qualification.

WHEREAS, on December 17, 2021, a post-qualification was conducted to validate and further evaluate the eligibility and technical documents submitted by Innovalite during the opening of bids, including the additional requirements for post-qualification.

WHEREAS, during the continuation of post-qualification on December 21, 2021, Innovalite passed the eligibility and technical requirements. However, the sample unit presented by Innovalite was made of plastic frame which does not conform with the specification of the project, specifically item. 7 of Section VII. Technical Specification which requires a powder coated metal steel frame. During the meeting, Innovalite manifested to submit a new sample compliant with the specification of the project on December 23, 2021.

WHEREAS, on December 23, 2021, Innovalite unable to submit a sample compliant with the specification. Thus, the BAC declare Innovalite post-disqualified.

WHEREAS, on December 23, 2021, the BAC issued a resolution for the denial of the motion for reconsideration of Inhail 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 INNOVALITE INC. POST DISQUALIFIED** and **DECLARE A FAILURE OF BIDDING** for the project: Supply, Delivery, and Testing of Fifty (50) Units Air Purifier-Rebid with total approved budget for the contract of **ONE MILLION TWO HUNDRED FIFTY THOUSAND PESOS (Php1,250,000.00)**.

Done in the City of Manila, Philippines, this 27th day of December, 2021.

BIDS AND AWARDS COMMITTEE



JOSE Y. CUETO, JR.
BAC Chairman


MARIA LIZA M. HERNANDEZ
Vice-Chairperson


HENRIETTA P. NARVAEZ
Member


WILMA T. UNANA
Member


TEODORO V. MENDOZA II
Member, Alternate


CRISANTO L. DECENA
Provisional Member, Non-IT Projects