



Republic of the Philippines  
Professional Regulation Commission  
Manila



**BIDS AND AWARDS COMMITTEE**  
Resolution No. 2022 - 19

**DECLARING THE FAILURE OF BIDDING FOR THE PROJECT: SUPPLY AND DELIVERY OF VIDEO CONFERENCING EQUIPMENT WITH TOTAL APPROVED BUDGET FOR THE CONTRACT OF ONE MILLION THREE HUNDRED NINETY-NINE THOUSAND NINE HUNDRED NINETY-FIVE PESOS (PHP1,399,995.00)**

**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 and Delivery of Video Conferencing Equipment with an approved budget for the contract of One Million Three Hundred Ninety-Nine Thousand Nine Hundred Ninety-Five Pesos (Php1,399,995.00).

**WHEREAS**, on March 15, 2022, 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 April 5, 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: Trends and Technologies, Inc. (Trends), The Brain Computer Corporation (The Brain Computer), and Avid Sales Corporation (Avid Sales).

**WHEREAS**, On April 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 April 21, 2021 during the submission and opening of bids four (4) bidders submitted their bidding documents, namely: Avid Sales, Trends, American Technologies Inc. (American Technologies), and The Brain Computer. The BAC gave all four (4) bidders a failed mark for not complying with the required Annual Financial Statements (AFS) that must be submitted. It was specified in Item No. 9, that, *"The Supplier's audited financial statements, showing, among others, the Supplier's total and current assets and liabilities, stamped "received" by the BIR or its duly accredited and authorized institutions, for the preceding calendar year which should not be earlier than two (2) years from the date of bid submission."* All bidders have submitted an AFS for the year 2019 and 2020, instead of year 2020 and 2021.

**WHEREAS**, Avid Sales, Trends, American Technologies and The Brain Computer was declared disqualified and was given three (3) calendar days to file a

Motion for Reconsideration (MR). Hence, all bidders answered not to file a motion for reconsideration.

**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 Video Conferencing Equipment with total approved budget for the contract of **ONE MILLION THREE HUNDRED NINETY-NINE THOUSAND NINE HUNDRED NINETY-FIVE PESOS (PHP1,399,995.00)**. 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 26<sup>th</sup> day of April, 2022.

**BIDS AND AWARDS COMMITTEE**

  
**JOSE Y. CUETO, JR.**  
Chairman

  
**MARIA LIZA M. HERNANDEZ**  
Vice-Chairperson

  
**HENRIETTA P. NARVAEZ**  
Member

  
**WILMA T. UNANA**  
Member

  
**TEODORO V. MENDOZA II**  
Alternate Member

  
**REGIE O. TORRES**  
Provisional Member, IT Projects