



Republic of the Philippines
Professional Regulation Commission
Manila



BIDS AND AWARDS COMMITTEE

Resolution No. 2022 - **134**

DECLARATION OF FAILURE OF BIDDING FOR THE PROCUREMENT OF VARIOUS REFRIGERATORS FOR VARIOUS OFFICES: LOT 1- NINE (9) UNITS OF 6.0CUFT REFRIGERATOR WITH A TOTAL APPROVED BUDGET FOR THE CONTRACT OF ONE HUNDRED TWENTY-SIX THOUSAND PESOS (PHP 126,000.00) THROUGH NEGOTIATED PROCUREMENT UNDER SECTION 53.9 – SMALL VALUE PROCUREMENT

WHEREAS, the invitation to apply for eligibility and to bid through Negotiated Procurement under Section 53.9 – Small Value Procurement 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: Procurement of Various Refrigerators for Various Offices: Lot 1- Nine (9) Units of 6.0cuft Refrigerator with an approved budget for the contract of One Hundred Twenty-Six Thousand Pesos (Php126,000.00) only.

WHEREAS, during the scheduled deadline and submission of bid proposals on November 29, 2022, two (2) bidders submitted its eligibility and technical requirements, namely: Brilliant Light Trading and Electrical Services (BRILLIANT) and M4Drew Consumer Goods Trading (M4DREW)

WHEREAS, during the opening and evaluation of bid, BRILLIANT failed to comply with the Conformity with the Terms of Reference (Annex A”) and their bid price for the project is **ONE HUNDRED FIFTY-SEVEN THOUSAND THIRTY-TWO PESOS (Php157,032.00)** which is above the ABC of **ONE HUNDRED TWENTY-SIX THOUSAND PESOS (PHP126,000.00)** and was marked as failed for the Duly accomplished Financial Bid in the Official Bid form (Annex “B”). While, M4DREW’s Omnibus Sworn Statement specifically indicated that they will only join Lot 2- two (2) Units of Refrigerator but the bid they submitted is that for Lot 1- Nine (9) Units of 6.0cuft Refrigerator. Therefore, the bidders were marked as failed in complying with the Terms of Reference.

WHEREAS, Section 30, Rule IX of the 2016 Revised Implementing Rules and Regulations (IRR) 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, Section 35, Rule X of the 2016 Revised IRR provides for the authority of the BAC to declare a failure of bidding in cases where no bidders responded to the request for quotation, 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 xxx (Emphasis supplied)

WHEREAS, Section 35. 2 of the same IRR 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.(a) (underscoring supplied)

WHEREFORE, the **BIDS AND AWARDS COMMITTEE RESOLVES**, as it hereby **RESOLVED**, to **DECLARE A FAILURE OF BIDDING FOR THE PROCUREMENT OF VARIOUS REFRIGERATORS FOR VARIOUS OFFICES: LOT 1- NINE (9) UNITS OF 6.0CUFT REFRIGERATOR** with a total approved budget for the contract of **ONE HUNDRED TWENTY-SIX THOUSAND PESOS (PHP126,000.00)**.


Done in the City of Manila, Philippines, this **5th day of December, 2022.**


BIDS AND AWARDS COMMITTEE


ERWIN M. ENAD
BAC Chairman


MARIA LIZA M. HERNANDEZ
Vice-Chairperson


HENRIETTA P. NARVAEZ
Member


WILMA T. UNANA
Member


CRISANTO L. DECENA
Provisional Member, Non-IT Projects