

Department of Social Welfare and Development  
Regional Office III  
DMGC, Barangay Maimpis, City of San Fernando, Pampanga

**A RESOLUTION DECLARING FIRST FAILURE FOR THE BIDDING OF  
LOTS A, C AND D OF THE PROJECT “PURCHASE OF FOOD ITEMS FOR THE  
IMPLEMENTATION OF SUPPLEMENTAL FEEDING PROGRAM 11TH CYCLE  
FOR SEVEN (7) PROVINCE OF REGION III”**

**BAC RESOLUTION NO. 2021-07-01**  
Series of 2021

**WHEREAS**, the Department of Social Welfare and Development Field Office III Bids and Awards Committee advertised the project **PURCHASE OF FOOD ITEMS FOR THE IMPLEMENTATION OF SUPPLEMENTAL FEEDING PROGRAM 11<sup>TH</sup> CYCLE FOR SEVEN (7) PROVINCE OF REGION III** for four (4) separate lots with the following Approved Budget for the Contract (ABC) amounting to:

LOT	PARTICULARS	ABC
A	RICE PORRIDGE CHICKEN FLAVOR	17,459,280.00
	RICE PORRIDGE BEEF FLAVOR	
	SAUCY PASTA, TOMATO FLAVOR	
	SAUCY PASTA, CARBONARA FLAVOR	
B	CANNED SARDINES	15,640,605.00
	CANNED MEATLOAF	
	EGG-CHICKEN	
	MONGGO (GREEN)	
C	BLENDED DRY CEREAL-RICE MONGGO CHOCOLATE FLAVOR	4,364,820.00
D	NUTRIBUN	14,549,400.00
TOTAL ABC:		52,014,105.00

Such project having been posted for an Invitation to Bid in the DSWD FO III website, PhilGEPS and conspicuous places at the premises of the Department of Social Welfare and Development Field Office III continuously from July 8, 2021 to July 28, 2021;

**WHEREAS**, in response to the said advertisements, the herein below indicated prospective bidders signified their intent to participate to herein described lots and purchased the Bidding Document on the various dates indicated with their corresponding Official Receipt numbers, to wit:

SERVICE PROVIDER	LOT PURCHASED	DATE OF PURCHASE	OR NO.	STATUS
HALEX GOLDEN CORPORATION	B	7/27/2021	2465630	PASSED
HLYC TRADING	B	7/28/2021	2465631	FAILED
NUTRIDENSE FOOD MANUFACTURING INC.	C & D	7/19/2021	2465627	FAILED

**WHEREAS**, the said bidders submitted their bid on the scheduled Submission and Opening of Bids on July 28, 2021 by 9:00 am.

**WHEREAS**, Section 35.1 of 2016 IRR of RA No. 9184 explicitly states that :

*“Section 35. Failure of Bidding*

*35.1 The BAC shall declare the bidding a failure when:*

- a) No bids are received;*
- b) Xxx”*

**WHEREAS**, no bids was received for Lot **A**, the Members of the Bids and Awards Committee unanimously declared the bidding for Lot **“A”** as **“FAIL”**;

**WHEREAS**, in the matter of Lot **B**, the Technical documents of the abovementioned bidders were opened on the same date in the order of time of submission with the bid of **HALEX GOLDEN CORPORATION** evaluated first followed by the bid of **HLYC TRADING**;

**WHEREAS**, upon careful review and deliberation, **HALEX GOLDEN CORPORATION** having complied with the eligibility requirements, was declared **“PASS”**; On the other hand, the Bids and Awards Committee found that the documents submitted by **HLYC TRADING** failed to support the statement of compliance to the required technical specifications of item no. 1, **CANNED SARDINES** of Lot B. Apart from its self-declarative statements and photograph of the front label of its offer, **Lucky 7 Sardines**, no other submitted documents would show that such offer meets the required *Halal* Certification contrary to the specific Instruction posted on the Supplemental Bid Bulletin which it is specifically quoted herein from the Supplemental Bid Bulletin dated July 21, 2021, to wit:

*“\*[Bidders must state here either “Comply” or “Not Comply” against each of the individual parameters of each Specification stating the corresponding performance parameter of the equipment offered.*

*Statements of “Comply” or “Not Comply” must be supported by evidence in a Bidders Bid and cross-referenced to that evidence.*





Evidence shall be in the form of actual or unedited photograph of the "COMPLETE" label of the goods offered, manufacturer's un-amended sales literature, unconditional statements of specification and compliance duly issued by the manufacturer. XXX"

*A statement that is not supported by evidence or is subsequently found to be contradicted by the evidence presented will render the Bid under evaluation liable for rejection.*

**WHEREAS**, in the case of Lot **C** and **D**, the only prospective bidder which manifested interest and submitted bids was **NUTRIDENSE FOOD MANUFACTURING INC.**;

**WHEREAS**, upon diligent examination of the first item under Legal – Technical Documents, it appears on the onset that the conformance to the mandatory submission of PhilGEPS Registration Certification (Platinum Membership) of **NUTRIDENSE FOOD MANUFACTURING INC.** did not help establish its eligibility as a bidder. While the PhilGEPS Registration Certificate (Platinum Membership) is valid until 25 July 2022, the Tax Clearance is not updated as the reflected expiration Date is 15 July 2021 evident by the List of Eligibility Documents attached with Certificate Reference No. 2015051366801744939275.

**WHEREAS**, for the first item of Legal – Technical Documents submitted by **NUTRIDENSE FOOD MANUFACTURING INC.**, the Bids & Awards Committee declared it as "**FAILED**" pursuant to Section 8.5.2 of the 2016 Revised Implementing Rules and Regulations of Republic Act No. 9184, to wit:

*"xxx. All bidders to upload in PhilGEPS and maintain current and updated the following Class "A" eligibility documents under Sections 23.1(a) and 24.1(a) of the same IRR, thus:*

- 1. Registration Certificate;*
- 2. Mayor's/Business Permit or its Equivalent Document;*
- 3. Tax Clearance;*
- 4. Philippine Contractors Accreditation Board (PCAB) license and registration and;*
- 5. Audited Financial Statements... xxx"*

**WHEREAS**, the Bids & Awards Committee had no recourse but to resort to Section 35.1 of 2016 IRR of RA No. 9184 and declare the bidding for Lots **C** and **D** as "Failed", the law clearly states that:

**"Section 35. Failure of Bidding**

**35.1 The BAC shall declare the bidding a failure when:**

Xxx

- b) All prospective bidders are declared ineligible;
- c) All bids fail to comply with all the bid requirements or fail post-qualification, or in the case of Consulting Services, there is no successful negotiation; or xxx"

**WHEREFORE**, the Bids & Awards Committee RESOLVES, as it is hereby RESOLVED, to declare the Bidding for **LOTS A, C and D** of the project "**PURCHASE OF FOOD ITEMS FOR THE IMPLEMENTATION OF SUPPLEMENTAL FEEDING PROGRAM 11<sup>TH</sup> CYCLE FOR SEVEN (7) PROVINCES OF REGION III**" a Failure. Consequently, the Bids & Awards Committee shall conduct a re-bidding with re-advertisement and re-posting of the said procurement project subject to the exhaustion of remedies allowed under the law as exercised by the participating bidders and after review of the specifications and other requirements of the project subject for bidding;

**RESOLVED**, at the DSWD-Regional Office III, this 28<sup>th</sup> of July 2021.

  
**VENUS F. REBULDELA**  
Chairperson, BAC

  
**ARMONT C. PECINA**  
Vice Chairperson, BAC

  
**RENANN M. MACAPINLAC**  
Member, BAC

**MARITES D. LIWANAG**  
Member, BAC

APPROVED BY:

  
**MARITES M. MARISTELA, CESO III**  
Head of the Procuring Entity