

DRN: _____

BIDS AND AWARDS COMMITTEE (BAC)

Resolution No. 2022-05-11

**A RESOLUTION DECLARING SECOND FAILURE FOR THE BIDDING OF LOT II
OF THE PROJECT "PURCHASE OF OFFICE AND CONSUMABLE SUPPLIES
FOR TWO (2) MONTHS USE OF PROGRAMS / OFFICES CY 2022"**

May 23, 2022

WHEREAS, the Department of Social Welfare and Development Field Office III Bids and Awards Committee advertised the project **Purchase of Office and Consumable Supplies for Two (2) Months use of Programs / Offices CY 2022 – Lot II** with the Approved Budget for the Contract (ABC) amounting to **One Million Two Hundred Twelve Thousand Seven Hundred Six Pesos (Php1,212,706.00)**;

WHEREAS, such project was 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 May 2 to May 23, 2022;

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 and submitted their bid on the scheduled Submission and Opening of Bids on May 23, 2022 by 8:30 AM, summarized as follows:

SERVICE PROVIDER	DATE OF PURCHASE	OR NO.	STATUS
MTC ADS AND GENERAL MERCHANDISE	5/19/2022	2465721	FAILED
G-WELL GENERAL MERCHANDISE	5/18/2022	2465720	FAILED
OFFICE EDGE ENTERPRISE	5/23/2022	2465722	FAILED

WHEREAS, upon careful review and deliberation of the technical and legal documents, **MTC ADS AND GENERAL MERCHANDISE, G-WELL GENERAL MERCHANDISE and OFFICE EDGE ENTERPRISE** were declared **"FAILED"** on the following:

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DSWD Field Office III, Government Center, Maimpis, City of San Fernando, Pampanga, 2000 Philippines
Website: www.fo3.dswd.gov.ph Tel Nos. : (045) 961-2143

NAME OF BIDDER	RATING	REMARKS	LEGAL BASIS
MTC ADS AND GENERAL MERCHANDISE	FAILED	Checklist (a) - Failure to submit a current and updated PhilGEPS Platinum Registration and Membership.	GPPB Resolution No. 15-2021
		Checklist (e) - Evidence presented for Items 7-10 is misleading (i.e. the evidence showing EPSON products were intended to support CANON bid items); and Failure to properly state the corresponding performance parameter of the equipment offered.	Supplemental Bid Bulletin 2022 - 05-01 clarifying GPPB Philippine Bidding Form mandate re: "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."
G-WELL GENERAL MERCHANDISE	FAILED	Checklist (a) - Failure to submit a current and updated PhilGEPS Platinum Registration and Membership	GPPB Resolution No. 15-2021
OFFICE EDGE ENTERPRISE	FAILED	Checklist (a) - Failure to submit a current and updated PhilGEPS Platinum Registration and Membership	GPPB Resolution No. 15-2021

WHEREAS, Government and Procurement Policy Board (GPPB) Resolution No. 15-2021 entitled "*Lifting the Suspension on the Implementation of the Mandatory Submission of PhilGEPS Certificate of Platinum Registration and Membership in Competitive Bidding and Limited Source Bidding*" clearly states that:

"WHEREAS, in consideration of the foregoing, the GPPB-TSO, during the 8th Meeting of the GPPB held on 14 October 2021, recommended to the Board the following:

2. Approve the amendments in Section 8.5.2 of the 2016 revised IRR of RA 9184 and Items 4 and 6 of the Guidelines for the Use of the GoP-OMR to include the following additional caveat in the Platinum Certificate of Registration and Membership: (i) that for the purpose of updating the PhilGEPS Certificate of Platinum Registration and Membership, all Class "A" Eligibility Documents covered by Section 8.5.2 of the 2016 revised IRR of RA 9184 supporting the veracity, authenticity and validity of the Certificate shall remain current and updated, and that failure by the prospective bidder to update its PhilGEPS Certificate of Platinum Registration and Membership with the current and updated Class "A" Eligibility Documents covered by Section 8.5.2 of the 2016 revised IRR of RA 9184 shall result in the automatic suspension of the validity of its Certificate of Platinum Registration and Membership until such time that all of the expired Class "A" Eligibility Documents has been updated."

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WHEREAS, Section 8.5.2 of the 2016 Implementing Rules and Regulations explicitly states that:

"All bidders shall upload and maintain in PhilGEPS a current and updated file of the following Class "A" eligibility documents under Sections 23.1(a) and 24.1(a):

- a) Registration Certificate;*
- b) Mayor's/Business Permit or its Equivalent Document;*
- c) Tax Clearance;*
- d) Philippine Contractors Accreditation Board (PCAB) license and registration; and*
- e) Audited Financial Statements.... xxx"*

WHEREAS, after revisiting the Checklist in the Philippine Bidding Documents posted and Supplemental Bid Bulletin No. 2022-05-01 for confirmation on the its conformity with Section 8.5.2 of the same law and GPP Resolution No. 15-2021, the Bids and Awards Committee opted not to proceed with opening of Financial bids and thereafter, unanimously declared the project **"PURCHASE OF OFFICE AND CONSUMABLE SUPPLIES FOR TWO (2) MONTHS USE OF PROGRAMS / OFFICES CY 2022 – LOT II" as **"FAILED"**.**

WHEREAS, Section 35.1 of the same law clearly provides for the grounds to declare the bidding a "FAILURE", to wit:

"xxx..

The BAC shall declare the bidding a failure when:

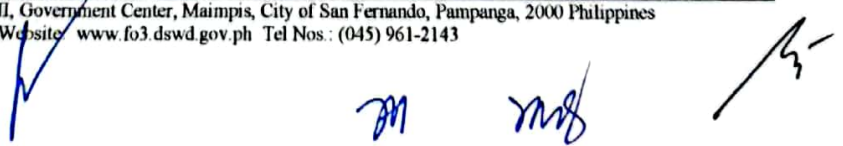
- a) No bids are received;*
- b) All prospective bidders are declared ineligible;*
- c) All bids fail to comply with all the bid requirements or fail post-qualification, or, in the case of Consulting Services, there is no successful negotiation; or*
- d) The bidder with the LCRB, HRRB, SCRB or SRRB refuses, without justifiable cause, to accept the award of contract, and no award is made in accordance with Section 40 of the Act and this IRR....xxx"*

WHEREAS, in the mandatory review to ascertain the reason and factors contributing to the failure, the Bids and Awards Committee directed the BAC Secretariat to highlight the eligibility requirements set forth in RA 9184 and the lifting of the mandatory submission of valid and current PhilGEPS Registration Certification and Membership at Pre-Bid Conference. The terms, conditions and specifications including the ABC are retained;

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WHEREAS, In accordance with Section 53.1 of the 2016 IRR of RA 9184 which provides that "Two Failed Biddings. Where there has been failure of competitive bidding or Limited Source Bidding for the second time as provided in Section 35 of the Act and this IRR", the Bids and Awards Committee found fit to recommend that this procurement project shall be subjected to Negotiated Procurement - "TWO FAILED BIDDING" being most expedient, effective and economical modality given these circumstances;

NOW, THEREFORE, We, the Members of the Bids and Awards Committee, hereby **RESOLVE** as it is hereby **RESOLVED**:


- a. To declare a **SECOND FAILURE OF BIDDING** for the **LOT II** of the **PURCHASE OF OFFICE AND CONSUMABLE SUPPLIES FOR TWO (2) MONTHS USE OF PROGRAMS / OFFICES CY 2022** in accordance with Section 35.1 of the 2016 Implementing Rules and Regulations of Republic Act No. 9184; and
- b. To resort to a **Negotiated Procurement** as provided in **Section 53.1** of the Revised IRR of RA 9184 and all applicable rules and regulations in accordance with law.

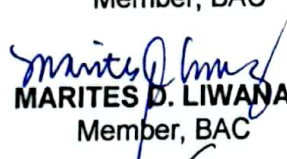
RESOLVED, this 23rd of May 2022 at DSWD-Regional Office III.


VENUS P. REBULDELA
Chairperson, BAC


ARMONT C. PECINA
Vice Chairperson, BAC

RENANN M. MACAPINLAC
Member, BAC


PRISCILA C. TIOPENGCO
Member, BAC


MARITES D. LIWANAG
Member, BAC

ATTY. JESSA G. BERNARDO
Member, BAC

(/) Approved () Disapproved


MARITES M. MARISTELA, CESO III
Regional Director

(per Special Order No. 2479, Series of 2019)

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