

BIDS AND AWARDS COMMITTEE (BAC)**Resolution No. 2022-09-08****A RESOLUTION DECLARING THE SECOND FAILURE OF THE BIDDING OF THE PROJECT "PROCUREMENT OF SUPPLY AND DELIVERY OF ONE (1) UNIT CROSSOVER UTILITY VEHICLE FOR DSWD FIELD OFFICE III" UNDERTAKEN THROUGH NEGOTIATED PROCUREMENT – TWO FAILED BIDDING UNDER SECTION 53.1 OF IRR OF RA NO. 9184**

September 9, 2022

WHEREAS, the Department of Social Welfare and Development Field Office III Bids and Awards Committee advertised the project **PROCUREMENT OF SUPPLY AND DELIVERY OF ONE (1) UNIT CROSSOVER UTILITY VEHICLE FOR DSWD FIELD OFFICE III** with the Approved Budget for the Contract (ABC) amounting to: One Million Five Hundred Thousand Pesos (PHP1,500,000.00);

WHEREAS, on August 31, 2022 the Bids and Awards Committee issued BAC Resolution No. 2022-07-10 declaring the "FAILURE" of the NEGOTIATED PROCUREMENT – TWO FAILED BIDDING of herein subject procurement project;

WHEREAS, Section 53 of the 2016 Implementing Rules and Regulations of Republic Act No. 9184 clearly states that:

"Negotiated Procurement is a method of procurement of Goods, Infrastructure Projects and Consulting services, whereby the Procuring Entity directly negotiates a contract with a technically, legally and financially capable supplier, contractor or consultant in any of the following cases:

53.1 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. Xxx"

WHEREAS, the Secretariat was directed to facilitate the necessary documents, advertise and invite all accredited suppliers with known qualifications to participate therein;

WHEREAS, the Bids and Awards Committee conducted the Opening of Bids on September 9, 2022 under the modality: Negotiated Procurement – Two-Failed Bidding but failed to solicit prospective bidders to participate and submit bids;

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Website: www.fo3.dswd.gov.ph Tel Nos.: (045) 961-2143

WHEREAS, Section 35 of the 2016 Implementing Rules and Regulations of Republic Act No. 9184 states that:

"Failure of Bidding

35.1 The BAC shall declare the bidding a failure when;

a) No bids are received;

xxx"

WHEREAS, the Bids and Awards Committee at Mandatory Review identified that one of the reasons were complexity and lack of time to complete the documentary requirements. Thus, this Committee was in the consensus to relax the requirements to minimum and process of electronic bid submission.

WHEREAS, item II of ANNEX "H" of the same law clearly states that:

"xxx...

II. The BAC shall indicate in the RFQ or RFP at what stage of the procurement process these requirements must be submitted, i.e., submission of offer/s, evaluation of offer/s, or 186 before issuance of Notice of Award.

ALTERNATIVE MODALITY	MAYOR'S / BUSINESS PERMIT	PROFESSIONAL LICENSE / CV (Consulting Service)	PhilGEPS Reg. Number	PCAB LICENSE	NFCC	INCOME /BUSINESS TAX RETURN	OMNIBUS SWORN STATEMENT
TWO FAILED BIDDEINGS Section 53.1			√ **** PhilGEPS Platinum if legal eligibility requirements are not subject to revision after the conduct of the mandatory review				

WHEREAS, Section 54.5 of the aforementioned law provides that:

"Performance and Warranty Securities.

Performance and/or warranty securities are required for the following alternative methods of procurement, in accordance with Sections 39 and 62 of this IRR:

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ALTERNATIVE MODE OF PROCUREMENT	PERFORMANCE SECURITY (PS)	WARRANTY SECURITY (WS)
TWO FAILED BIDDINGS	√	√ In no case shall WS be required in the procurement of Consulting Services

WHEREAS, the Bids and Awards Committee was in the consensus to revert to manual Submission of Bids and proceed with the usual alternative mode of procurement process by sending out Request for Quotations pursuant to item (D) (1b) of Annex "H" of the same law, to wit:

"xxx...

- ii. After conduct of the mandatory review of the terms, conditions, specifications, and cost estimates, as prescribed in Section 35 of the IRR, the BAC, based on its findings, as assisted by its Secretariat, TWG and End-User unit may revise and agree on the technical, legal and financial eligibility requirements and technical specifications or terms of reference, and if necessary, adjust the ABC, subject to the required approvals. However, the ABC cannot be increased by more than twenty percent (20%) of the ABC for the last failed bidding. In case no revision of the Class "A" Eligibility Document covered by Section 8.5.2 of this IRR is found necessary by the BAC after the conduct of the mandatory review, the submission of the PhilGEPS Certificate of Registration and Membership in accordance with Section 8.5.2 of this IRR shall likewise be mandatory.
- iii. The BAC shall invite at least three (3) suppliers, contractors or consultants, including those disqualified in previous biddings for the project, for negotiations to ensure effective competition. This, notwithstanding, those who responded through any of the required postings shall be allowed to participate. Even if only one (1) bidder should respond to such invitation or posting, the BAC shall proceed with the negotiation subject to the rules prescribed hereunder.
- iv. Any requirements, guidelines, documents, clarifications, or other information relative to the negotiations that are communicated by the BAC to a supplier, contractor, or consultant shall be communicated on an equal basis to all other suppliers, contractors, or consultants engaging in negotiations with the BAC relative to the procurement. The prospective bidders shall be given equal time and opportunity to negotiate and discuss the technical and financial requirements of the project to be able to submit a responsive quotation or proposal.
- v. Following completion of the negotiations, the BAC shall request all suppliers, contractors, or consultants in the proceedings to submit, on a specified date, a best offer based on the final technical and financial requirements."

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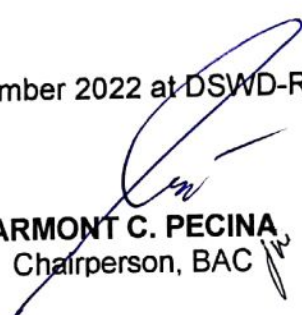
WHEREFORE, the BAC RESOLVES as it is hereby RESOLVED, for the purposes of efficiency, expediency and economy, to recommend to the Head of the Procuring Entity the following;

1. To declare the project: **"PROCUREMENT OF SUPPLY AND DELIVERY OF ONE (1) UNIT CROSSOVER UTILITY VEHICLE FOR DSWD FIELD OFFICE III" as "FAILED "** pursuant to **Section 35 of the 2016 Implementing Rules and Regulations of Republic Act No. 9184;**
2. REPOST the project using the standard Request for Quotation for Alternative Mode of Procurement and revert to Manual Submission of Bids to relax the bidding process within the minimum requirements provided for under the 2016 Implementing Rules and Regulations of Republic Act No. 9184; and
3. The approval of the Head of the Procuring Entity (HoPE) of the Department of Social Welfare and Development Region III of the foregoing findings of the Committee.

RESOLVED, this 9th September 2022 at DSWD-Regional Office III.



RENANN M. MACAPINLAC
Vice Chairperson, BAC



ARMONT C. PECINA
Chairperson, BAC

VILMA SERRANO
Member, BAC


RAYMUND VINCENT A. PANLILIO
Provisional Member – END USER, BAC



SHEILA JAEN BASILLA
Provisional Member, BAC

☒ Approved

☐ Disapproved



VENUS F. REBULDELA
OIC – Regional Director / HOPE
(As per Special Order No. 2679, Series of 2022)

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