

BIDS AND AWARDS COMMITTEE (BAC)

Resolution No. 2022-10-11

A RESOLUTION DECLARING OF THE BIDDING OF PROJECT "SUPPLY & DELIVERY OF GROCERIES OF SEVEN (7) DSWD RO III CENTERS AND INSTITUTIONS (AMOR, TLC, THFW, RRCY, HAVEN, RSCC & RHFG) FOR THE FOURTH (4TH) QUARTER 2022 A "FAILURE" PURSUANT TO SECTION 41 (C) OF THE 2016 IRR OF REPUBLIC ACT NO. 9184

October 13, 2022

WHEREAS, the Department of Social Welfare and Development Field Office III Bids and Awards Committee advertised the project **SUPPLY & DELIVERY OF GROCERIES OF SEVEN (7) DSWD RO III CENTERS AND INSTITUTIONS (AMOR, TLC, THFW, RRCY, HAVEN, RSCC & RHFG) FOR THE FOURTH (4TH) QUARTER 2022** with the Approved Budget for the Contract (ABC) amounting to: **One Million One Hundred Eight Thousand Four Hundred Forty Five and 59/100 (PhP 1,108,445.59) ;**

WHEREAS, 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 September 22, 2022 to October 12, 2022;

WHEREAS, on October 12, 2022, the Bids and Awards Committee conducted the Opening of Bids whereby no prospective bidders signified their intent to participate and purchased the Bidding Document;

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"

Cg.

WHEREAS, in the mandatory review in accordance with the same law, to ascertain the reasons and factors contributing to the failure, the Bids and Awards Committee directed the BAC Secretariat to invite more service providers and relax the submission of supporting documents deferring its original copy presentment at Post Qualification such as: Proof of FDA approval; Notice of Award; Notice to Proceed; Contract/ PO/ OR/ Sales Invoice; Certificate of Completion/ Acceptance; Statement of All-Ongoing private and public contracts and Statement of Single Largest Completed Contract as may be applicable; Moreover, delivery schedule was set at last week of November; All other terms and conditions were agreed to be retained;

WHEREAS, on October 13, 2022, the Bids and Awards Committee was confronted with an issue on budget reduction on food of the seven (7) centers affecting the current project. Thus, the Committee was in the consensus to recommend to the Head of the Procuring Entity the declaration of "FAILURE" invoking Section 41 of the same law which states that:

"Section 41. Reservation Clause

The HoPE reserves the right to reject any and all bids, declare a failure of bidding, or not award the contract in the following situations:

...XXX...

- a) *For any justifiable and reasonable ground where the award of the contract will not redound to the benefit of the GoP, as follows: (i) if the physical and economic conditions have significantly changed so as to render the project no longer economically, financially, or technically feasible, as determined by the HoPE; (ii) if the project is no longer necessary as determined by the HoPE; or (iii) if the source of funds for the project has been withheld or reduced through no fault of the Procuring Entity.*^(a)

WHEREAS, the Committee finds its warranted to revert the Purchase Requests to the End-Users to check on the terms and conditions as well as the cost estimate suitable to the reduced budget.

WHEREFORE, the Bids and Awards Committee **RESOLVES**, as it is hereby **RESOLVED**, to recommend to the Head of the Procuring Entity the exercise of his prerogative on Reservation Clause thus, declaring the Bidding

a **“FAILURE”** for the project **“SUPPLY & DELIVERY OF GROCERIES OF SEVEN (7) DSWD RO III CENTERS AND INSTITUTIONS (AMOR, TLC, THFW, RRCY, HAVEN, RSCC & RHFG) FOR THE FOURTH (4TH) QUARTER 2022”** pursuant to Section 41(C) of the 2016 Implementing Rules and Regulations of Republic Act No. 9184 and revert the Purchase Requests to the End-Users to revisit the appropriate terms and conditions including the cost estimate suitable to the reduced budget.

RESOLVED, this 13th of October 2022 at DSWD-Regional Office III.

(Absent)
MARITES D. LIWANAG
Section Chief, CIS
Regular Member

RENANN M. MACAPINLAC
Budget Officer, Budget Section
Vice Chairperson

ARMONT C. PECINA
DC, DRMD
Chairperson

VILMA S. SERRANO
DC, Promotive Division
Regular Member

SHEILA JAEN B. BASILLA
Legal Assistant, Legal Unit
Provisional Member

(☒) Approved (☐) Disapproved

DIR. JONATHAN V. DIRAIN
Regional Director, ORD
(per Special Order No. 3051, Series of 2022)
Authorized Representative/Head of the Procuring Entity

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PAGE 3 of 3