



07 March 2022

**ASTI – BIDS AND AWARDS COMMITTEE
BAC Resolution No. 22-03-023**

**DECLARATION OF FAILURE OF BIDDING FOR THE SUPPLY AND DELIVERY OF
ONE (1) LOT FABRICATION AND INSTALLATION OF BASE TOWER**

Purchase Request No.	:	REIINN-21-11-12804
Date of Purchase Request	:	18 January 2022
Invitation to Bid No.	:	22-01-3734
Solicitation No.	:	22-01-3734
PhilGEPS Reference No.	:	8448769
Approved Budget for the Contract	:	₱2,922,000.00

WHEREAS, included in the Annual Procurement Plan (APP) for Fiscal Year 2022 of the Department of Science and Technology (DOST) - Advanced Science and Technology Institute (ASTI) is the **Supply and Delivery of One (1) Lot Fabrication and Installation of Base Tower**, with a total Approved Budget for the Contract (ABC) amounting to **Two Million Nine Hundred Twenty-Two Thousand Pesos Only (₱2,922,000.00)**;

WHEREAS, the Bids and Awards Committee (BAC) conducted two (2) public biddings for the Supply and Delivery of One (1) Lot Fabrication and Installation of Base Tower, which were declared procurement failures. The first failure of bidding for the procurement project was declared through BAC Resolution No. 22-01-007 dated 18 January 2022, as no bidders tendered their bids, while the second failed bidding was declared through BAC Resolution No. 22-02-014 dated 08 February 2022, as the bidders were declared "IN-ELIGIBLE" due to non-submission of valid PhilGEPS Platinum Certificate and Conformity with the Technical Specifications;

WHEREAS, due to two (2) failed biddings, the BAC resorted to Negotiated Procurement after Two Failed Biddings (NP-TFB) as provided for in Section 53.1 of Republic Act (RA) No. 9184 and its 2016 Revised Implementing Rules and Regulations (IRR);

WHEREAS, given the exceptional circumstances brought about by the Coronavirus disease (COVID-19) pandemic, especially implementation of different community quarantines and suspension of public transport services, it is challenging to both the Procuring Entities (PEs) and the bidders to continue with the conduct of procurement activities, thereby having risks of exceeding the maximum calendar days allowed for specific procurement activities. In view of this, the Government Procurement Policy Board (GPPB) issued GPPB Resolution No. 09-2020 dated 07 May 2020 titled, "Approving Measures for the Efficient Conduct of Procurement Activities during a State of Calamity, or Implementation of Community Quarantine or Similar Restrictions";

WHEREAS, so as to "maximize the use of existing rules under RA No. 9184, its IRR and related issuances on the conduct of procurement activities, particularly those meant to streamline, simplify and expedite the conduct of procurement and address the challenges and disruptions brought by calamities and crisis such as the COVID-19 pandemic", the GPPB enjoin PEs in the above Resolution to use videoconferencing, webcasting and similar technology in the conduct of any of the meetings and determination of quorum by the Bids and Awards Committee (BAC) and use of digital signatures in procurement related documents;

WHEREAS, on 19 February 2022, the Request for Quotation for the Supply and Delivery of One (1) Lot Fabrication and Installation of Base Tower was published on the Philippine Government Electronic Procurement System, DOST-ASTI website, and conspicuous place within the premises of the PE reserved for the purpose;

WHEREAS, due to the different community quarantines implemented in the country, a Pre-Negotiation Conference was held via videoconferencing on 23 February 2022, 09:00 in the morning, which was attended by only one (1) prospective bidder, specifically, Interlux Corporation;

WHEREAS, EP De Guzman Consulting Engineer and Contractor submitted their bids before the 09:30 AM deadline on 07 March 2022 and, on the same day at 10:30 AM, the BAC conducted the Opening of Offers through blended setup (face-to-face meeting and videoconferencing);

WHEREAS, during the stages of eligibility check and preliminary examination of bids, the sole bidder was declared "INELIGIBLE" as it failed to submit the following additional contract documents:

1. Proof of offers for manufacturer's supplied items containing all the technical information about the product, i.e., product brochures, unamended product literature, among others;
2. Proof of warranty; and
3. Duly accomplished Service Level Agreement.

WHEREAS, Section 35.1(b) of the 2016 revised Implementing Rules and Regulations of RA No. 9184 provides that the BAC shall declare the bidding a failure when all prospective bidders are declared ineligible;

NOW, THEREFORE, for and in consideration of the foregoing, **WE**, the Members of the BAC, **RESOLVE**, as it is hereby **RESOLVED**, to:

- 1) **DECLARE** the failure of bidding for the Supply and Delivery of One (1) Lot Fabrication and Installation of Base Tower; and
- 2) **CONDUCT** mandatory review and revise the terms, conditions, and specifications, and if necessary, adjust the ABC based on the findings in the mandatory review; and
- 3) **REPOST** the failed procurement opportunities and resort to Negotiated Procurement after Two Failed Biddings pursuant to Section 53.1 of the 2016 Revised Implementing Rules and Regulations of RA No. 9184.

DONE in Quezon City this 7th day of March 2022.

PETER ANTONIO B. BANZON
End-user

GIRLIE D. FERNANDEZ
BAC Member

ROXANNE S. AVIÑANTE
BAC Member

JOVEN C. JAVIER
BAC Member

MARY DROL DEE Q. GILLA
BAC Member

EMMANUEL P. BALINTEC
BAC Vice Chairperson

BAYANI BENJAMIN R. LARA
BAC Chairperson

APPROVED/DISAPPROVED:

FRANZ A. DE LEON, Ph.D.
Director, DOST-ASTI

/bac-sec/vrs/kbr