



20 April 2022

**ASTI – BIDS AND AWARDS COMMITTEE
BAC Resolution No. 22-04-050**

**RECOMMENDING THE AWARD OF CONTRACT VIA NEGOTIATED PROCUREMENT –
TWO FAILED BIDDINGS 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 |
| Request for Quotation No. | : | 22-01-3734 |
| Solicitation No. | : | 22-01-3734 |
| PhilGEPS Reference No. | : | 8535684 |
| Approved Budget for the Contract | : | ₱2,922,000.00 |

WHEREAS, the contract is for 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 above procurement project underwent two (2) failed public, the first failure of bidding was declared through Bids and Awards Committee (BAC) Resolution No. 22-01-007 dated 18 January 2022 as no bidders tendered their bids, while the second failed bidding was declared as the bidders were declared ineligible due to non-submission of required documents through BAC Resolution No. 22-02-014 dated 08 February 2022;

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, on 07 March 2022, the BAC has declared another failure of procurement despite resorting to NP-TFB through BAC Resolution No. 22-03-023, as the sole bidder were declared ineligible due to incomplete documentary requirements;

WHEREAS, the BAC resorted to the same alternative modality considering that the conditions of Section 53.1 of the IRR of RA No. 9184 are present;

WHEREAS, Section 7 of RA No. 9184 mandates that no government procurement shall be undertaken unless it is in accordance with an approved APP consistent with the yearly budget and approved by the Head of the Procuring Entity;

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 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 other similar technologies in the conduct of any of the meetings and determination of quorum by the BAC, as well as the use of digital signatures in procurement related documents;

WHEREAS, on 18 March 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, Letters of Invitation were sent to three (3) witnesses and observers, namely:

- 1) **Ms. Cynthia M. Nemeno**
State Auditor III
Commission on Audit
- 2) **Mr. Gerino Batallones**
President
Philippine Institute of Supply Management
- 3) **Mr. Ruben J. Pascual**
Secretary General
Philippine Chamber of Commerce and Industry

WHEREAS, on 22 March 2022, 10:30 AM, a Pre-Negotiation Conference was conducted online using Microsoft Teams Application with the BAC, BAC Secretariat, end-user representatives, and prospective bidders present;

WHEREAS, on 25 March 2022, the BAC issued Supplemental Bulletin No. BAC-2022-03-009 amending the Technical Specifications of the Invitation and Forms for Negotiated Procurement, as well as answering queries of prospective bidders;

WHEREAS, only one (1) bidder submitted their bids offer before the 09:00 AM deadline on 11 April 2022 and on the same day at 09:30 AM, the BAC conducted the Opening of Bid Offers through Microsoft Teams Application;

WHEREAS, adopting the non-discretionary “pass/fail” criterion specified in the 2016 revised IRR of RA No. 9184, the BAC: **1)** conducted eligibility check and evaluation of the submitted bid offer; **2)** rated EP De Guzman Consulting Engineer and Contractor, as “PASSED” in all the legal and technical requirements; and **3)** declared them “ELIGIBLE” to participate further in the opening of bid offers;

WHEREAS, the financial component of the bid of the sole bidder was opened and read, as follows:

| Item No. | Description | Qty. | Unit | EP De Guzman Consulting Engineer and Contractor | |
|-------------------------|--|------|------|---|----------------------|
| | | | | Unit Amount (₱) | Total Amount (₱) |
| 1 | Fabrication and Installation of Base Tower | 1 | Lot | 2,775,900.00 | 2,775,900.00 |
| Total Bid Amount | | | | | ₱2,775,900.00 |

WHEREAS, the eligibility, technical and financial components of the bid of EP De Guzman Consulting Engineer and Contractor were found to be substantially complying and passed the bid requirement;

WHEREAS, as a result of Opening of Offers, EP De Guzman Consulting Engineer and Contractor was declared as the bidder with Single Calculated Quotation;

WHEREAS, after careful validation, verification and detailed evaluation of the bid of EP De Guzman Consulting Engineer and Contractor the End-user Unit and the BAC found the same to be responsive to all the requirements of the Procuring Entity;

WHEREAS, Section 12 of RA No. 9184 and its 2016 Revised IRR mandates that the BAC shall recommend the award of contract to the Head of the Procuring Entity or his/her duly authorized representative;

NOW, THEREFORE, on the basis of the foregoing, it is **HEREBY RESOLVED** to:

- 1) **DECLARE** the **E.P. DE GUZMAN CONSULTING ENGINEER AND CONTRACTOR** as the bidder with **SINGLE CALCULATED AND RESPONSIVE QUOTATION** for the **SUPPLY AND DELIVERY OF ONE (1) LOT FABRICATION AND INSTALLATION OF BASE TOWER** and award the contract

to the same supplier, with a total contract price amounting to **TWO MILLION SEVEN HUNDRED SEVENTY-FIVE THOUSAND NINE HUNDRED PESOS ONLY (₱2,775,900.00)**; and

2) **APPROVAL** of the foregoing result/s.

RESOLVED, at the DOST-ASTI, Quezon City, this 20th day of April 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