



30 May 2023

**ASTI – BIDS AND AWARDS COMMITTEE
BAC Resolution No. 23-05-085**

RECOMMENDING THE CANCELLATION OF AWARD TO FABRICA MNL FOR THE SUPPLY AND DELIVERY OF ONE HUNDRED (100) SETS OF NOTEBOOKS (HARDBOUND) WITH PEN AND PROJECT LOGO AND OTHER ITEMS AND RECOMMENDING AWARD OF CONTRACT TO THE ZIONEYES GENERAL MERCHANDISING

Purchase Request No.	:	ALAM-23-03-16448
Date of Purchase Request	:	29 March 2023
Request for Quotation No.	:	23-05-4363
Solicitation No.	:	23-05-4363
PhilGEPS Reference No.	:	9740478
Approved Budget for the Contract	:	₱ 336,999.20

WHEREAS, the Computer Software Division submitted to the DOST-ASTI Bids and Awards Committee (BAC) Purchase Request No. ALAM-23-03-16448 for the Supply and Delivery of One Hundred (100) Sets of Notebook (Hardbound) with Pen and Project Logo and Other Items with an Approved Budget for the Contract (ABC) amounting to Three Hundred Thirty-Six Thousand Nine Hundred Ninety-Nine Pesos Twenty Centavos Only (₱336,999.20) which was included in the Supplemental Annual Procurement Plan No. 8 for Fiscal Year 2023;

WHEREAS, the mode of procurement is based on Item No. 8, Annex “H” of the 2016 revised Implementing Rules and Regulations (IRR) of Republic Act (RA) No. 9184, which provides that the Procuring Entity may resort to Small Value Procurement to promote economy and efficiency if the ABC does not exceed One Million Pesos (₱1,000,000.00);

WHEREAS, on 10 May 2023, the DOST-ASTI BAC published the Request for Quotation and invited three (3) suppliers of known qualifications to participate in said procurement, namely: (1) Fabrica MNL, Inc.; (2) Kaifashion Philippines, Inc.; and (3) Tanjer Enterprise;

WHEREAS, before the lapse of the deadline for submission of quotation at 2:00 in the afternoon on 15 May 2023, 2:00 PM, three (3) bidders submitted quotations, particularly: (1) Fabrica MNL, Inc.; (2) Kaifashion Philippines Inc.; and (3) Zioneys General Merchandise;

WHEREAS, the End-user forwarded to the DOST-ASTI BAC Secretariat its evaluation which found the offer of Fabrica MNL, Inc., for the following items, compliant with the eligibility requirements and specifications, which was verified by the DOST-ASTI BAC:

ITEM NO.	DESCRIPTION	QTY.	UNIT	UNIT PRICE (₱)	SUBTOTAL (₱)
2	Notebook (Hardbound) with Pen and Project Logo	100	Set	200.70	20,070.00
4	Polo Shirt (Embroidered)	100	Piece	550.70	55,070.00
5	USB (8GB) with Project Logo	100	Piece	245.00	24,500.00
6	Market Tote Bag	100	Piece	200.0	20,070.00
TOTAL BID AMOUNT (₱)					119,710.00

WHEREAS, the DOST-ASTI BAC recommended the award of contract for the above items in favor of Fabrica MNL through DOST-ASTI BAC Resolution No. 23-05-080 dated 22 May 2023 and, accordingly, the DOST-ASTI BAC through its Secretariat, issued a Notice of Award to said supplier;

WHEREAS, on 30 May 2023, Fabrica MNL, Inc. sent an email to the DOST-ASTI BAC Secretariat informing the latter that they could not accept the award of Contract (**Annex “A”**) due to miscomputation in their submitted bid prices, as Fabrica MNL, Inc. failed to include VAT and other charges;

WHEREAS, Section 23.6 of the 2016 revised IRR of RA No. 9184 provides that:

*“Notwithstanding the eligibility of a bidder, the Procuring Entity concerned reserves the right to review the qualifications of the bidder at any stage of the procurement process if the Procuring Entity has reasonable grounds to believe that a misrepresentation has been made by the said bidder, or **that there has been a change in the bidder’s capability to undertake the project from the time it submitted its eligibility requirements.** Should such review uncover any misrepresentation made in the eligibility requirements, statements, or documents, or any changes in the situation of the bidder which will affect the capability of the bidder to undertake the project so that it fails the eligibility criteria, **the Procuring Entity shall consider the said bidder as ineligible and shall disqualify it from obtaining an award or contract,** in accordance with Rules XXI, XXII, and XXIII of this IRR.”*

WHEREAS, the Government Procurement Policy Board, in its Non-Policy Matter 022-2018 dated 26 June 2018 opined that:

“[O]n the premise that a previous award of contract has been cancelled and there is one remaining bidder that has to go through the process of bid evaluation and post-qualification, we refer to Section 40 of RA No. 9184 and its 2016 IRR, which can be applied suppletorily in the application of the cited provision of Section 23.6 of the IRR of RA No. 9184, thus:

*If, for justifiable causes, the bidder with the Lowest Calculated Responsive Bid or Highest Rated Responsive Bid fails, refuses, or is **otherwise unable to enter into contract with the Procuring Entity,** or if the bidder fails to post the required performance security within the period stipulated in the Bidding Documents, **the BAC shall disqualify the said bidder and shall undertake post-qualification for the next-ranked Lowest Calculated Bid or Highest Rated Bid. This procedure shall be repeated until an award is made.** However, if no award is possible, the contract shall be subjected to a new bidding.*

*Based on the foregoing, the cancellation of award necessarily makes the bidder previously declared as having submitted the Lowest Calculated Responsive Bid (LCRB) unable to enter into a contract with the Procuring Entity, and it is disqualified to obtain the contract award. **Accordingly, post-qualification may be undertaken for the next Lowest Calculated Bid, and if award is not possible, the contract shall be subjected to re-advertisement and rebid.**”*

WHEREAS, based on the Abstract of Quotations, Zioeneyes General Merchandise was the next bidder the lowest calculated quotation for the following items:

ITEM NO.	DESCRIPTION	QTY.	UNIT	UNIT PRICE (₱)	SUBTOTAL (₱)
2	Notebook (Hardbound) with Pen and Project Logo	100	Set	270.00	27,000.00
4	Polo Shirt (Embroidered)	100	Piece	560.00	56,000.00
6	Market Tote Bag	100	Piece	240.00	24,000.00
TOTAL BID AMOUNT (₱)					107,000.00

WHEREAS, the end-user, in its evaluation (**Annex “B”**), found Zioeneyes General Merchandise as compliant with the requirements for the aforementioned items, thereby making the same as the bidder with the Lowest Calculated Responsive Quotation (LCRQ).



NOW, THEREFORE, for and in consideration of the foregoing, **WE**, the Members of the BAC, hereby **RECOMMEND** to the Head of the Procuring Entity the following:

- 1) Cancellation of the award to **FABRICA MNL, INC.** For the **SUPPLY AND DELIVERY OF ONE HUNDRED (100) SETS OF NOTEBOOKS (HARDBOUND) WITH PEN AND PROJECT LOGO AND OTHER ITEMS** due to their capability to undertake the procurement project;
- 2) Award the following items to **ZIOENEYES GENERAL MERCHANDISE**, the bidder with second LCRQ in the amount of **ONE HUNDRED SEVEN THOUSAND PESOS ONLY (₱107,000)** inclusive of all appropriate taxes and fees:

ITEM NO.	DESCRIPTION	QTY.	UNIT	UNIT PRICE (₱)	SUBTOTAL (₱)
2	Notebook (Hardbound) with Pen and Project Logo	100	Set	270.00	27,000.00
4	Polo Shirt (Embroidered)	100	Piece	560.00	56,000.00
6	Market Tote Bag	100	Piece	240.00	24,000.00
TOTAL BID AMOUNT (₱)					107,000.00

- 3) Declare procurement failure Supply and Delivery of One Hundred (100) Pieces USB (8GB) with Project Logo (Item No. 5), with a total ABC amounting to Twenty-Four Thousand Five Hundred Pesos Only, and repost the procurement opportunity for the second time; and
- 4) Approval of the foregoing result/s.

RESOLVED, at the DOST-ASTI, Quezon City, this 30th day of May 2023.

 Digitally signed
by Syjuco Joanna
JOANNA G. SYJUCO
End-user  Digitally signed
by Abonita John
Kevin Cariño

NARCISA JUVILYN C. CASTAÑEDA
BAC Member

HAROLD BRYAN S. PALER
BAC Member

 Digitally signed by
Meryl Regine Algodon
MERYL REGINE L. ALGODON
BAC Member

PHILIP A. MARTINEZ
BAC Member

JEFFREY A. ABOROT
BAC Vice Chairperson

BAYANI BENJAMIN R. LARA
BAC Chairperson

APPROVED/DISAPPROVED:

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

/bac-sec/sdda/kbr