



**BIDS AND AWARDS COMMITTEE
(CENTRAL OFFICE)**

RESOLUTION NO. 66-2021

**FAILURE OF BIDDING FOR LOT 13 UNDER THE PROCUREMENT
OF STARTER TOOLKITS FOR THE IMPLEMENTATION OF FY 2020
UNIVERSAL ACCESS TO QUALITY TERTIARY EDUCATION ACT
(UAQTEA) - SINGLE/BUNDLED PROGRAMS - AGRICULTURE,
FORESTRY, AND FISHERY SECTOR**

WHEREAS, the Bids and Awards Committee (BAC), as mandated by Republic Act No. 9184, otherwise known as the Government Procurement Reform Act, is the body tasked to post invitations to bid, to conduct pre-bid conferences, to determine the eligibility of prospective bidders, to receive and open bids, to conduct the evaluation of bids, to conduct post-qualification and to recommend award of contracts to the Head of the Procuring Entity;

WHEREAS, the bid opening for the Procurement of Starter Toolkits for the Implementation of FY 2020 Universal Access to Quality Tertiary Education Act (UAQTEA) Single/Bundled Programs - Agriculture, Forestry, and Fishery Sector was held on 16 November 2020. Likewise, ACMI Office Systems Philippines, Inc., Techguru Incorporated, and Welcome Export Inc. submitted their respective bidding documents for the said project;

WHEREAS, ACMI Office Systems Philippines, Inc., Techguru Incorporated, and Welcome Export Inc. passed the eligibility requirements pursuant to Sections 23 and 25 of the 2016 Revised Implementing Rules and Regulations (RIRR) of Republic Act (RA) No. 9184;

WHEREAS, Welcome Export Inc. was declared as the Lowest Calculated Bid for Lot 13 - Grains Production NC II under the Procurement of Starter Toolkits for the Implementation of FY 2020 Universal Access to Quality Tertiary Education Act (UAQTEA) Single/Bundled Programs - Agriculture, Forestry, and Fishery Sector;

WHEREAS, Welcome Export Inc. was post disqualified for Lot 13 - Grains Production NC II under the Procurement of Starter Toolkits for the Implementation of FY 2020 Universal Access to Quality Tertiary Education Act (UAQTEA) Single/Bundled Programs - Agriculture, Forestry, and Fishery Sector pursuant to BAC Resolution No. 19-2021 dated 3 February 2021;

WHEREAS, pursuant to Section 34.6 of the 2016 RIRR of RA 9184, immediately after the BAC has notified the first bidder of its post-disqualification, the BAC shall initiate the same post-qualification process on the bidder with the Second Lowest Calculated Bid;

BAC Resolution No. 66-2021 dated 22 June 2021

WHEREAS, Techguru Incorporated was declared as the Second Lowest Calculated Bid for Lot 13 - Grains Production NC II under the Procurement of Starter Toolkits for the Implementation of FY 2020 Universal Access to Quality Tertiary Education Act (UAQTEA) Single/Bundled Programs - Agriculture, Forestry, and Fishery Sector;

WHEREAS, the bid of Techguru Incorporated was post-disqualified for Lot 13-Grains Production NC II under the Procurement of Starter Toolkits for the Implementation of FY 2020 UAQTEA - Singled/Bundled Programs - Agriculture, Forestry, and Fishery Sector pursuant to BAC Resolution No. 47-2021 dated 17 March 2021;

WHEREAS, pursuant to Section 34.5 of the 2016 RIRR of RA 9184, if, however, the BAC determines that the bidder with the Second Lowest Calculated Bid fails the criteria for post-qualification, it shall immediately notify the said bidder in writing of its post-disqualification and the grounds for it;

WHEREAS, pursuant to Section 34.7 of the 2016 RIRR of RA 9184, the post-qualification process on the bidder with the Third Lowest Calculated Bid must immediately be initiated after notifying the second bidder of its post-disqualification;

WHEREAS, ACMI Office Systems Philippines, Inc. was declared as the Third Lowest Calculated Bid for Lot 13 - Grains Production NC II under the Procurement of Starter Toolkits for the Implementation of FY 2020 Universal Access to Quality Tertiary Education Act (UAQTEA) Single/Bundled Programs - Agriculture, Forestry, and Fishery Sector;

WHEREAS, the bid of ACMI Office Systems Philippines, Inc. for Lot 13 - Grains Production NC II under the Procurement of Starter Toolkits for the Implementation of FY 2020 Universal Access to Quality Tertiary Education Act (UAQTEA) Single/Bundled Programs - Agriculture, Forestry, and Fishery Sector was post-disqualified pursuant to BAC Resolution No.63-2021 dated 4 June 2021;

WHEREAS, pursuant to Section 34.7 of the RIRR of RA 9184, the BAC in its letter dated 4 June 2021 notified ACMI Office Systems Philippines, Inc. of its post-disqualification and the grounds for it. A copy of the Notice of Post-Disqualification dated 4 June 2021 issued to ACMI Office Systems Philippines, Inc. is hereto attached as Annex "A";

WHEREAS, pursuant to Section 55.1 of Rule XVII (Protest Mechanism) of the 2016 RIRR of RA 9184, ACMI Office Systems Philippines, Inc. had been given three (3) calendar days from 11 June 2021 or until 14 June 2021 within which to file its Request for Reconsideration. However, despite the lapse of the period to file such Request for Reconsideration, no request for reconsideration was filed by ACMI Office Systems Philippines, Inc.;

WHEREAS, if all bids failed to comply with all the bid requirements or fail the post-qualification, the BAC shall declare a failure of bidding pursuant to Section 35.1


(c) of the 2016 RIRR of RA 9184. As such, the BAC declared a failure of bidding for Lot 13 - Grains Production NC II under the Procurement of Starter Toolkits for the Implementation of FY 2020 Universal Access to Quality Tertiary Education Act (UAQTEA) Single/Bundled Programs - Agriculture, Forestry, and Fishery Sector;

WHEREAS, pursuant to Sections 35.2 and 35.3 of the 2016 RIRR of Republic Act No. 9184, in order to determine the reason for the failed bidding, the BAC shall conduct a mandatory review and evaluation of the terms, conditions, and specifications in the Bidding Documents, including its cost estimates. Based on its findings, the BAC shall revise the terms, conditions, and specifications, and if necessary, adjust the ABC, subject to the required approvals, and conduct a rebidding with re-advertisement and/or posting, as provided for in Section 21.2 of 2016 RIRR of Republic Act No. 9184;


NOW, THEREFORE, BE IT RESOLVED AS IT IS HEREBY RESOLVED, to declare a failure of bidding for Lot 13 - Grains Production NC II under the Procurement of Starter Toolkits for the Implementation of FY 2020 Universal Access to Quality Tertiary Education Act (UAQTEA) Single/Bundled Programs - Agriculture, Forestry, and Fishery Sector pursuant to Section 35.1 (c) of the 2016 RIRR of RA 9184 and to conduct a rebidding subject to the instruction of the approving authority and provisions of Republic Act No. 9184 and its RIRR.

Signed this 22nd day of June 2021 at TESDA, Taguig City, Metro Manila.


LINA C. SARMIENTO
BAC Chairperson


DAVID B. BUNGALLON
BAC Vice Chairperson

-absent-
ATTY. MARICHELLE D. DE GUZMAN
BAC Member


MA. MAGDALENA P. BUTAD
BAC Member


ARTEMIO C. DEL ROSARIO, JR.
BAC Member


MARIA GRACIA P. DELA RAMA
BAC Provisional Member


RIZAL S. BAUTISTA
BAC Provisional Member

Approved

Disapproved


SEC. ISIDRO S LAPENA, PhD, CSEE
Director General