



BIDS AND AWARDS COMMITTEE - A
(CENTRAL OFFICE)

RESOLUTION NO. 60-2024

**DECLARING FAILURE OF BIDDING FOR THE CONSTRUCTION OF
REGIONAL TVET INNOVATION CENTER FOR TESDA REGION IV-B AT PUERTO
PRINCESA SCHOOL OF ARTS AND TRADES (PPSAT) - REBIDDING**

WHEREAS, the bid opening for the Construction of Regional TVET Innovation Center for TESDA Region IV-B at Puerto Princesa School of Arts and Trades (PPSAT) - Rebidding was held on 23 July 2024 at the Gabriela Silang Room, TESDA Women's Center (TWC), TESDA Complex, Gate 1, East Service Road, South Luzon Expressway (SLEX), Fort Bonifacio, Taguig City;

WHEREAS, Palbic Construction and Supply and Square Cube Construction / Jomara Kontruckt Corp. participated in the abovementioned procurement project by submitting their respective bidding documents;

WHEREAS, pursuant to Section 30.1 of the 2016 Revised Implementing Rules and Regulations (RIRR) of Republic Act (RA) No. 9184, the Bids and Awards Committee (BAC) shall check the submitted documents of each bidder against a checklist of required documents to ascertain if they are all present, using a non-discretionary "pass/fail" criterion. If a bidder submits the required document, it shall be rated "passed" for that particular requirement. In this regard, bids that fail to include any requirement or are incomplete or patently insufficient shall be considered as "failed." Otherwise, the BAC shall rate the said first bid envelope as "passed";

WHEREAS, Palbic Construction and Supply and Square Cube Construction / Jomara Kontruckt Corp. JV passed the eligibility requirements pursuant to Sections 23 and 25 of the 2016 Revised Implementing Rules and Regulations (RIRR) of Republic Act (RA) 9184;

WHEREAS, the BAC evaluated the financial component of the bids to determine the Lowest Calculated Bid pursuant to Section 32.2 of the 2016 RIRR of RA 9184;

WHEREAS, Palbic Construction and Supply was determined to be the Lowest Calculated Bidder under the abovementioned procurement project;

WHEREAS, pursuant to Section 34.2 of the 2016 RIRR of RA 9184, the Notice of Lowest Calculated Bid (LCB) was issued to Palbic Construction and Supply requiring said bidder to submit within five (5) calendar days from the receipt of said Notice the documents stated in the Instruction to Bidder (ITB) Clause 20.1 of the Bid Data Sheet of the Bidding Documents in certified as true copy/ies from the original by the authorized representative for purposes of post-qualification. The Notice of LCB was received by Palbic Construction and Supply on 31 July 2024. Hence, said bidder was given until 5 August 2024 within which to submit the foregoing documents;

WHEREAS, Palbic Construction and Supply submitted the documentary requirements stated in the Notice of LCB on 5 August 2024;

WHEREAS, a post-qualification was conducted by the TWG pursuant to Section 34 of the 2016 RIRR of RA 9184;

WHEREAS, given that Palbic Construction and Supply was determined to be the Lowest Calculated Bidder on 30 July 2024 and pursuant to Section 34.8 of the 2016 RIRR of RA 9184, the BAC has only twelve (12) calendar days or until 11 August 2024 to complete the post-qualification process;

WHEREAS, considering that the Notice of LCB was issued to Palbic Construction and Supply on 31 July 2024, the BAC requested for the extension of the period within which to complete the post-qualification process for the abovementioned procurement on or before 23 August 2024;

WHEREAS, in its Resolution No. 44-2024, dated 5 September 2024, the BAC unanimously post-disqualified the bid of Palbic Construction and Supply on the basis that said bidder failed to comply with and respond to the requirements and conditions specified in the Bidding Documents under the abovementioned procurement project;

WHEREAS, the BAC notified Palbic Construction and Supply of its post-disqualification and the grounds thereof through the issuance of Notice of Post-Disqualification to said bidder. Said bidder acknowledged the foregoing notice on 18 September 2024;

WHEREAS, pursuant to Section 55.1 of Rule XVII (Protest Mechanism) of the 2016 RIRR of RA 9184, Palbic Construction and Supply have three (3) calendar days from 18 September 2024 or until 21 September 2024 within which to file its request for reconsideration. Said bidder did not file its request for reconsideration;

WHEREAS, in its Resolution No. 45-2024, dated 25 September 2024, the BAC unanimously disqualified the bid of Square Cube Construction / Jomara Konstruct Corporation Joint Venture during the Bid Evaluation stage for the abovementioned procurement project. The BAC found that Square Cube Construction / Jomara Konstruct Corporation Joint Venture failed to comply with and respond to the requirement and conditions specified in the Bidding Documents due to the following grounds:

There is a change in "PERCENTAGE" value in the Bill of Quantities in the submitted bid price particularly on "Marks Ups on: OCM (from Agency's Requirements 12% down to 10%). Contractor's profit (from Agency's Requirement 8% up to 10%) and VAT (from Agency's Requirements 5% up to 12%)". Under the ITB Clause 13.2, it is stated that the bidders are not allowed to change on numerical values or percentage on the Bill of Quantities, to quote:

13.2 The proposal Bill of Quantities cannot be amended, and all markups, including these for indirect costs, must maintain their percentage values, thus cannot be changed.

WHEREAS, based on the foregoing and pursuant to Section VII (Detailed Estimates of Proposed Works and Bill of Quantities), Square Cube Construction / Jomara Konstruct Corporation Joint Venture was declared disqualified for the abovementioned procurement project;

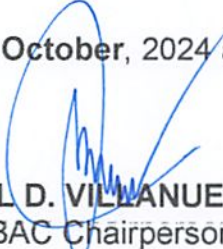
WHEREAS, the BAC notified Square Cube Construction / Jomara Konstruct Corporation Joint Venture of its disqualification and the grounds thereof through the issuance of Notice of Disqualification. Said bidder acknowledged the foregoing notice on 16 October 2024;


WHEREAS, pursuant to Section 55.1 of Rule XVII (Protest Mechanism) of the 2016 RIRR of RA 9184, Square Cube Construction / Jomara Konstruct Corporation Joint Venture have three (3) calendar days from 16 October 2024 or until 19 October 2024 within which to file its request for reconsideration. Said bidder did not file its request for reconsideration;


WHEREAS, pursuant to Government Procurement Policy Board (GPPB) Circular No. 05-2016 dated 20 December 2016, the BAC shall endeavor to conduct the procurement activity for the Negotiated Procurement under Two Failed Biddings modality immediately, but it should not exceed fifteen (15) days after the declaration of the first failure of bidding. The period may be extended up to 30 days upon approval of the Head of the Procuring Entity (HoPE);

NOW, THEREFORE, BE IT RESOLVED AS IT IS HEREBY RESOLVED, to declare a failure of bidding for Construction of Regional TVET Innovation Center for TESDA Region IV-B Puerto Princesa School of Arts and Trades (PPSAT) - Rebidding pursuant to Section 35.1 (c) of the 2016 RIRR of RA 9184 and to resort to Negotiated Procurement subject to compliance with requirements of Section 53.1 of the 2016 RIRR of RA 9184.

Signed this 22nd day of October, 2024 at TESDA, Taguig City, Metro Manila.


VIDAL D. VILLANUEVA III
BAC Chairperson


MA. MAGDALENA P. BUTAD
BAC Vice-Chairperson


JOYCE B. BALONG
BAC Member


GILBERT M. CASTRO
BAC Member


DEXTER C. HULLEZA
BAC Member


ROY LOUIE P. MINGARACAL
BAC Provisional Member