BAGONG PILIPINAS

PHILIPPINE PORTS AUTHORITY

BIDS AND AWARDS COMMITTEE

Head Office-Engineering Projects
Resolution No. 056-2025
Series of 2025

RESOLUTION CHANGING THE MODE OF PROCUREMENT FROM COMPETITIVE BIDDING TO NEGOTIATED PROCUREMENT (TWO FAILED BIDDINGS) FOR THE CONSTRUCTION/IMPROVEMENT OF BRGY. BUSAY COMMUNITY PORT, SACOL ISLAND, ZAMBOANGA CITY
HO-INFRA-PPDD-25-0109

WHEREAS, the Philippine Ports Authority (PPA) posted an Invitation to Bid (ITB) for the Construction/Improvement of Brgy. Busay Community Port, Sacol Island, Zamboanga City (DOTr Project Downloaded to PPA for Implementation), in the website of the PPA, PhilGEPS and in the Bulletin Board located at the PPA Corporate Building, South Harbor, Port Area, Manila, first on August 13, 2025 and second on September 15, 2025, continuously for seven (7) calendar days;

WHEREAS, during the first opening of bids on 05 September 2025, only Majda Construction & Development secured the bid document, however, it submitted a letter of withdrawal, from participating in the bidding, before the prescribed deadline for submission of bid documents, and the BAC, finding the reasons to be meritorious, accepted its withdrawal from participating in the bidding, hence the bidding was declared a failure, pursuant to Section 35.1 (a) of the 2016 Revised IRR of R.A. 9184, which provides, to wit:

" 35.1 The BAC shall declare the bidding a failure when:

a. No bids are received;

xxx xxx xxx. "

WHEREAS, during the second opening of bids on 08 October 2025, only Majda Construction & Development secured the bid document and submitted its Technical and Financial Proposals. However, the technical component of the bid of Majda Construction & Development was declared "failed" hence, the bidding was declared a failure pursuant to Section 35.1 (b) of the 2016 Revised IRR of R.A. 9184, which provides that:

" 35.1 The BAC shall declare the bidding a failure when:

xxx xxx xxx

b. All prospective bidders are declared ineligible;

xxx xxx xxx. "

WHEREAS, Section 53.1 of the 2016 Revised IRR of R.A 9184 states that, Negotiated Procurement (Two Failed Biddings) may be resorted to "where there has been failure of competitive bidding or Limited Source Bidding for the second time xxx";

WHEREAS, considering that the method of procurement indicated in the Annual Procurement Plan (APP) for the Construction/Improvement of Brgy. Busay Community Port, Sacol Island, Zamboanga City (DOTr Project Downloaded to PPA for Implementation) was competitive bidding, the BAC-EP hereby recommends the change in the method of procurement from competitive bidding to Negotiated Procurement (Two Failed Biddings), pursuant to Section 48.3 of the 2016 Revised IRR of R.A 9184;

NOW, THEREFORE, for and in consideration of the foregoing premises, the BAC hereby RESOLVE as it is hereby RESOLVED to recommend the following:

1. To change the method of procurement for the Construction/Improvement of Brgy. Busay Community Port, Sacol Island, Zamboanga City (DOTr Project Downloaded to PPA for Implementation), from competitive bidding as indicated in the APP, to Negotiated Procurement (Two Failed Biddings), for approval of the Head of the Procuring Entity (HOPE).

2. To directly negotiate with a technically, legally and financially capable contractor pursuant to Section V (D) of Annex "H" Consolidated Guidelines for the Alternative Methods of Procurement of the 2016 Revised IRR of R.A 9184.

3. To reflect in the APP such changes in the mode of procurement to be submitted to the GPPB, pursuant to Section 7.4 of the 2016 Revised IRR of R.A 9184.

APPROVED AND ADOPTED by the BAC on 19 November 2025.

DANAH S. JARAMILLO
Regular Member

JOSEPHINE M. NAPIERE
Regular Member

KATHREEN LI V. MONJE
Regular Member

CARLITO M. CASTILLO
Provisional Member

REYNAND C. PARAFINA
Provisional Member

ANGELINA A. LLOSE
Vice-Chairperson

MARK JON S. PALOMAR
Chairperson, BAC

BAGONG PILIPINAS

PHILIPPINE PORTS AUTHORITY

21 November 2025

MEMORANDUM

F O R : The General Manager

F R O M : The Chairperson, HO-BAC-EP

SUBJECT : **BAC-EP RESOLUTIONS CHANGING THE MODE OF PROCUREMENT FROM COMPETITIVE BIDDING TO NEGOTIATED PROCUREMENT (TWO FAILED BIDDINGS)**

With reference to the Opening of Bids for the Construction of Brgy. Pangapuyan Community Port, Pangapuyan Island, Zamboanga City (BAC Resolution No. 054-2025 Series of 2025); Construction of Brgy. Landang Gua Community Port, Sacol Island, Zamboanga City (BAC Resolution No. 055-2025 Series of 2025) and Construction/Improvement of Brgy. Busay Community Port, Sacol Island, Zamboanga City (BAC Resolution No. 056-2025 Series of 2025), which were all declared a failure of bidding for the second time, the BAC recommended to resort to Negotiated Procurement (Two Failed Biddings), pursuant to Section V (D) of Annex "H" Consolidated Guidelines for the Alternative Methods of Procurement of the 2016 Revised IRR of RA 9184. As such, the BAC, through a Resolution, shall justify and recommend the change in the method of procurement from competitive bidding to Negotiated Procurement, to be approved by the Head of the Procuring Entity. Such changes must be reflected in the APP to be submitted to the GPPB.

In view thereof, we are submitting herewith BAC Resolution Nos. 054-2025, 055-2025 and 056-2025 Series of 2025 changing the mode of procurement from Competitive Bidding to Negotiated Procurement (Two Failed Biddings) for the above projects, for consideration and approval of the General Manager as Head of the Procuring Entity, pursuant to Section 24.5.4 of the Revised IRR of R.A. 9184.

MARK JON S. PALOMAR

APPROVED/DISAPPROVED:

JAY DANIEL R. SANTIAGO
General Manager