



BIDS AND AWARDS COMMITTEE

Head Office-Engineering Projects

Resolution No. 019-2022

Series of 2022

**RESOLUTION DECLARING FAILURE OF BIDDING FOR THE
CONSTRUCTION OF PORT OPERATIONAL AREA AND EXPANSION OF
EXISTING RC PIER, PORT OF EL NIDO, BRGY. BUENA SUERTE,
EL NIDO, PALAWAN
LFP PLW NO. 012-2022**

WHEREAS, the Philippine Ports Authority (PPA) posted an Invitation to Bid for the Construction of Port Operational Area and Expansion of Existing RC Pier, Port of El Nido, Brgy. Buena Suerte, El Nido, Palawan, in the website of the PPA, PhilGEPS and in the Bulletin Board located at the PPA Corporate Building, South Harbor, Port Area, Manila on 20 April 2022, continuously for seven (7) calendar days;

WHEREAS, the Approved Budget for the Contract to be Bid as posted/advertised is ₱ 128,288,247.58;

WHEREAS, in response to the said advertisement, five (5) bidders secured the Bid Documents in the amount of ₱50,000.00 and submitted their Technical and Financial Proposals, namely;

1. HG-III Construction and Development Corporation
2. Sunwest Construction and Development Corporation
3. Vicente T. Lao Construction
4. Khan Kon Chi Construction and Development Corporation
5. One Hundred Percent Construction and Development Corp./
Elimared Construction and Trading, Inc./JV

WHEREAS, during the opening of bids on 12 May 2022 at 2:00 p.m., the five (5) bidders were declared "passing" with the requirements of the First Envelope.

WHEREAS, the Financial Proposals of the five (5) bidders were opened and declared "passing" with the requirements of the Second Envelope, hence their financial bids were read by the Chairperson, as follows:

NAME OF BIDDER	BID AMOUNT (As Read)
1. One Hundred Percent Construction and Development Corp./ Elimared Construction and Trading, Inc./JV	126,396,208.48
2. HG-III Construction and Development Corporation	127,812,833.95
3. Vicente T. Lao Construction	127,978,107.57
4. Sunwest Construction and Development Corporation	127,996,441.11
5. Khan Kon Chi Construction and Development Corporation	128,179,859.42

WHEREAS, during the conduct of Bid Evaluation on 17 May 2022, as approved by the BAC on 18 May 2022, to determine if there were arithmetical or computational errors on the submitted bids, the Bid Evaluation Report showed discrepancies between the Total Bid Prices and Unit Bid Prices of One Hundred Percent Construction and Development Corp./ Elimared Construction and Trading, Inc./JV, Sunwest Construction and Development Corp. and HG-III Construction and Development Corp. while deviation was found on the Bid Proposal of Vicente T. Lao Construction, hence was declared "automatically disqualified" for being non-responsive, pursuant to Section 32.2.1a of the 2016 Revised IRR of R.A. 9184;

WHEREAS, One Hundred Percent Construction and Development Corp./ Elimared Construction and Trading, Inc./JV was declared as the Lowest Calculated Bidder in the amount of ₱ 126,375,535.42;

WHEREAS, post-qualification was conducted on 21, 23-25 & 27 May 2022 to examine, validate and verify the eligibility, technical and financial requirements submitted by One Hundred Percent Construction and Development Corp./ Elimared Construction and Trading, Inc./JV, and in the Post-Qualification Report, as approved by the BAC on 28 June 2022, One Hundred Percent Construction and Development Corp./ Elimared Construction and Trading, Inc./JV was declared post-disqualified, for the following reasons:

1. Failed to present the original copy of the Certificate of Completion and Acceptance for the Single Largest Completed Contract (SLCC), which is the Proposed Construction of Back-up Area and R.C. Pier, Mabacong Port, Batangas City;
2. Failed to present the original copies of the MARINA Certificate of Ownership and Cargo Ship Safety Certificate for the pledged Barge "OHP-1", during the conduct of post-qualification, and;

3. Failed to present the original copies of the LTO Original Receipts/Certificates of Registration for the pledged 2-units Dump Truck and 1-unit Cargo Truck, during the conduct of post-qualification.

WHEREAS, under BAC Resolution No. 017-2022 Series of 2022, dated 28 June 2022, the BAC Resolved, as follows:

1. To declare One Hundred Percent Construction and Development Corp./ Elimared Construction and Trading, Inc./ JV to be post-disqualified for the above-cited reasons.
2. To immediately notify One Hundred Percent Construction and Development Corp./ Elimared Construction and Trading, Inc./ JV in writing of its post-disqualification and the grounds for it.
3. To initiate and complete the post-qualification process on the Second Lowest Calculated bidder, HG-III Construction and Development Corporation, pursuant to Section 34.6 of the 2016 Revised IRR of R.A. 9184.

WHEREAS, in a letter dated 28 June 2022, the BAC immediately notified One Hundred Percent Construction and Development Corp./ Elimared Construction and Trading, Inc./ JV of its post-disqualification and the grounds for it, however, no request for reconsideration was filed by the said bidder within the time allowed by the rules;

WHEREAS, meanwhile, there was a halt on the conduct of all procurement activities with the expiration of the term of office of the former Head of the Procuring Entity (HOPE) on 30 June 2022 and pending the appointment of a new HOPE, hence the post-qualification of the Second Lowest Calculated Bidder, HG-III Construction and Development Corporation cannot be initiated and completed within the period allowed under Section 34.8 of the 2016 Revised IRR of R.A. 9184 which states that: "The post-qualification process shall be completed in not more than twelve (12) calendar days from the determination of the Lowest Calculated Bid/Highest Rated Bid. In exceptional cases, the post-qualification period may be extended by the HOPE, but in no case shall the aggregate period exceed forty-five (45) calendar days for Goods and Infrastructure Projects, or thirty (30) calendar days in Consulting Services." Likewise, the procedure for post-qualification cannot be repeated for the next bidders with the next Lowest Calculated Bid, as the case may be;

WHEREAS, the maximum period allowed for the procurement of infrastructure projects, which is One Hundred Fifty Six (156) calendar days only from the conduct of the Pre-Procurement Conference on 05 April 2022, has likewise expired considering the lapse of Two Hundred Three (203) calendar days until the assumption to office of the HOPE;

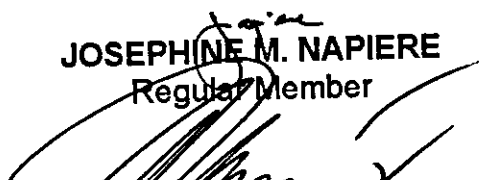
WHEREAS, pursuant to Section 41. Reservation Clause of the 2016 Revised IRR of R.A. 9184, "the HOPE reserves the right to reject any and all bids, declare a failure of bidding, or not award the contract in the following situations: x x x b) If the BAC is found to have failed in following the prescribed bidding procedures; or x x x."

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 recommend to the Head of the Procuring Entity that the bidding for the Construction of Port Operational Area and Expansion of Existing RC Pier, Port of El Nido, Brgy. Buena Suerte, El Nido, Palawan, be declared a failure, pursuant to Section 41 of the 2016 Revised IRR of R.A. 9184; and
2. To conduct a re-bidding with re-advertisement and/ or posting, as provided for in Section 21.2 of the 2016 Revised IRR of R.A. 9184.

ADOPTED AND APPROVED by the BAC on 12 December 2022.


DANAH S. JARAMILLO
Regular Member


JOSEPHINE M. NAPIERE
Regular Member


DIANE STEFFT. GUILLAMON
Regular Member


JAMES J. GANTALAO
Provisional Member


REYNAND C. PARAFINA
Provisional Member

ANGELINA A. LLOSE
Vice-Chairperson


MARK JON S. PALOMAR
Chairperson, BAC



15 December 2022

MEMORANDUM

F O R : The General Manager

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

SUBJECT : **Resolution Declaring Failure of Bidding for the Construction of Port Operational Area and Expansion of Existing RC Pier, Port of El Nido, Brgy. Buena Suerte, El Nido, Palawan**

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This has reference to the Opening of Bids for the Construction of Port Operational Area and Expansion of Existing RC Pier, Port of El Nido, Brgy. Buena Suerte, El Nido, Palawan on 12 May 2022, which was declared by the BAC as "failure of bidding," pursuant to Section 41. Reservation Clause of the 2016 Revised IRR of R.A. 9184, which states that: "the HOPE reserves the right to reject any and all bids, declare a failure of bidding, or not award the contract in the following situations: xxx b) if the BAC is found to have failed in the prescribed bidding procedures; or xxx."

In view thereof, we are submitting herewith BAC-PGCS Resolution No. 019-2022 Series of 2022, recommending that the bidding for the above project be declared a "failure" pursuant to Section 41. Reservation Clause of the 2016 Revised IRR of R.A. 9184 and to recommend to the HOPE that the bidding for the above project be declared a "failure" and to conduct a re-bidding with re-advertisement and/or posting, as provided for in Section 21.2 of the 2016 Revised IRR of R.A. 9184, for consideration and approval of the General Manager as Head of the Procuring Entity.


MARK JON S. PALOMAR

APPROVED/DISAPPROVED: _____


JAY DANIEL R. SANTIAGO
General Manager