

BAC-C RESOLUTION NO. BC2020-051

BAC-C Resolution Declaring a Second Failed Bidding

**REBIDDING OF CONSULTANCY SERVICES FOR
FOURTH PHASE OF TRANSFORMATION AND CORE VALUES PROGRAM**

WHEREAS, BCDA approved the procurement of the above consulting service with an Approved Budget for the Contract (ABC) inclusive of all applicable taxes and fees, to commence upon receipt of the Notice to Proceed (NTP) in the amount as follows:

Batch	Budget (in Php)
1	1,650,000
2	1,650,000
3	1,400,000
4	1,300,000

WHEREAS, On 6 November 2020, the Bids and Awards Committee for Consulting Services (BAC-C) advertised the Request for Expression of Interest for the CONSULTING SERVICES FOR THE FOURTH PHASE OF THE BCDA TRANSFORMATION AND CORE VALUES PROGRAM in the BCDA Website, PhilGEPS and in a conspicuous place in the premises of BCDA;

WHEREAS, on 20 November 2020, the Bids and Awards Committee for Consulting Services (BAC-C) issued **BAC-C RESOLUTION NO. BC2020-030**, declaring a failure of bidding as a result of the ineligibility and for not meeting the required minimum score to pass the eligibility stage of the bidders who submitted their Eligibility documents;

WHEREAS, the BAC-C endorsed the documents to the Corporate Planning Department (CPD) to conduct the mandatory review and evaluation of the terms and conditions contained in the Terms of Reference (TOR) of the intended procurement as required under Section 35.2 of the Implementing Rules and Regulations (IRR) of Republic Act (RA) 9184;

WHEREAS, on 24 November 2020, the BAC-C conducted the re-bidding of the project and re-advertised the Request for Expression of Interest in the PhilGEPS website, BCDA website and premises, in compliance with the posting requirements of the Revised Implementing Rules and Regulations (IRR) of RA 9184;

WHEREAS, On 03 December 2020, the Bids and Awards Committee for Consulting Services (BAC-C) issued **BAC-C RESOLUTION NO. BC2020-037**, declaring Opulent Path Towards Innovative Minds Business Solutions, Inc. (OPTIMBSI) as SHORTLISTED and ELIGIBLE to proceed to the next stage of the bidding process;

WHEREAS, the OPTIMBSI purchased bid documents and submitted their Technical and Financial Proposal before the deadline on 22 December 2020 at 9:00AM;

WHEREAS, the evaluation procedure adopted to be declared as the bidder with Highest Rated Bid (HRB) was the Quality-Cost Based Evaluation (QCBE) procedure where the consultant must pass the required 70% minimum technical score;

WHEREAS, on 22 December 2020, at 10:00AM, the Technical Proposal of OPTIMBSI was opened wherein the BAC conducted preliminary technical evaluation.

WHEREAS, On 03 December 2020, the Bids and Awards Committee for Consulting Services (BAC-C) issued **BAC-C RESOLUTION NO. BC2020-047**, declaring OPTIMBSI as the bidder with the **Single Rated Bid (SRB)** and to proceed with the negotiations and post qualification of said bidder in accordance with Section 32.2.5 and Sec. 34 of the IRR of RA 9184, respectively.

WHEREAS, after the conduct of successful negotiation, pursuant further to RA 9184 revised IRR, the Technical Working Group (TWG) conducted post-qualification activities to verify, validate and ascertain all statements made and the documents submitted by the HRB;

WHEREAS, on 28 December, 2020, the results of the post qualification activities conducted by the TWG are as follows:

1. The official address of OPTIMBSI at 918A Toledo Tower Tropicana Garden, Sto. Nino, Marikina City as validated during an ocular visit at the office.
2. For failure to present proofs, OPTIMBSI is considered **NOT** compliant with the labor laws as evidenced by the following, to wit:
 - a. **SSS Membership with Employer No. 03-95239599** as a company did not submit proof of their remittances. Per inquiry, employees remit individually. Bidder has presented individual records of contribution of registered employees (as of 28 December 2020).
 - b. **Philhealth Registration** – Bidder reported that due to the current transitioning of the company, they do not have an employer number. However, it is their company policy to do individual contributions. This is documented by individual remittance slips made by one of the employees (as of December 28, 2020). The rest of the members were not able to provide proof of remittance because of a system failure in the Philhealth website.
 - c. **PAG-IBIG** - Bidder reported that due to the current transitioning of the company, they do not have an employer number. However, it is their company policy to do individual contributions. This is documented by individual remittance slips made by one of the employees (as of December 28, 2020).
3. Supporting documents for completed and on-going projects were found to be legitimate.
4. The nominated key personnel have sufficient work experiences as stated in their curriculum vitae based on the conduct of interviews through on-line platforms (google meet/zoom) and phone calls.

5. Previous clients have positive feedback on the performance of OPTIMBSI when verified through phone calls.

WHEREAS, in its 29 December 2020 deliberations, BAC-C recommended to post-disqualify OPTIMBSI for reasons stated above and necessitate the declaration of failure of bidding pursuant to Section 35.1. of the Revised IRR of Republic Act No. 9184, to wit:

“The BAC shall declare the bidding a failure when:

xxx

c) All bids fail to comply with all the bid requirements or fail post-qualification, or, in the case of Consulting Services, there is no successful negotiation;

xxx ”

WHEREAS, Section 48.2 of the Revised IRR reiterates the general rule that public bidding is the general mode of procurement, the same section allows procuring entities to resort to Alternative Methods of Procurement in highly exceptional cases and subject to the conditions required by RA 9184, its Revised IRR, and applicable guidelines. Among these highly exceptional cases is Two Failed Biddings under Section 53.1 of the Revised IRR;

WHEREAS, Section 53 of the Revised IRR of RA 9184 defines Negotiated Procurement as “a method of procurement of goods, infrastructure projects and consulting services, whereby the procuring entity directly negotiates a contract with a technically, legally and financially capable supplier, contractor or consultant xx”;

NOW, THEREFORE, the BAC-C resolve, as it is hereby resolved to recommend the following:

1. To declare failure of bidding for the REBIDDING OF CONSULTANCY SERVICES FOR FOURTH PHASE OF TRANSFORMATION AND CORE VALUES PROGRAM;
2. To proceed with the procurement of the same under Section 53.1 of the Revised IRR through the alternative method of procurement using negotiated procurement based on two failed biddings.

Done in Taguig City this 29th day of December 2020.

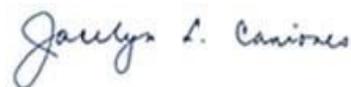
BIDS AND AWARDS COMMITTEE FOR CONSULTING SERVICES



JOSHUA M. BINGCANG

Chairperson

-on leave-
JOANNA EILEEN M. CAPONES
Vice-Chairperson



JOCELYN L. CANIONES
Member



VIRGIL M. ALVAREZ
Member



MADONNA M. CINCO
Member

Approved by:



AILEEN ANUNCIACION R. ZOSA
Executive Vice President

BACC2020-0233