

BIDS AND AWARDS COMMITTEE (BAC) FOR GOODS

PROCUREMENT FOR THE SUPPLY, DELIVERY, AND INSTALLATION OF GOODS (FURNITURE AND EQUIPMENT) FOR THE NATIONAL ACADEMY OF SPORTS (NAS) – PHASE 1 AT NEW CLARK CITY

**RESOLUTION NO. BG-NAS-2021-003
FAILURE OF BIDDING FOR LOT D**

WHEREAS, the **BASES CONVERSION AND DEVELOPMENT AUTHORITY (BCDA)** has bid out the **Supply, Delivery and Installation of Goods (Furniture and Equipment) for the National Academy of Sports (NAS) – Phase 1 at New Clark City** with the Approved Budget for the Contract (ABC) of **One Hundred Thirty Million One Hundred Sixteen Thousand Pesos and 00/100 (PhP130,116,000.00)**, inclusive of all applicable government taxes and fees, through the General Appropriations Act (GAA), broken down as follows:

LOT	DESCRIPTION	ABC (PhP)
A	Utilities Equipment	20,993,460.00
B	ICT Equipment	46,690,400.00
	Network Infrastructure	
	Audio Visual Equipment	
C	Sports Equipment	47,098,640.00
	Fitness Testing and Monitoring Equipment	
	Physical Therapy and Rehabilitation Equipment	
D	Classroom Furniture	15,333,500.00
	Office Equipment	
	Office Furniture and Fixtures	
	Kitchen Equipment and Dining Hall Furniture	
TOTAL ABC (PhP)		130,116,000.00

WHEREAS, on 10 November 2021, the Bids and Award Committee for Goods (BAC-G), through its Secretariat, advertised the Invitation to Bid in the following:

1. DBM Philippine Government Electronic Procurement System (PhilGEPS);
2. BCDA Website; and
3. Conspicuous place reserved for the purpose in the premises of BCDA.

WHEREAS, in response to said advertisement, only one (1) proponent, **JYM Enterprises**, submitted its bidding proposal for **Lot D** before the deadline of submission on 03 December 2021 at 12:00 PM;

WHEREAS, during the Opening of Bids, BAC-G received and opened the bidding documents submitted by **JYM Enterprises** and noted that the bidder failed to submit the complete

eligibility and technical documents. Therefore, it was declared non-eligible. Pursuant to Section 25.2. (a) vii of the RIRR of RA 9184, its financial proposals were left unopened:

WHEREAS, in view of the result of the Opening of Bids on 03 December 2021, the Bids and Awards Committee has declared **JYM Enterprise** as ineligible for its bid for **Lot D**; (*Abstract of Bids is hereby attached as "Annex "A"*)

WHEREAS, on 07 December 2021, BAC-G sent a Notice of Ineligibility to **JYM Enterprise** informing that **JYM Enterprise** has failed to submit the 2020 Audited Financial Statement as required in the bidding documents and that made it ineligible for the project. (*hereby attached as Annex "B"*)

WHEREAS, **JYM Enterprise** filed a Motion for Reconsideration on 09 December 2021 via email on the decision of BAC-G declaring **JYM Enterprise** as ineligible in relation to its failure to submit the required 2020 Audited Financial Statement; (*hereby attached as Annex "C"*)

WHEREAS, during its meeting on 13 December 2021, BAC-G has reiterated its decision that the non-submission of the 2020 Audited Financial Statement as required in the bidding document and bid bulletin No. BACG-NAS-2021-01 has rendered JYM Enterprises as ineligible for Lot D;

WHEREAS, on 16 December 2021, BAC-G sent a Response Letter to JYM Enterprise (*hereby attached as Annex "D"*) informing JYM Enterprise with the BAC-G's final decision to deny its Motion for Reconsideration and declare JYM Enterprise as ineligible for Lot D, with the following reasons, to wit;

Tab	Eligibility and Technical Requirements	Remarks
Tab G	<u>Latest Audited Financial Statements, The Supplier's Audited Financial Statements for 2020</u> , showing, among others, the Supplier's total and current assets and liabilities, stamped "received" by the BIR or its duly accredited and authorized institutions.	<u>Non Compliance</u> <i>Non-submission of 2020 Audited Financial Statement, as required by the bidding documents and bid bulletin No. BACG-NAS-2021-01 issued on 25 November 2021. Instead, JYM Enterprise submitted the Audited Financial Statement for 2019 stamped received by the BIR.</i>
	REMARKS	Ineligible

NOW, THEREFORE, We, the Members of the Bids and Awards Committee for Goods, hereby **RESOLVE**, as it is hereby **RESOLVED**, to recommend the following:


- To declare a **FAILURE OF BIDDING** for **Lot D** component of the **Supply, Delivery and Installation of Goods (Furniture and Equipment) for the National Academy of Sports (NAS) – Phase 1 at New Clark City**; and

- To direct the end-user to conduct a mandatory review and evaluation of the terms, conditions, and specifications for the **Procurement of the Supply, Delivery and Installation of Goods (Furniture and Equipment) for the National Academy of Sports (NAS) – Phase 1 at New Clark City**, pursuant to Section 35.2 of the Revised IRR of RA 9184; and

RESOLVED, at the BCDA Corporate Center Office, this 29 December 2021.

BIDS AND AWARDS COMMITTEE (BAC) FOR GOODS


JOSHUA M. BINGCANG
Chairperson



JOCELYN L. CANIONES
Vice Chairperson


SAMUEL JOHN D. VIDALLON
Member


CHRISTIAN T. DULDULAO
Member


RITCHIE P. PACLIBAR
Member

Approved By:


ARISTOTLE B. BATUHAN
Officer-in-Charge *MS*
Office of the President and CEO

BACG2021-0215

Annex A

BASES CONVERSION AND DEVELOPMENT AUTHORITY

BIDDING FOR THE SUPPLY, DELIVERY, AND INSTALLATION OF GOODS (FURNITURE AND EQUIPMENT) FOR THE NATIONAL ACADEMY OF SPORTS (NAS) – PHASE 1 AT NEW CLARK CITY

03 December 2021 / 1:30 PM / CONFERENCE ROOM A

ABSTRACT OF BIDS AS READ (ELIGIBILITY AND FINANCIAL DOCUMENTS)

Name of Bidders		PRO EVENT LOT C	JYM ENTERPRISES LOT D
Date & Time Submitted (Deadline 03 December 2021 @12:00 NN)		03 December 2021 @11:27 AM	03 December 2021 @11:34 AM
ELIGIBILITY AND FINANCIAL DOCUMENTS			
	Original	SUBMITTED	SUBMITTED
CHECKLIST OF REQUIREMENTS			
TAB A	<p>PhilGEPS Certificate of Registration under Platinum Membership (all pages); or</p> <p><i>In case the bidder opted to submit their Class "A" Documents, the Certificate of PhilGEPS Registration (Platinum Membership) shall remain as a post-qualification requirement to be submitted in accordance with Section 34.2 of the 2016 Revised IRR of RA 9184</i></p> <p>A.i Registration certificate from Securities and Exchange Commission (SEC),</p>	PASSED	PASSED

Abstract of Bid as Read re: Supply, Delivery and Installation of Goods (Furniture and Equipment) for the National Academy of Sports (NAS) – Phase 1 At New Clark City




	<p><i>Department of Trade and Industry (DTI) for sole proprietorship, or Cooperative Development Authority (CDA) for cooperatives or its equivalent document, and</i></p> <p>A.ii <i>Mayor's or Business permit issued by the city or municipality where the principal place of business of the prospective bidder is located, or the equivalent document for Exclusive Economic Zones or Areas; and</i></p> <p>A.iii <i>Tax clearance per E.O. No. 398, s. 2005, as finally reviewed and approved by the Bureau of Internal Revenue (BIR); and</i></p> <p>Aiv <i>Copy of the Receipt for the Purchase of the Bidding Document</i></p>		
TAB B	<p>(FORM SF-G&S-19A) Statement of all its ongoing government and private contracts, including contracts awarded but not yet started, if any, whether similar or not similar in nature and complexity to the contract to be bid;</p> <p>(FORM SF-G&S-19B) Statement of Single Largest Completed Contract (SLCC). Statement of One (1) COMPLETED government and/or private contract similar in nature to the contract to be bid equivalent to at least fifty percent (50%) of the ABC completed within last five (5) years (November 2016 to November 2021) a contract similar to the lot prior to the deadline for the submission and receipt of bids (<i>Section IX, Bidding Forms</i>)</p> <p>The Statement of SLCC to be submitted by the bidder shall attach ANY of the following proof:</p> <ul style="list-style-type: none"> ❖ end user's acceptance; or ❖ official receipt of the last payment received; or ❖ sales invoice 	PASSED	PASSED
TAB C	<p><u>Bid Security in ANY of the following:</u> (use <i>Section IX, Bidding Forms</i> in case of Bid Securing Declaration) or Cash or cashier's/manager's check issued by a Universal or Commercial</p>	PASSED	PASSED

Jr

Jr

Jr

	Bank; or Bank draft/guarantee or irrevocable letter of credit issued by a Universal or Commercial Bank <u>(2% of ABC)</u> ; or Surety Bond with a Certificate from the Insurance Commission (5% of the ABC)		
TAB D	<u>Conformity with the Technical Specifications Compliance Form</u> (Use the supplied Technical Specifications Compliance Form found in the Bid Documents as Section VII)	PASSED	PASSED
TAB E	<u>Conformity with the Schedule of Requirements</u> (use Section VI) duly signed in every page by the principal bidder or the bidder's authorized representative For LOT C - within 90 calendar days from receipt of NTP For LOT D - within 90 calendar days from receipt of NTP	PASSED	PASSED
TAB F	<u>Notarized Omnibus Sworn Statement</u> in accordance with Section 25.3 of the 2016 Revised IRR of RA 9184, and using the form prescribed in Section VIII. Bidding Forms Note: The Omnibus Sworn Statement shall be accompanied by the duly notarized Special Power of Attorney, Board/Partnership Resolution, or Secretary's Certificate, whichever is applicable	PASSED	PASSED
TAB G	<u>Latest Audited Financial Statements, The Supplier's audited financial statements for 2020</u> , showing, among others, the Supplier's total and current assets and liabilities, stamped "received" by the BIR or it's duly accredited and authorized institutions.	PASSED	FAILED (Non Compliance) Submitted 2019 Financial Statement stamped received by BIR
TAB	<u>Computation of Net Financial Contracting Capacity (NFCC)</u> in accordance with	PASSED	PASSED

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H	ITB Clause 5 (<i>Section IX, Bidding Forms</i>) or a Committed Line of Credit (CLC) from a universal or commercial bank which must be at least equal to 10% of the ABC		
TAB I	If applicable, valid <u>Joint Venture Agreement (JVA)</u> in case the joint venture is already in existence; in the absence of a JVA, <u>duly notarized statements</u> from all the potential joint venture partners stating that they will enter into and abide by the provisions of the JVA in the event that the bid is successful, in accordance with Section 23.1(b) of the IRR.	N/A	N/A
TAB J	Product Brochure or other related/equivalent documents containing the description of the item to be offered.	PASSED	PASSED
	Other documentary requirements under RA No. 9184, as applicable:		
TAB K	(For foreign bidders claiming by reason of their country's extension of reciprocal rights to Filipinos) <u>Certification from the relevant government office of their country</u> stating that Filipinos are allowed to participate in government procurement activities for the same item or product.	N/A	N/A
TAB L	<u>Certification from the DTI</u> if the Bidder claims preference as a Domestic Bidder or Domestic Entity	N/A	N/A
	REMARKS	LOT C - PASSED	LOT D - FAILED
TAB M	<u>Financial Proposal (ABC: Php130,116,000.00)</u> inclusive of all applicable taxes and fees) Original of duly signed and accomplished <u>Financial Bid Form</u> ; and, Original of duly signed and <u>Accomplished Price Schedule/s</u>		

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9/17/20

LOT A	ABC Php 20,993,460.00 - FAILED NON SUBMISSION		
	Utilities Equipment		
LOT B	ABC Php 46,690,400.00-FAILED NON SUBMISSION		
	ICT Equipment Network Infrastructure Audio Visual Equipment		
LOT C	ABC Php 47,098,640.00	Php46,880,000.00	
	Sports Equipment Fitness Testing and Monitoring Equipment Physical Therapy and Rehabilitation Equipment		
LOT D	ABC Php 15,333,500.00		
	Classroom Furniture Office Equipment Office Furniture and Fixtures Kitchen Equipment and Dining Hall Furniture		
	REMARKS:	Single Bid for Lot C	INELIGIBLE

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7/17/20

BIDS AND AWARDS COMMITTEE FOR GOODS


JOSHUA M. BINGCANG
Chairperson


JOCELYN L. CANIONES
Vice Chairperson


ATTY. CHRISTIAN T. DULDULAO
Member


ATTY. RITCHIE P. PACLIBAR
Member


SAMUEL JOHN L. VIDALLON
Member

Annex B

06 December 2021

LYDIA P. LAGMAN

Authorized Representative

JYM Enterprise

42 San Juan,
Sta. Ana, Pampanga,
Region III

Subject: Notice of Ineligibility

Lot D - Procurement of Supply, Delivery, and Installation of Goods (Furniture and Equipment) for the National Academy of Sports (NAS) – Phase 1 At New Clark City

Dear **Ms. Lagman**:

In view of the results of the Opening of Bids held last 03 December 2021, the Bids and Awards Committee has declared **JYM Enterprise** as ineligible for the following reason:

Requirements	Findings
<p><u>TAB G: Latest Audited Financial Statements, The Supplier's Audited Financial Statements for 2020</u>, showing, among others, the Supplier's total and current assets and liabilities, stamped "received" by the BIR or it's duly accredited and authorized institutions.</p>	<p><u>Non Compliance</u></p> <p>Non-submission of 2020 Audited Financial Statement, as required by the bidding documents and bid bulletin No. BACG-NAS-2021-01 issued on 25 November 2021. Instead, JYM Enterprise submitted the Audited Financial Statement for 2019 stamped received by the BIR.</p>

Pursuant to Section 55.1 of the Revised Implementing Rules and Regulations (RIRR) of RA 9184, you may file a request for reconsideration within three (3) calendar days upon receipt of this written notice.

We appreciate your interest in joining the bidding for this project and we look forward to your continued participation in future BCDA biddings.

Very truly yours,


JOSHUA M. BINGCAN
Chairperson

Bids and Awards Committee for Goods

BACG2021-0186

Annex C

6 December 2021

JOSHUA M. BINGCANG

BAC- Chairperson

BASES CONVERSION AND DEVELOPMENT AUTHORITY (BCDA)

BCDA Corporate Center, 2nd Floor Bonifacio Technology Center, 31st St.
cor. 2nd Avenue, Bonifacio Global City, Taguig City

SUBJECT: MOTION FOR RECONSIDERATION

Dear Mr. Bingcang,

This is in reference to the bidding dated December 03, 2021 for: (BG2021-180) PROCUREMENT FOR THE SUPPLY, DELIVERY, AND INSTALLATION OF GOODS (FURNITURE AND EQUIPMENT) FOR THE NATIONAL ACADEMY OF SPORTS (NAS) – PHASE 1 AT NEW CLARK CITY (LOT D) in the total amount of Php 15,333,500.00

The undersigned would like to respectfully seek reconsideration from your good office regarding the disqualification meted out last December 3, 2021 due to outdated Audited Financial Statement year 2019.

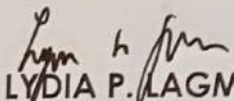
While it was provided in Bid Bulletin that the Audited Financial Statements required are for the CY 2020, our office personnel inadvertently appended to our bid documents our Audited Financial Statements for the CY 2019.

To rectify the said mistake, the undersigned is most respectfully attaching our Audited Financial Statements for the CY 2020.

The undersigned would like to apologize for the oversight, the same was purely unintentional.

Hoping for your preferential consideration and response on the matter.

Very truly yours,


LYDIA P. LAGMAN
General Manager
JYM ENTERPRISES

Annex D

13 December 2021

LYDIA P. LAGMAN

Authorized Representative

JYM Enterprise

42 San Juan, Sta. Ana, Pampanga, Region III

Subject: Response to Motion for Reconsideration

Procurement of Supply, Delivery, and Installation of Goods (Furniture and Equipment) for the National Academy of Sports (NAS) – Phase 1 at New Clark City

Dear **Ms. Lagman**:

This has reference to your Motion for Reconsideration submitted on 09 December 2021 via email on the decision of the Bids and Awards Committee for Goods (BAC-G) declaring **JYM Enterprise** as ineligible in relation to the **Procurement of Supply, Delivery, and Installation of Goods (Furniture and Equipment) for the National Academy of Sports (NAS) – Phase 1 At New Clark City**.

In view of the result of the Opening of Bids on 03 December 2021, the Bids and Awards Committee has declared **JYM Enterprise** as ineligible for the following reasons:

Lot	Tab	Eligibility and Technical Requirements	Remarks
D	Tab G	Latest Audited Financial Statements, The Supplier's Audited Financial Statements for 2020 , showing, among others, the Supplier's total and current assets and liabilities, stamped "received" by the BIR or its duly accredited and authorized institutions.	<u>Non Compliance</u> <i>Non-submission of 2020 Audited Financial Statement</i> , as required by the bidding documents and bid bulletin No. BACG-NAS-2021-01 issued on 25 November 2021. Instead, JYM Enterprise submitted the Audited Financial Statement for 2019 stamped received by the BIR.
		REMARKS	Ineligible

In view thereof, the BAC-G maintains its position to declare **JYM Enterprise** as ineligible. Thus, we regret to inform you that your Motion for Reconsideration is hereby denied.

Nevertheless, we appreciate your interest by joining in the bidding for this Project and we look forward to your continued participation in future BCDA biddings.

Very truly yours,


JOSHUA M. BINGCANG
Chairperson
Bids and Awards Committee for Goods