

BIDS AND AWARDS COMMITTEE (BAC) FOR GOODS

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

**RESOLUTION NO. BG-SE-2022-01
(FAILURE OF BIDDING)**

The **BASES CONVERSION AND DEVELOPMENT AUTHORITY (BCDA)**, through the General Appropriations Act FY 2021 (validity extended pursuant to Republic Act No. 11640) has bid out the **Procurement for the Supply, Delivery and Installation of Sports Equipment for the National Academy of Sports (NAS) – Phase 1 at New Clark City** with an Approved Budget for the Contract (ABC) of **Nine Million Nine Hundred Ninety-Seven Thousand Pesos and 00/100 (Php9,997,000.00)**, inclusive of all applicable taxes and fees;

WHEREAS, the Bids and Awards Committee for Goods (**BAC-G**), through its Secretariat, advertised/posted the Invitation to Bid including the bidding documents on 18 March 2022 in the following:

- a. DBM Philippine Government Electronic Procurement System (PhilGEPS);
- b. BCDA Website; and
- c. In a conspicuous place reserved for the purpose in the premises of BCDA.

WHEREAS, BAC-G has conducted a Pre-bid Conference on 25 March 2022 which was attended by the following prospective bidders:

- a. Sol Sporting Goods Co.;
- b. Spurway Enterprises;
- c. Alpha Quality Express Inc.; and
- d. Lorenzo Commodities Corp.

WHEREAS, BAC-G issued Bid Bulletin No. BAC-G-SE-2022-01 dated 04 April 2022 and Bid Bulletin No. BAC-G-SE-2022-02 dated 08 April 2022 clarifying queries raised by the prospective bidders during the pre-bid conference and subsequently, via e-mail. Moreover, BAC-G extended the deadline for submission of bids from 08 April 2022 to 18 April 2022 to provide all interested bidders enough time to prepare their bids for the project;

WHEREAS, in response to said advertisements, only one (1) bidder, Spurway Enterprises, submitted its bid before the deadline on 18 April 2022;

WHEREAS, during the Opening of Bids on 18 April 2022 at 10:00 AM, BAC-G received and opened the bid of Spurway Enterprises and initially noted that Spurway Enterprises passed the eligibility and technical requirements for the project;

WHEREAS, Spurway Enterprises submitted a financial bid of **Nine Million Nine Hundred Ninety Thousand Two Hundred Fifty-Five Pesos and 60/100 (Php9,990,255.60)**, inclusive of all applicable taxes and fees, that is below the ABC.;

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WHEREAS, during the detailed bid evaluation process conducted on 19-25 April 2022, the BAC-G Technical Working Group (TWG) recommended to declare Spurways Enterprises as ineligible for failure to comply with the technical specifications as contained in the bidding documents including the bid bulletins;

WHEREAS, BAC-G concurred with the recommendation of the TWG, thus, sent a Notice of Ineligibility dated 06 May 2022 to Spurway Enterprises;

WHEREAS, Spurway Enterprises in its 13 May 2022 letter filed a Motion for Reconsideration (MR) on the BAC-G's decision declaring it as ineligible;

WHEREAS, BAC-G denied the said MR through a Response Letter sent to Spurway Enterprises on 16 May 2022 stating that 1) Spurway Enterprises failed to comply with the minimum standard requirements per our bidding documents and 2) that the re-submission of additional brochures or modified documents is not allowed under Section 26.1 of the RIRR of RA 9184, to wit:

*"26.1 A bidder may modify its bid, provided that this is done before the deadline for the submission and receipt of bids. For manual submission and receipt of bids, where a bidder modifies its bid, it shall not be allowed to retrieve its original bid, but shall only be allowed to send another bid equally sealed, properly identified, linked to its original bid and marked as a "modification," thereof, and stamped "received" by the BAC. **Bid modifications received after the applicable deadline shall not be considered and shall be returned to the bidder unopened.**"*

WHEREAS, BAC-G recommended declaring a failure of bidding for this project, pursuant to Section 35.1 of the RIRR of RA 9184, to wit:

"35.1 The BAC shall declare the bidding a failure when: XXX c) All bids fail to comply with all the bid requirements XXX"

ACCORDINGLY, we, the members of the Bids and Awards Committee for Goods, hereby **RESOLVE**, as it is hereby **RESOLVED**:


1. To declare a Failure of Bidding for the **Procurement for the Supply, Delivery and Installation of Sports Equipment for the National Academy of Sports (NAS) – Phase 1 at New Clark City**; and
2. To direct the end-user, Special Projects Management Department (SPMD) to conduct a mandatory review and evaluation of the terms, conditions, and specifications of the Bidding Documents, including the cost estimates, and other requirements relative to this procurement, pursuant to Section 35.2 of the RIRR of RA 9184;

RESOLVED, at the BCDA Corporate Center Office, Bonifacio Global City, Taguig City, this 30 May 2022.

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BIDS AND AWARDS COMMITTEE (BAC) FOR GOODS


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Executive Vice President