

**BIDS AND AWARDS COMMITTEE FOR INFRASTRUCTURE PROJECTS
(BAC-I)**

**CONSTRUCTION OF STREETLIGHTS AND PAVEMENT MARKINGS
ALONG MCKINLEY PARKWAY, BGC**

**RESOLUTION NO. 2024-008
DECLARATION OF FAILURE OF BIDDING**

The BASES CONVERSION AND DEVELOPMENT AUTHORITY (BCDA), through the 2024 BCDA Corporate Funds, has put on bid the **Construction of Streetlights and Pavement Markings along Mckinley Parkway, BGC** with an Approved Budget for the Contract (ABC) in the sum of **Pesos: Twenty-Four Million Four Hundred Thirty-Nine Thousand Two Hundred Fifty-One and 79/100 Centavos (PhP 24,439,251.79)**, inclusive of all applicable taxes and fees.

WHEREAS, the BAC-I, through its Secretariat, advertised the Invitation to Bid on 21 March 2024 in the following platforms:

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

WHEREAS, in response to the said advertisements, ten (10) prospective bidders bought the bid documents, namely:

1. Bantoto, Juvenal Abella (GYJ Construction);
2. UCore Construction and Development Corporation;
3. Razor Construction Subcontractor and Electrical Services;
4. Dreamworx Builder and Trading, Inc.;
5. Stevens Construction and Supply;
6. Jonas Power Design & Construction;
7. EUS Construction;
8. JGC Construction;
9. PrimeBuilt Construction; and
10. Habakkuk Corporation.

WHEREAS, out of the aforementioned interested bidders, six (6) submitted their bids prior to the set deadline of submission of bids for the project on 6 May 2024 at 9:00AM:

1. Dreamworx Builder and Trading, Inc.;
2. EUS Construction;
3. JGC Construction;
4. UCore Construction and Development Corporation;
5. PrimeBuilt Construction; and
6. Habakkuk Corporation.

WHEREAS, on 06 May 2024, the first envelopes which contained the Eligibility and Technical Requirements of the six (6) proponents were opened and subjected to a preliminary evaluation by determining the presence or absence of the required documents using the “pass/fail” criterion;

WHEREAS, during the said preliminary evaluation and after checking the sufficiency of the required documents as regards their presence or absence, the BAC-I declared that the bids of the following bidders “FAILED” due to the absence of the required documents or non-compliance with the requirements provided under the bidding documents for the project, to wit:

BIDDERS	NON-COMPLIANCE
UCore Construction and Development Corporation	<p>The submitted Statement of Availability of Leased Equipment was signed by the bidder’s Authorized Managing Officer, not by the equipment lessor. This is non-compliant with ITB 10.5 of the Bid Data Sheet, to wit:</p> <p style="text-align: center;"><i>“The bidder must accomplish the prescribed form in Annex E and shall submit the following acceptable proofs as attachments to the list of equipment, as applicable: certification of availability using the prescribed form in Annex B-1 to B-3 of the Bid Forms and shall submit the following acceptable proofs as attachment to the list of equipment, as applicable:</i></p> <p style="text-align: center;">xxx</p>

	<p>b. <u>If leased, supported by all of the following:</u></p> <ul style="list-style-type: none">• lease agreement between lessor and lessee,• proof of ownership of the lessor, and• <u>certification of availability of equipment from the equipment lessor</u> for the duration of the project using the prescribed form in Annex B-2; or xxx "
PrimeBuilt Construction	<p>The bidder provided a "Certificate of Ownership" which is substantially different from and cannot be considered as a proof of ownership by the equipment lessor required under ITB 10.5 of the Bid Data Sheet, which states:</p> <p><i>"The bidder must accomplish the prescribed form in Annex E and shall submit the following acceptable proofs as attachments to the list of equipment, as applicable: certification of availability using the prescribed form in Annex B-1 to B-3 of the Bid Forms and shall submit the following acceptable proofs as attachment to the list of equipment, as applicable:</i></p> <p>xxx</p> <p>b. <u>If leased, supported by all of the following:</u></p> <ul style="list-style-type: none">• lease agreement between lessor and lessee,

	<ul style="list-style-type: none"> • <u>proof of ownership of the lessor, and</u> • certification of availability of equipment from the equipment lessor for the duration of the project using the prescribed form in Annex B-2; or xxx "
<p>Habakkuk Corporation</p>	<p>1. The Single Largest Completed Contract (SLCC) submitted by the bidder was a subcontract agreement in violation of ITB Clause 5.2 of the Bid Data Sheet, which expressly provides that "Subcontract Agreements shall not be considered in the satisfaction of the SLCC requirement."</p> <p>2. The bidder submitted a copy of the expired PRC License of one of its nominated key personnel and while there was proof of appointment for the renewal, the appointment date was scheduled prior to the deadline of bid submission. ITB Clause 10.4 (3) (2) of the Bid Data Sheet states that:</p> <p style="padding-left: 40px;">"(3) The bidder must accomplish the prescribed form in "Annex C" of the Bid Forms for the above list of the nominated key personnel and must be supported by the following documents:</p> <p style="padding-left: 40px;">xxx</p> <p style="padding-left: 40px;">2. Photocopy of PRC Licenses/DPWH Accreditation. Expired PRC License may be accepted provided that proof for the renewal of the application shall be submitted, and provided further that the appointment date of the renewal shall fall on the day or after the deadline of bid submission, otherwise, the bidder must submit</p>

the renewed PRC license. Valid or renewed PRC license of all key personnel assigned must be submitted during Post-Qualification."

3. The bidder failed to provide the List of Equipment Owned or Leased and/or Under Purchase Agreement, Pledged to the Proposed Contract as prescribed in Annex "E", which is non-compliant with ITB 10.5 of the Bid Data Sheet, to wit:

"The bidder must accomplish the prescribed form in Annex E and shall submit the following acceptable proofs as attachments to the list of equipment, as applicable: certification of availability using the prescribed form in Annex B-1 to B-3 of the Bid Forms and shall submit the following acceptable proofs as attachment to the list of equipment, xxx"

Additionally, based on the Checklist of Technical and Financial Documents, the prescribed Annex "E" is included in the list of the Technical Documents to be submitted:

"(i) Project Requirements, which shall include the following:

c. List of contractor's major equipment units, which are owned, leased, under purchase agreements, supported by proof of ownership or certification of availability of equipment from the equipment lessor/vendor for the duration of the project, as the case may be; xxx"

	<p>4. The bidder did not comply with the format of the Curriculum Vitae as prescribed under Annex "D", which is non-compliant with ITB Clause 10.4(3)(1), viz:</p> <p><i>"(3) The bidder must accomplish the prescribed form in "Annex C" of the Bid Forms for the above list of the nominated key personnel and must be supported by the following documents:</i></p> <p><i>1. Individual CV/resumes <u>as prescribed in Annex "D"</u> of the Bid Form under Section IX. Checklist of Technical and Financial Documents; xxx"</i></p>
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WHEREAS, on 07 May 2024, UCore Construction and Development Corporation submitted a request for reconsideration, pursuant to Section 55.1 of the 2016 RIRR of RA 9184, which was denied by the BAC-I on 16 May 2024.

WHEREAS, on 09 May 2024, Habakkuk Corporation submitted a request for reconsideration, pursuant to Section 55.1 of the 2016 RIRR of RA 9184, which was denied by the BAC-I on 16 May 2024.

WHEREAS, the second envelopes which contained the financial proposals of the three (3) proponents, who "PASSED" the preliminary examination of the eligibility/technical requirements, were opened and were likewise subjected to a preliminary evaluation of the financial proposals. After checking the sufficiency of the required documents as regards its presence or absence, the BAC-I declared the bids of the three (3) proponents "PASSED" and were considered for the detailed evaluation and comparison of financial bids. The table below shows the ranking and bid amounts of the three (3) proponents (as read):

BIDDERS	BID AMOUNT (AS READ)	RANKING
Dreamworx Builder and Trading, Inc.	₱ 20,222,772.61	1
EUS Construction	₱ 22,606,808.00	2
JGC Construction	₱ 23,039,151.11	3

WHEREAS, Section 32.2 of the Revised Implementing Rules and Regulations (RIRR) of Republic Act (R.A.) No. 9184 provides that, *“For the procurement of Goods and Infrastructure Projects, the BAC shall evaluate the financial component of the bids to determine the Lowest Calculated Bid. xxx.”*

WHEREAS, on 7 to 10 May 2024, in accordance with Section 32.2 of the RIRR of R.A. 9184 mentioned above, the BAC-I Technical Working Group (TWG) conducted the detailed evaluation of the Financial Component of the bids of the aforementioned three (3) proponents. After the said detailed evaluation of the Financial Component, the three (3) proponents were ranked in ascending order based on their financial bids or total bid price as calculated, evaluated, and/or corrected for computational errors, to identify the bidder with the Lowest Calculated Bid (LCB) who shall undergo the post-qualification. The table below shows the bid amount of the three (3) proponents (as calculated):


BIDDERS	BID AMOUNT (AS CALCULATED)	RANKING
Dreamworx Builder and Trading, Inc.	₱ 20,222,776.11	1
EUS Construction	₱ 22,606,823.11	2
JGC Construction	₱ 23,039,168.10	3

WHEREAS, based on the above results of the detailed evaluation conducted by the BAC-I TWG, the BAC-I found **DREAMWORX BUILDER AND TRADING, INC.** as the bidder with the Lowest Calculated Bid (LCB) who shall undergo the Post-Qualification process pursuant to Section 34 of the RIRR of R.A. 9184;

WHEREAS, BAC-I TWG conducted the post qualification of **DREAMWORX BUILDER AND TRADING, INC.** from 14 to 22 May 2024.

WHEREAS, during the conduct of the post-qualification of **DREAMWORX BUILDER AND TRADING, INC.**, the TWG noted the following observations and its non-responsiveness with the requirements of the bidding documents:

REQUIREMENTS	BIDDER'S NON-COMPLIANCE						
<p>ITB Clause 10.4 of the BDS provide that:</p> <p><i>"The list of nominated personnel with the minimum required years of experience for the project are as follows:</i></p> <p>Xxx</p> <table border="1" data-bbox="197 992 651 1344"> <thead> <tr> <th>Key Personnel</th> <th>Required Profession</th> <th>Required Experience</th> </tr> </thead> <tbody> <tr> <td>Quantity Surveyor</td> <td>Licensed Civil Engineer or Architect for at least 5 years</td> <td>At least 5 years of experience as Quantity Surveyor</td> </tr> </tbody> </table> <p>Xxx</p>	Key Personnel	Required Profession	Required Experience	Quantity Surveyor	Licensed Civil Engineer or Architect for at least 5 years	At least 5 years of experience as Quantity Surveyor	<p>Based on the submitted Curriculum Vitae (CV) and interview of the nominated Quantity Surveyor, Engr. Fernando Martin Jocson only has 4 years and 3 months of experience as a Quantity Surveyor.</p> <p>Section 34.3 of the RIRR of R.A. 9184 states that:</p> <p><i>"The post-qualification shall verify, validate and ascertain the veracity, authenticity and validity of xxx all the other statements made and documents submitted by the bidder with the Lowest Calculated Bid / Highest Rated Bid, using non-discretionary criteria, as stated in the Bidding Documents. These criteria shall consider, but shall not be limited to, the following:</i></p> <p>Xxx</p> <p>b) <i>Technical Requirements. To determine compliance of the goods, infrastructure projects, or consulting services offered with the requirements specified in the Bidding Documents, including, where applicable:</i></p> <p>i) <i>Verification and validation of the bidder's stated competence and experience, and the competence and experience of the bidder's key personnel to be assigned to the</i></p>
Key Personnel	Required Profession	Required Experience					
Quantity Surveyor	Licensed Civil Engineer or Architect for at least 5 years	At least 5 years of experience as Quantity Surveyor					

REQUIREMENTS	BIDDER'S NON-COMPLIANCE				
	<p><i>project, for the procurement of Infrastructure Projects xxx;</i>"</p> <p>Upon verification and validation by the TWG of the competence and experience of the nominated key personnel, Engr. Jocson did not meet the minimum requirement of at least 5 years experience as a Quantity Surveyor, thus, resulting in failure to comply with ITB Clause 10.4 of the BDS.</p>				
<p>ITB Clause 10.5 of the BDS provides that:</p> <p><i>"The list of minimum equipment required for the Project is as follows:</i></p> <table border="1" data-bbox="194 1099 647 1279"> <thead> <tr> <th data-bbox="194 1099 421 1207">Equipment</th> <th data-bbox="421 1099 647 1207">Minimum Capacity</th> </tr> </thead> <tbody> <tr> <td data-bbox="194 1207 421 1279">Backhoe</td> <td data-bbox="421 1207 647 1279">0.8 cu.m.</td> </tr> </tbody> </table> <p>Xxx</p> <p><i>"Details and particulars contained in all the supporting documents submitted for each offered equipment must be consistent as represented by the bidder in all other parts of their bid submission."</i></p>	Equipment	Minimum Capacity	Backhoe	0.8 cu.m.	<p>The pledged owned equipment of the Contractor did not meet the minimum required capacity.</p>  <p>Based on the submitted List of Owned Equipment (Annex "E") and Statement of Availability of Owned Equipment, the bidder owns a Backhoe with the following details:</p> <ul style="list-style-type: none"> ● Brand/Model: Komatsu / PC28UU ● Capacity: 2.98 cu. m.
Equipment	Minimum Capacity				
Backhoe	0.8 cu.m.				

REQUIREMENTS	BIDDER'S NON-COMPLIANCE				
	<p>Based on the validation conducted by the TWG, the maximum capacity of Komatsu PC28UU is only 0.40 cu. m. whereas the minimum capacity required under ITB Clause 10.5 of the bidding documents is 0.80 cu. m, to wit:</p> <p><i>"The list of minimum equipment required for the Project is as follows:</i></p> <table border="1" data-bbox="746 757 1311 936"> <thead> <tr> <th data-bbox="753 766 1029 869"><i>Equipment</i></th> <th data-bbox="1029 766 1305 869"><i>Minimum Capacity</i></th> </tr> </thead> <tbody> <tr> <td data-bbox="753 869 1029 927"><i>Backhoe</i></td> <td data-bbox="1029 869 1305 927"><i>0.8 cu.m.</i></td> </tr> </tbody> </table> <p>xxx</p> <p>Moreover, the declared capacity for backhoe at 2.98 cu.m. did not match with the actual specification of the equipment presented during the post qualification, in violation of ITB Clause 10.5 of the BDS which states that:</p> <p><i>"Details and particulars contained in all the supporting documents submitted for each offered equipment must be consistent as represented by the bidder in all other parts of their bid submission."</i></p>	<i>Equipment</i>	<i>Minimum Capacity</i>	<i>Backhoe</i>	<i>0.8 cu.m.</i>
<i>Equipment</i>	<i>Minimum Capacity</i>				
<i>Backhoe</i>	<i>0.8 cu.m.</i>				

WHEREAS, on 24 May 2024, the BAC-I deliberated on the results of the Post-Qualification. Based on its findings, the BAC declared **DREAMWORX BUILDER AND TRADING, INC.** as post-disqualified;

WHEREAS, in accordance with Section 34.8 of the 2016 RIRR of R.A. 9184, the BAC-I proceeded with the conduct of the post-qualification of **EUS**

CONSTRUCTION being the next (second) lowest calculated bid during this bidding process.

WHEREAS, BAC-I TWG conducted the post qualification of **EUS CONSTRUCTION** from 25 to 30 May 2024.

WHEREAS, during the conduct of the post-qualification of **EUS CONSTRUCTION**, the TWG noted the following observations and its non-responsiveness with the requirements of the bidding documents;

REQUIREMENTS	BIDDER'S NON-COMPLIANCE
<p>Submission of an Owner's Certificate of Final Acceptance to support the declared Single Largest Completed Contract (SLCC).</p> <p>Section 23.4.2.5 of the Revised Implementing Rules and Regulations (RIRR) of Republic Act (RA) No. 9184 provides that:</p> <p>Xxx</p> <p><i>The SLCC shall be supported by an Owner's Certificate of Final Acceptance issued by the project owner other than the contractor or a final rating of at least "Satisfactory" in the Constructors Performance Evaluation System (CPES). In case of contracts with the private sector, an equivalent document shall be submitted.</i></p>	<p>The Bidder failed to submit the Certificate of Final Acceptance required under Section 23.4.2.5 of the IRR of R.A. 9184. The Certificate submitted by the bidder states that it is intended for payment purposes only and that Final Acceptance shall be issued a year after project completion.</p> <p>Hence, said Certificate cannot be considered as the Certificate of Final Acceptance.</p>
<p>Section 23.1(a)(iv) of the RIRR provides that:</p> <p><i>"For purposes of determining the eligibility of bidders using the criteria stated in Section 23.4 of this IRR,</i></p>	<p>The bidder failed to declare five (5) ongoing contracts, namely:</p> <ol style="list-style-type: none"> 23FC0032 - Construction Of Barangay Road, Brgy. Maulawin (Phase III), Sta. Elena, Camarines Norte

REQUIREMENTS	BIDDER'S NON-COMPLIANCE
<p><i>only the following documents shall be required by the BAC, using the forms prescribed in the Bidding Documents:</i></p> <p>a) Class "A" Documents:</p> <p>xxx</p> <p>iv) <i>Statement of the prospective bidder 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."</i></p>	<p>a. Owner: Region V - Camarines Norte District Engineering Office</p> <p>b. Contract Value at Award: PhP79,851,782.02</p> <p>c. Actual Accomp.: 63.22%</p> <p>2. 23FC0034 - Construction Of Road, Barangay Benit - Barangay Napaod, Labo, Camarines Norte</p> <p>a. Owner: Region V - Camarines Norte District Engineering Office</p> <p>b. Contract Value at Award: PhP38,506,440.90</p> <p>c. Actual Accomp.: 79.81%</p> <p>3. 23FC0039 - Construction Of Flood Control Structure At Labo River, Mabilo Ii, Labo, Camarines Norte</p> <p>a. Owner: Region V - Camarines Norte District Engineering Office</p> <p>b. Contract Value at Award: PhP95,553,202.05</p> <p>c. Actual Accomp.: 89.27%</p> <p>4. 23FC0041 - Construction Of Flood Control, Calabasa (Phase IV), Labo, Camarines Norte, Brgy. Calabasa, Labo, Camarines Norte</p> <p>a. Owner: Region V - Camarines Norte District Engineering Office</p> <p>b. Contract Value at Award: PhP86,799,204.38</p> <p>c. Actual Accomp.: 85.08%</p> <p>5. 23F00405 - Organizational Outcome 1 (Oo1): Ensure Safe And Reliable National Road System-Network Development Program-Construction Of By-Pass And Diversion Roads-Daang Maharlika-Daet Mercedes Road Link, Daet Bridge No. 4, Camarines Norte, Daet-Mercedes, Camarines Norte</p> <p>a. Owner: Region V - Region V</p> <p>b. Contract Value at Award: PhP46,796,157.19</p> <p>c. Actual Accomp.: 29.85%</p>

REQUIREMENTS	BIDDER'S NON-COMPLIANCE
	<p>Section 23.1(a)(iv) of the 2016 revised IRR provides that, one of the documents required for purposes of determining the eligibility of bidders is the Statement of All its Ongoing Contracts.</p> <p>This was reiterated by the Government Procurement Policy Board (GPPB), in its Board Resolution No. 29-2012 dated 23 November 2012, which provides that:</p> <p style="padding-left: 40px;"><i>“2. To interpret that failure to include an immaterial ongoing contract or failure to disclose complete information in the statement of contracts shall result in the following:</i></p> <p style="padding-left: 40px;"><i>a. Disqualification of the bidder for non-compliance with the eligibility requirement under Sections 23.1 or 24.1 of the revised IRR”</i></p> <p>In addition, GPPB NPM No. 006-2018 explained that:</p> <p style="padding-left: 40px;"><i>“if the bidder fails to declare an ongoing government and private contracts in its ‘Statement of all on-going 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, including immaterial contract, is a ground for disqualification.”</i></p>
<p>Verification and validation of the bidders stated competence and experience, and the competence and experience of the bidder’s key personnel to be assigned to the project, for the procurement of Infrastructure Projects.</p>	<p>Two (2) nominated key personnel failed to attend the scheduled interview, namely:</p> <ol style="list-style-type: none"> 1. Project Manager - Engr. Jill Lamadrid 2. Site Engineer - Engr. Brian John Ramo

REQUIREMENTS	BIDDER'S NON-COMPLIANCE
<p>Presentation of valid original PRC License of the nominated key technical personnel.</p>	<p>Thus, the competence and relevant experiences of each of the aforementioned key personnel were not validated.</p> <p>Also, the PRC Licenses of the abovementioned key personnel were not presented. As such, the TWG was not able to check its authenticity and validity as required under Section 34.3 of the RIRR of RA 9184 which states that:</p> <p><i>“The post-qualification shall verify, validate and ascertain the veracity, authenticity and validity of xxx all the other statements made and documents submitted by the bidder with the Lowest Calculated Bid / Highest Rated Bid, using non-discretionary criteria, as stated in the bidding Documents. These criteria shall consider, but shall not be limited to, the following:</i></p> <p>Xxx</p> <p><i>b) Technical Requirements. To determine compliance of the goods, infrastructure projects, or consulting services offered with the requirements specified in the Bidding Documents, including, where applicable:</i></p> <p><i>i) Verification and validation of the bidder’s stated competence and experience, and the competence and experience of the bidder’s key personnel to be assigned to the project, for the procurement of Infrastructure Projects xxx;”</i></p> <p>Relative thereto, ITB Clause 20 of the BDS provides that:</p> <p><i>“2. The following original document (s) shall be presented during the conduct of the</i></p>

REQUIREMENTS	BIDDER'S NON-COMPLIANCE
	<p><i>Post-Qualification for the verification and validation:</i></p> <p><i>Xxx</i></p> <p><i>b. Valid PRC licenses and other professional accreditation certificates of the nominated key personnel;"</i></p>

WHEREAS, on 31 May 2024, the BAC-I deliberated on the results of the Post-Qualification. Based on its findings, the BAC declared **EUS CONSTRUCTION** as post-disqualified;

WHEREAS, on 03 June 2024, **EUS CONSTRUCTION** submitted a request for reconsideration, pursuant to Section 55.1 of the 2016 RIRR of RA 9184, which was denied by the BAC-I on 10 June 2024.

WHEREAS, in accordance with Section 34.8 of the 2016 RIRR of R.A. 9184, the BAC-I proceeded with the conduct of the post-qualification of **JGC CONSTRUCTION** being the next (second) lowest calculated bid during this bidding process.

WHEREAS, BAC-I TWG conducted the post qualification of **JGC CONSTRUCTION** from 01 to 07 June 2024.

WHEREAS, during the conduct of the post-qualification of **JGC CONSTRUCTION**, the TWG noted the following observations and its non-responsiveness with the requirements of the bidding documents:

REQUIREMENTS	BIDDER'S NON-COMPLIANCE
<p>Compliance with existing labor laws and standards.</p>	<p>Item 7 of the bidder's OSS states that "<i>JGC CONSTRUCTION complies with existing labor laws and standards.</i>"</p> <p>Clause 3.3 of GPPB Circular No. 01-2008 allows the Procuring Entity to ascertain the statements</p>

REQUIREMENTS	BIDDER'S NON-COMPLIANCE
	<p>made by the bidder in its certificate under oath, that it complies with existing labor laws and standards. Specifically, the Procuring Entity may verify whether the bidder regularly remits mandated premiums to SSS, PhilHealth, and Pag-IBIG.</p> <p>Based on the letter dated 20 May 2024, Pag-IBIG informed the BAC-I that they are unable to issue a Clearance Certificate to JGC Construction because <i>"The employer is inactive with the last remittance for the month of April 2021 dated April 14, 2021."</i></p> <p>During the conduct of the post qualification of the TWG on 5 June 2024, the bidder submitted a copy of an Official Receipt showing payment of premiums to Pag-IBIG for the period from May 2021 to April 2024, dated 5 June 2024.</p> <p>Additionally, the bidder also submitted a copy of an Official Receipts dated 5 June 2024 showing payments made to SSS and PhilHealth, as follows:</p> <ul style="list-style-type: none"> • Payment to SSS for the period from January 2024 to June 2024 • Payment to Philhealth for the period from January 2024 to May 2024 <p>These circumstances contravene the statement made by the bidder in its OSS that it <u><i>"complies with existing labor laws and standards."</i></u></p> <p>In addition, Section 23.6 of the RIRR of RA 9184</p>

REQUIREMENTS	BIDDER'S NON-COMPLIANCE
	<p>states that:</p> <p><i>“Notwithstanding the eligibility of a bidder, the Procuring Entity concerned reserves the right to review the qualifications of the bidder at any stage of the procurement process if the Procuring Entity has reasonable grounds to believe that <u>a misrepresentation has been made by the said bidder</u>, or that there has been a change in the bidder’s capability to undertake the project <u>from the time it submitted its eligibility requirements</u>. Should such review uncover <u>any misrepresentation made in the eligibility requirements, statements or documents</u>, or any changes in the situation of the bidder which will affect the capability of the bidder to undertake the project so that it fails the eligibility criteria, <u>the Procuring Entity shall consider the said bidder as ineligible and shall disqualify it from obtaining an award or contract</u>, in accordance with Rules XXI, XXII, and XXIII of this IRR.”</i></p> <p>The subsequent payments made on 5 June 2024 cannot cure the misrepresentation made in the OSS. The fact remains that at the time of the execution of the OSS and submission of the bid, JGC Construction was remiss in its obligation to</p>

REQUIREMENTS	BIDDER'S NON-COMPLIANCE
	remit the mandated premiums to Pag-IBIG, Philhealth and SSS in violation of existing labor laws and other social legislation.

WHEREAS, on 07 June 2024, the BAC-I deliberated on the results of the Post-Qualification. Based on its findings, the Committee declared JGC Construction as post-disqualified.

WHEREAS, on 10 June 2024, JGC Construction submitted a request for reconsideration, which was denied by the BAC-I through a letter dated 18 June 2024.

WHEREAS, based on the aforementioned, the BAC-I declared failure of bidding, pursuant to the Section 35.1 if the 2016 Revised IRR of R.A. 9184, to wit:

"35.10 The BAC shall declare the bidding failure when:

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

xxx"

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

1. To declare a Failure of Bidding for the **Construction of Streetlights And Pavement Markings Along McKinley Parkways, BGC**, in accordance with Section 35.1 of the 2016 Revised Implementing Rules and Regulations (RIRR) of Republic Act (R.A.) No. 9184; and
2. To direct the end-user, Engineering and Social Support Department (ESSD) 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 the Section 35.2 of the 2016 Revised Implementing Rules and Regulations (RIRR) of Republic Act (R.A.) No. 9184.

RESOLVED, at the BCDA Corporate Center Office, this 28th day of June 2024.

BIDS AND AWARDS COMMITTEE (BAC) FOR INFRASTRUCTURE

(on official business)

ATTY. GISELA Z. KALALO

Chairperson

ENGR. MARK P. TORRES

Vice Chairperson

ENGR. RYAN PAUL S. GALURA

Member

ENGR. VERGEL Q. PARAS

Member

(on personal leave)

SAMUEL JOHN L. VIDALLON

Member

Approved by:

JOSHUA M. BINGCANG
President and CEO