

Bids and Awards Committee for Consulting Services (BAC-C)

Procurement of Consulting Services for the Construction Management and Supervision (CMS) for the Construction of PN Modular Facilities at BNS Lot 1

RESOLUTION NO. 2024-010
(Declaration of Failure of Bidding)

WHEREAS, the Bases Conversion and Development Authority (BCDA) is mandated under Republic Act No. 7227, as amended by Republic Act No. 7917, to accelerate the sound and balanced conversion into alternative productive uses of the Clark and Subic military reservations and their extensions, to raise funds by the sale of portions of Metro Manila Military Camps and to apply said funds for the development and conversion into alternative productive uses of these properties;

WHEREAS, on **08 June 2024**, the BCDA, through its Bids and Awards Committee for Consulting Services (BAC-C), posted a Request for Expression of Interest (REI) including the bidding documents in PhilGEPS, the BCDA Website, and in a conspicuous place within the premises of BCDA for the **Procurement of Consulting Services for the Construction Management and Supervision (CMS) for the Construction of PN Modular Facilities at BNS Lot 1** under Section 10 - Competitive Bidding of the 2016 Revised Implementing Rules and Regulations (RIRR) of Republic Act No. 9184, with an Approved Budget for the Contract (ABC) in the amount of **Pesos: Eight Million Five Hundred Thousand Eight Hundred and 00/100 (PhP 8,500,800.00)**, inclusive of all applicable taxes and fees;

WHEREAS, in response to the said advertisement of the REI and bidding documents, two (2) prospective bidders submitted their Eligibility Documents for the **Procurement of Consulting Services for the Construction Management and Supervision (CMS) for the Construction of PN Modular Facilities at BNS Lot 1** prior to the set deadline for submission on 01 July 2024 at 9:00 a.m., to wit:

- 1) Asyana Construction Consultancy & Trading; and
- 2) ArkiNovus Asia Corp. and Meinhardt Philippines, Inc. (Joint Venture).

WHEREAS, Section 30.1 of the 2016 Revised IRR of RA 9184 provides:

*BAC-C Resolution 2024-010: Procurement of Consulting Services for the Construction Management and Supervision (CMS) for the Construction of PN Modular Facilities at BNS Lot 1
August 2024 / Version 1*

Page 1 of 5

“xxx... the BAC shall check the submitted documents of each bidder against a checklist of required documents to ascertain if they are all present, using a non-discretionary “pass/fail” criterion, as stated in the Instructions to Bidders. If a bidder submits the required document, it shall be rated “passed” for that particular requirement. In this regard, bids that fail to include any requirement or are incomplete or patently insufficient shall be considered as “failed.” xxx”

WHEREAS, on **01 July 2024**, the Eligibility Documents of the prospective bidders were opened and subjected to a preliminary evaluation by determining the presence or absence of the required documents using the non-discretionary “pass/fail” criterion;

WHEREAS, the submitted Eligibility Documents of the said prospective bidders were subjected to detailed evaluation and shortlisting from 02 July 2024 to 09 July 2024 in accordance with Section 24 of the 2016 RIRR of R.A. 9184, and using the criteria and rating system for shortlisting as provided under item number 9.2 of Eligibility Data Sheet (EDS) for the project;

WHEREAS, the Technical Working Group (TWG) presented the results of the evaluation of the Eligibility Documents and shortlisting, and the BAC-C deliberated on the results on 17 July 2024;

WHEREAS, the results show that the two prospective bidders were rated **“FAILED”** due to the absence of the required documents and/or non-compliance with the requirements provided under the Eligibility Documents and Terms of Reference (TOR) for the Consulting Services, and 2016 RIRR of R.A. 9184, to wit:



PROSPECTIVE BIDDER	ADVERSE FINDINGS
1. Asyana Construction Consultancy & Trading	<p>The prospective bidder failed to submit EF6 for the proposed professional staff for the following positions:</p> <ol style="list-style-type: none"> 1. Project Engineer 2. Sr. MEPFS Engineer <p>[Noncompliance with Section 9 Manning Requirement of the Terms of Reference which requires the proposed key personnel and its minimum requirements]</p>
2. ArkiNovus Asia Corp. and Meinhardt Philippines, Inc. (Joint Venture)	<p>The proposed Sr. Materials Engineer did not meet the required experience of at least five (5) years as Materials Engineer II. <u>Based on the submitted Curriculum Vitae, the proposed staff only has two years and six months cumulative experience as Materials Engineer II.</u></p> <p>[Noncompliance with Clause 1.2 of the Eligibility Data Sheet which requires that the proposed key personnel for the position of Sr. Materials Engineer must have at least five (5) years experience as Materials Engineer II]</p>

WHEREAS, the BAC-C issued the Notice of Ineligibility to the two (2) prospective bidders who were rated **“FAILED”** on 19 July 2024;

WHEREAS, Section 55.1 of the 2016 Revised IRR of RA 9184 provides that:

“Decisions of the BAC at any stage of the procurement process may be questioned by filing a request for reconsideration within the three (3) calendar days upon receipt of written notice or upon verbal notification. The BAC shall decide on the request for reconsideration within seven (7) calendar days from receipt thereof. The bidder shall not be allowed to submit additional documents to correct any defects in the bid submitted.

If a failed bidder signifies his intent to file a request for reconsideration, the BAC shall keep the bid envelopes of the said failed bidder unopened and/or duly sealed until such time that the request for reconsideration has been resolved.”

WHEREAS, on 22 July 2024, Asyana Construction Consultancy & Trading filed a request for reconsideration to declare them as **“PASSED”** and **“ELIGIBLE”** to undergo the next stage of the bidding process for the aforementioned project;

WHEREAS, the BAC-C responded to their letter on 29 July 2024 wherein the request was denied;

WHEREAS, under Section 55.3 of the 2016 Revised IRR of RA 9184, states:

“The protest must be filed within seven (7) calendar days from receipt by the party concerned of the resolution of the BAC denying its request for reconsideration. xxx”

WHEREAS, the seventh day from the denial of their request for reconsideration was on 05 August 2024 and no protest was filed within the prescribed period. Thus, the denial of the request for reconsideration and the ineligibility of Asyana Construction Consultancy & Trading have become final.

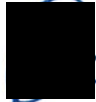
NOW, THEREFORE, foregoing considered, We, the Members of the BAC-C, hereby **RESOLVE** to recommend the following:

1. Declare a Failure of Bidding for the Procurement of Consulting Services for the Construction Management and Supervision (CMS) for the Construction of PN Modular Facilities at BNS Lot 1; and
2. Direct the end-user, Engineering and Social Services Department, 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 2016 RIRR of RA 9184 and GPPB Circular 05-2016.

RESOLVED, at the BCDA Corporate Center Office this 6th day of August 2024.



BIDS AND AWARDS COMMITTEE FOR CONSULTING SERVICES (BAC-C)



ENGR. RICHARD BRIAN M. CEPE
Chairperson



MADONNA M. CINCO
Vice Chairperson



PATRICK ROEHL C. FRANCISCO
Member



ATTY. CHRISTIAN T. DULDULAO
Member



ENGR. EDUARDO R. ROSQUETA
Member



ENGR. VERGEL Q. PARAS
Provisional Member



SAMUEL JOHN L. VIDALLION
Provisional Member

Approved by:



ATTY. GISELA Z. KALALO
Executive Vice President

