

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

**CONSTRUCTION OF BUILDING 18 AND SITE DEVELOPMENT WORKS
(INTERNAL ROADS AND PARKINGS) AT BATAAN TECHNOLOGY PARK,
MORONG, BATAAN (PHASE 1 - PACKAGE 4)**

**RESOLUTION NO. 2025-020
DECLARATION OF FAILURE OF BIDDING**

The BASES CONVERSION AND DEVELOPMENT AUTHORITY (BCDA), through the General Appropriations Act (GAA), has put on bid the **CONSTRUCTION OF BUILDING 18 AND SITE DEVELOPMENT WORKS (INTERNAL ROADS AND PARKINGS) AT BATAAN TECHNOLOGY PARK, MORONG BATAAN (PHASE 1 - PACKAGE 4)** with an Approved Budget for the Contract (ABC) in the sum of **Pesos: Two Hundred Eighty Million Three Hundred Eighteen Thousand Two Hundred Eighty Pesos and 70/100 Centavos (Php 280,318,280.70)**, inclusive of all applicable taxes and fees.

WHEREAS, the BAC-I, through its Secretariat, advertised the Invitation to Bid, including bidding documents, on 19 July 2025 in the following platforms:

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

WHEREAS, in response to the said advertisements, four (4) prospective bidders bought the bid documents, namely:

1. Kael Construction and Supply;
2. A.S.S. Construction and Aquino-Dela Cruz Engineering & Construction (Joint Venture);
3. Syndtite Construction Corporation; and
4. EDDMARI Construction and Trading

WHEREAS, the four (4) aforementioned interested bidders submitted their bids prior to the set deadline of submission of bids for the project on 11 August 2025 at 9:00 AM:

1. Syndtite Construction Corporation;
2. A.S.S. Construction and Aquino-Dela Cruz Engineering & Construction (Joint Venture);
3. Kael Construction and Supply; and
4. EDDMARI Construction and Trading

WHEREAS, on 11 August 2025 at 10:00 AM, the first envelopes, which contained the Eligibility and Technical Requirements of the four (4) 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 said preliminary evaluation and after checking the sufficiency of the required documents as regards their presence or absence, the BAC-1 declared the bids of the following three (3) bidders as "passed" after satisfying the Eligibility requirements, to wit:

1. SYNDTITE CONSTRUCTION CORPORATION;
2. Kael Construction and Supply; and
3. EDDMARI CONSTRUCTION AND TRADING

WHEREAS, the bid of A.S.S. CONSTRUCTION AND AQUINO-DELA CRUZ ENGINEERING & CONSTRUCTION (JOINT VENTURE) was declared by the BAC as "failed" for failure to meet the Eligibility requirements.

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. After checking the sufficiency of the required documents as regards their presence or absence, the BAC 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 3 proponents (as read):

BIDDERS	BID AMOUNT (AS READ)	RANKING
EDDMARI CONSTRUCTION AND TRADING	P 250,992,870.46	1
SYNDTITE CONSTRUCTION CORPORATION	P 252,848,658.14	2
KAEL CONSTRUCTION AND SUPPLY	P 280,268,280.99	3

WHEREAS, Section 32.2 of the 2016 Revised Implementing Rules and Regulations (IRR) of the 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, from 12 August to 13 August 2025, in accordance with Section 32.2 of the 2016 Revised IRR of R. A. No. 9184 mentioned above, the BAC

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
EDDMARI CONSTRUCTION AND TRADING	P 250,994,643.20	1
SYNDTITE CONSTRUCTION CORPORATION)	P 252,851,812.81	2
KAEL CONSTRUCTION AND SUPPLY	P 278,496,496.26	3

WHEREAS, based on the above result of the detailed evaluation conducted by the BAC-I TWG, the BAC-I found **EDDMARI CONSTRUCTION AND TRADING** as the bidder with the Lowest Calculated Bid (LCB) who shall undergo the Post-Qualification process pursuant to Section 34 of the 2016 Revised IRR of R.A. No. 9184;

WHEREAS, BAC-I TWG conducted the post qualification to **EDDMARI CONSTRUCTION AND TRADING** from 13 August to 26 September 2025.

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

REQUIREMENTS	BIDDER'S NON-COMPLIANCE	FINDINGS
Section 23.1(a)(iv) of the 2016 RIRR of R.A. No. 9184 provides that one of the documents required for purposes of determining the eligibility of bidders is the	Non-Disclosure of Ongoing Contracts/Projects In the reply letter dated 19 August 2025 from the Department of Public Works and Highways (DPWH) - Bureau	WITH ADVERSE FINDINGS Pursuant to Section 23.1(a)(iv) of the 2016 RIRR of R.A. No. 9184, one of the documents

Statement of all ongoing contracts, which states: <i>"23.1 For purposes of determining the eligibility of bidders using the criteria stated in Section 23.4 of this IRR, only the following documents shall be required by the BAC, using the forms prescribed in the Bidding Documents:</i> <i>a) Class "A" Documents:</i> <i>xxx</i> <i>Technical Documents</i> <i>iv) 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>	of Construction (BOC), a copy of the status report of ongoing projects based on their Project and Contracts Management Application (PCMA) was provided. The report shows that Eddmari Construction and Trading has four (4) undeclared ongoing projects, to wit: 1. Flood Management Program - Construction/Maintenance of Flood Mitigation Structures and Drainage Systems - Construction of Slope Protection Structure along Maravilla, Nagcarlan, Laguna; 2. CSSP - (SIPAG) - Access Roads and/or Bridges from the National Roads leading to Major/Strategic Public Buildings/Facilities - Rehabilitation of Road at Brgy. Dayap to Brgy. Wakat, Calauan, Laguna; 3. CSSP - Sustainable Infrastructure Projects Alleviating GAPS (SIPAG) - Access Roads and/or Bridges from the National Roads leading to Major/Strategic Public Buildings/Facilities - Rehabilitation of Road at Brgy. Lamot 2 to Lamot 1, Calauan, Laguna; and 4. CSSP - (SIPAG) - Access Roads and/or Bridges from the National Roads leading to Major/Strategic Public Buildings/Facilities - Rehabilitation of Road at Brgy. Dayap to Brgy. Wakat, Calauan, Laguna	required for purposes of determining the eligibility of bidders is the Statement of all ongoing contracts, which states: <i>"23.1 For purposes of determining the eligibility of bidders using the criteria stated in Section 23.4 of this IRR, only the following documents shall be required by the BAC, using the forms prescribed in the Bidding Documents:</i> <i>a) Class "A" Documents:</i> <i>xxx</i> <i>Technical Documents</i> <i>iv) 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> This was reinforced by the Government Procurement Policy Board (GPPB) in its Board Resolution No. 29-2012 dated 23 September 2012, which provides that: <i>"xxx</i>
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		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: a. Disqualification of the bidder for non-compliance with the eligibility requirement under Section 23.1 or 24.1 of the revised IRR xxx" (Emphasis supplied)
ITB Clause 10.5 of the Bid Data Sheet provides that Section 34.3 (b)(ii) of the 2016 RIRR of Republic Act No. 9184 provides: The post-qualification shall verify, validate and ascertain all 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: XXX	During the post-qualification conducted by the Technical Working Group (TWG) for Eddman Construction and Trading, it was determined that the mobile crane presented was inoperable/nonfunctional at the time of inspection.	WITH ADVERSE FINDINGS Section 34.3 (b)(ii) of the 2016 RIRR of Republic Act No. 9184 provides: Verification of availability and commitment, and/or inspection and testing for the required capacities and operating conditions, of equipment units to be owned/leased/under purchase by the bidder for use in the contract under bidding, as well as checking the performance of the bidder in its ongoing government and private contracts. XXX

b. <u>Technical Requirements.</u> To determine compliance of the goods, infrastructure projects, or consulting services offered with the requirements specified in the Bidding Documents, including, where applicable: xxx Verification of availability and commitment, and/or inspection and testing for the required capacities and operating conditions, of equipment units to be owned/leased/under purchase by the bidder for use in the contract under bidding, as well as checking the performance of the bidder in its ongoing government and private contracts. xxx		If the BAC verifies any of these deficiencies to be due to the contractor's fault or negligence, the agency shall disqualify the contractor from the award, for the procurement of Infrastructure Projects. xxx (Emphasis supplied)
Based on the notice of post qualification issued to Eddmari Construction and Trading the nominated key personnel/authorized representatives are available for interview and during the Post-Qualification period.	Qualifications and experience of the nominated Electrical Engineer and Sanitary Engineer were not validated since they were not available during the 3-day scheduled post-qual interview.	WITH ADVERSE FINDINGS Based on the Notice of Post-Qualification issued to Eddmari Construction and Trading, the presence of the nominated key personnel for interview is a critical component in validating the bidder's compliance with the technical requirements of the project. However,

		during the conduct of the post-qualification period, the nominated key personnel were unavailable despite scheduling accommodations.
1. Section 25.3.f of the Revised IRR of RA 9184. <i>The Omnibus Sworn Statement executed by the bidder, or its duly authorized representative, shall contain the following:</i> <i>Xxx</i> <i>(f) It complies with existing labor laws and standards</i> 2. Section 3.3 of the GPPB Circular No. 01-2008 <i>"In lieu of the above requirements, however, and in keeping with the policy of ensuring compliance with labor laws and other social legislation, the procuring entity may, during post-qualification, verify, validate and ascertain the statements made by a bidder in its certificate under oath that it complies with existing</i>	During the post-qualification, conducted by the Technical Working Group (TWG), Eddmari Construction and Trading failed to present proof of Philhealth remittances for May and June 2025. The current proof of remittance presented was until April 2025.	WITH ADVERSE FINDINGS Based on the Notice of Post-Qualification issued to Eddmari Construction and Trading, proof of compliance with labor legislation, such as proof of remittances, in accordance with GPPB Circular No. 01-2008, was required. The cutoff date for the remittance was on July 2025. However, during the post-qualification, Eddmari Construction and Trading failed to present proof of the latest PhilHealth remittances for May and June 2025.

labor laws and standards. Specifically, the procuring entity may verify whether the bidder		
Xxx		
3.3.2 <u>Regularly remits mandated premiums to SSS, Philhealth, and PAG-IBIG</u>		

WHEREAS, on 26 August 2025, the BAC-I deliberated on the results of the Post-Qualification. Based on these findings, the BAC declared **EDDMARI CONSTRUCTION AND TRADING** as post-disqualified;

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

WHEREAS, BAC-I TWG, conducted the post qualification of **SYNDTITE CONSTRUCTION CORPORATION** from 27 August to 05 September 2025;

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

REQUIREMENTS	BIDDER'S NON-COMPLIANCE	FINDINGS
Documents per Instruction To Bidders (ITB) Clause 20 of the Bid Data Sheet of the Bidding Documents. For purposes of Post-qualification, the following document(s) are required to be submitted within five (5)	The bidder failed to submit the necessary documents within the prescribed period. Syndtite Construction Corporation submitted the physical copy of their Post-Qualification documents on 03 September 2025, 2:20 PM, as evident on the date and time stamped on the	WITH ADVERSE FINDINGS Section 34.2 of the Revised IRR of R.A. No. 9184 provides that: "Within five (5) calendar days from receipt by the bidder of the notice from the BAC that the bidder has the

calendar days from receipt of notice from the BAC: 1. Income Tax Returns for year 2022 (BIR Form 1701 or 1702); and 2. Latest Value Added Tax Returns (Forms 2550M and 2550Q) or Percentage Tax Returns (Form 2551M) for the last six (6) months before the deadline of the submission of bids. The income tax and business tax returns stated above should have been filed through the Electronic Filing and Payment System (eFPS).	document by the BCDA Registry Clerk at the Central Receiving and Receiving Area (CRRRA). The said documents should have been submitted on 02 September 2025.	<i>Lowest Calculated (LCB) or Highest Rated Bid (HRB), the bidder shall submit to the BAC its latest income and business tax returns and other appropriate licenses and permits required by law and stated in the Bidding Documents.</i> <i>Failure to submit any of the post-qualification requirements on time, or a finding against the veracity thereof, shall disqualify the bidder for award. xxx."</i>
Section 23.1(a)(iv) of the 2016 RIRR of R.A. No. 9184 provides that one of the documents required for purposes of determining the eligibility of bidders is the Statement of all ongoing contracts, which states: <i>"23.1 For purposes of determining the eligibility of bidders using the criteria stated in Section 23.4 of this IRR, only the following documents shall be required by the BAC, using the forms prescribed in the Bidding Documents:</i>	Non-Disclosure of On-going Contracts/Projects. Upon verification with the Department of Public Works and Highways (DPWH) - Bureau of Construction (BOC) website as of 31 July 2025, a copy of the status report of on-going projects generated through the Project Contracts Management Application (PCMA) was provided. The report shows that Syndtite Construction Corporation has six (6) undeclared ongoing projects, to wit: 1. Rehabilitation of Road,	WITH ADVERSE FINDINGS Pursuant to Section 23.1(a)(iv) of the 2016 RIRR of R.A. No. 9184, one of the documents required for purposes of determining the eligibility of bidders is the Statement of all ongoing contracts, which states: <i>"23.1 For purposes of determining the eligibility of bidders using the criteria stated in Section 23.4 of this IRR, only the following documents shall be required by the BAC, using</i>

a) Class "A" Documents: xxx Technical Documents	Barangay Kamuning (Phase 2), Quezon City; 2. Construction of a Multi-Purpose Building in Brgy. Calategas, Narra, Palawan; 3. NRJ Malalag Leading to Barangay Kiayap Road Leading to Kiayap Falls, Maiutum, Sarangani Province; 4. Organizational Outcome 2: Protect Lives and Properties Against Major Floods: Flood Management Program - Construction/Maintenance of Flood Mitigation Structures and Drainage System - Construction of Flood Control Structure, Barangay Calindagan and Barangay 5. Network Development Program - Road Widening - Primary Roads - Dumaguete North RD (JCT Bais-Kabankalan - Negros Occ BRDY) -K0098+K004-K0099+500, Jimalalud, Negros Oriental; and 6. Organizational Outcome 2: Protect Lives and Properties Against Major Floods - Construction/Maintenance of Flood Mitigation Structure and Drainage System - Rehabilitation of River Control Structure, Barangay Consolacion, Bais City, Negros Oriental	the forms prescribed in the Bidding Documents: a) Class "A" Documents: xxx Technical Documents iv) 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". This was reinforced by the Government Procurement Policy Board (GPPB) in its Board Resolution No. 29-2012 dated 23 September 2012, which provides that: "xxx 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: a. Disqualification of the bidder for non-compliance with the eligibility requirement under Section 23.1 or 24.1 of the revised IRR
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		xxx? (Emphasis supplied)
ITB Clause 5.2 of the Bid Data Sheet specifically requires that: For this purpose, the Single Largest Completed Contracts (SLCC) shall refer to a construction of at least 5 Storey Building <i>Subcontract Agreements shall not be considered in the satisfaction of the SLCC requirement.</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.	Upon post-qualification evaluation, it was found that the contract submitted by Syndtite Construction Corporation to satisfy the SLCC requirements pertains to a subcontractor for the project titled: DESIGN AND BUILD - GENERAL CONSTRUCTION WORK OF THE ROTCHESTER PROJECT The submitted documents includes: 1. Contract Agreement between Empire East Land Holdings, Inc. Property Development Division (Project Owner), FINMAT INTERNATIONAL RESOURCES INC (Contractor) and Syndtite Construction Corporation (Subcontractor); 2. Certificate of Final Acceptance from Empire East Land Holdings, Inc. Property Development Division (Project Owner) and FINMAT INTERNATIONAL RESOURCES INC (Contractor) to Syndtite Construction Corporation (Subcontractor); and 3. Certificate of Completion	WITH ADVERSE FINDINGS ITB Clause 5.2 of the Bid Data Sheet clearly states that subcontract agreements shall not be considered in satisfying the SLCC requirement.

	from FINMAT INTERNATIONAL RESOURCES INC to Syndtite Construction Corporation													
Section 10.4 of the Invitation to Bid (ITB) and Bid Data Sheet (BDS) provides that: <i>"The list of nominated personnel with the minimum required years of experience for the Project are as follows:</i> Xxx <table border="1"> <thead> <tr> <th>Key Personnel</th><th>Required Profession</th><th>Required Experience</th></tr> </thead> <tbody> <tr> <td>Materials Engineer II</td><td>DPWH-accredited Materials Engineer II for at least 5 years</td><td>At least 5 years of experience as Materials Engineer II</td></tr> </tbody> </table>	Key Personnel	Required Profession	Required Experience	Materials Engineer II	DPWH-accredited Materials Engineer II for at least 5 years	At least 5 years of experience as Materials Engineer II	The TWG found that the nominated key personnel lack the required number of years of experience prescribed under ITB clause 10.4 of the BDS: The nominated Materials Engineer II, Leila F. Cartujano has 3 years of experience as DPWH Accredited as Material Engineer II	With adverse findings Upon validation of the competence and experience of the bidder's key personnel pursuant to Section 34.3 of the RIRR of RA 9184, it was found that one (1) of the nominated key personnel lack the necessary experience required in ITB Clause 10.4 of the BDS which states that: <i>"The list of nominated personnel with the minimum required years of experience for the Project are as follows:</i> xxx <table border="1"> <thead> <tr> <th>Key Personnel</th><th>Required Profession</th><th>Required Experience</th></tr> </thead> <tbody> <tr> <td>Materials Engineer II</td><td>DPWH-accredited Materials Engineer II for at least 5 years</td><td>At least 5 years of experience as Materials Engineer II</td></tr> </tbody> </table>	Key Personnel	Required Profession	Required Experience	Materials Engineer II	DPWH-accredited Materials Engineer II for at least 5 years	At least 5 years of experience as Materials Engineer II
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Materials Engineer II	DPWH-accredited Materials Engineer II for at least 5 years	At least 5 years of experience as Materials Engineer II												
Key Personnel	Required Profession	Required Experience												
Materials Engineer II	DPWH-accredited Materials Engineer II for at least 5 years	At least 5 years of experience as Materials Engineer II												
As stated in the Notice of Post-Qualification issued to Syndtite Construction Corporation the nominated key personnel/authorized representatives are	Qualifications and experience of nominated Materials Engineer II, Sanitary Engineer II and Site Engineer were not validated since they were	WITH ADVERSE FINDINGS As stated in the Notice of Post-Qualification issued to Syndtite Construction												

available for interview and during the Post-Qualification period.	not available during the postqual interview.	Corporation, the availability of the nominated key personnel for interview is a critical component in validating the bidder's compliance with the technical requirements of the project. However, during the post-qualification process, the nominated personnel were not available for interview.
1. Section 25.3.f of the Revised IRR of RA 9184 <i>The Omnibus Sworn Statement executed by the bidder, or its duly authorized representative, shall contain the following:</i> Xxx <i>(f) It complies with existing labor laws and standards</i> 2. Section 3.3 of the GPPB Circular No. 01-2008 <i>"In lieu of the above requirements, however, and in keeping with the policy of ensuring compliance with labor laws and other social legislation, the procuring entity may, during post-qualification, verify, validate and ascertain the statements made by a bidder in its certificate</i>	During the post-qualification conducted by the Technical Working Group (TWG), it was found that Syndtite Construction Corporation presented the following: • SSS: Proof of remittance was current only up to April 2025. • PhilHealth: Proof of remittance was current up to June 2025.	WITH ADVERSE FINDINGS Based on the Notice of Post-Qualification issued to Syndtite Construction Corporation, proof of compliance with labor legislations, such as proof of remittances, in accordance with GPPB Circular No. 01-2008, was required. The cutoff date for the remittance was on July 2025. However, during the post-qualification, Syndtite Construction Corporation presented the following: • SSS: Proof of remittance was current only up to April 2025. • PhilHealth: Proof of remittance was current up to June 2025. Thus, Syndtite Construction Corporation failed to regularly remit the

available for interview and during the Post-Qualification period.	not available during the postqual interview.	Corporation, the availability of the nominated key personnel for interview is a critical component in validating the bidder's compliance with the technical requirements of the project. However, during the post-qualification process, the nominated personnel were not available for interview.
1. Section 25.3.f of the Revised IRR of RA 9184 <i>The Omnibus Sworn Statement executed by the bidder, or its duly authorized representative, shall contain the following:</i> Xxx (f) It complies with existing labor laws and standards 2. Section 3.3 of the GPPB Circular No. 01-2008 <i>"In lieu of the above requirements, however, and in keeping with the policy of ensuring compliance with labor laws and other social legislation, the procuring entity may, during post-qualification, verify, validate and ascertain the statements made by a bidder in its certificate</i>	During the post-qualification conducted by the Technical Working Group (TWG), it was found that Syndtite Construction Corporation presented the following: • SSS: Proof of remittance was current only up to April 2025. • PhilHealth: Proof of remittance was current up to June 2025.	WITH ADVERSE FINDINGS Based on the Notice of Post-Qualification issued to Syndtite Construction Corporation, proof of compliance with labor legislations, such as proof of remittances, in accordance with GPPB Circular No. 01-2008, was required. However, during the post-qualification, Syndtite Construction Corporation presented the following: • SSS: Proof of remittance was current only up to April 2025. • PhilHealth: Proof of remittance was current up to June 2025. Thus, Syndtite Construction Corporation failed to regularly remit the

under oath that it complies with existing labor laws and standards. Specifically, the procuring entity may verify whether the bidder Xxx <u>3.3.2 Regularly remits mandated premiums to SSS, Philhealth, and PAG-IBIG</u>	mandated premiums to SSS and Philhealth.
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WHEREAS, on 05 September 2025, the BAC-I deliberated on the results of the post qualification. Based on findings, the BAC declared **SYNDTITE CONSTRUCTION CORPORATION** as post disqualified;

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

WHEREAS, BAC-I TWG conducted the post qualification to **KAEL CONSTRUCTION AND SUPPLY** from 06 September to 16 September 2025.

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

REQUIREMENTS	BIDDER'S NON-COMPLIANCE	FINDINGS
Section 23.1(a)(iv) of the 2016 RIRR of R.A. No. 9184 provides that one of the documents required for purposes of determining the eligibility of bidders is the Statement of all ongoing contracts, which states:	Non-Disclosure of On-going Contracts/Projects. Upon verification with the Department of Public Works and Highways (DPWH) - Bureau of Construction (BOC) website as of 31 July 2025, a copy of the status report of on-going projects	WITH ADVERSE FINDINGS Pursuant to Section 23.1(a)(iv) of the 2016 RIRR of R.A. No. 9184, one of the documents required for purposes of determining the eligibility of bidders is the Statement

"23.1 For purposes of determining the eligibility of bidders using the criteria stated in Section 23.4 of this IRR, only the following documents shall be required by the BAC, using the forms prescribed in the Bidding Documents: a) Class "A" Documents: xxx Technical Documents iv) 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".	generated through the Project Contracts Management Application (PCMA) was provided. The report shows that Karl Construction and Supply has six (26) undeclared ongoing projects, to wit: 1. Converge and Special Support Program, Sustainable Infrastructure Projects Alleviating Gaps (Sipag) Sipag - Access Roads and/or Bridges from the National Roads Leading to Major/Strategic Public Buildings/Facilities, Construction of Road Along Taal Lake; 2. Convergence and Special Support Program, Sustainable Infrastructure Projects Alleviating Gaps (Sipag), Sipag - Access Roads and/or Bridges from the National Roads Leading to Major/Strategic Public Buildings/Facilities, Construction of Road Along Taal Lake; 3. Construction of National Security Council Building, V. Luna Avenue, Quezon City (Phase II) (Re-Advertisement); 4. Construction of Security and Escort Battalion Administration Building (Phase VII), Fort Andres Bonifacio, Taguig City;	of all ongoing contracts, which states: "23.1 For purposes of determining the eligibility of bidders using the criteria stated in Section 23.4 of this IRR, only the following documents shall be required by the BAC, using the forms prescribed in the Bidding Documents: a) Class "A" Documents: xxx Technical Documents iv) 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". This was reinforced by the Government Procurement Policy Board (GPPB) in its Board Resolution No. 29-2012 dated 23 September 2012, which provides that: "xxx To interpret that failure to include an immaterial ongoing contract or failure to disclose complete information in the
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	5. Construction of Staff Officers Quarters Building, HPA, Fort Andres Bonifacio, Taguig City, PhaseVII; 6. Construction of Staff Officers Quarters Building, HPA, Fort Andres Bonifacio, Taguig City, PhaseVIII; 7. Rehabilitation of Calumpang Barangay Hall Including site Development, Barangay Calumapang, Marikina City; 8. Rehabilitation of San Roque Barangay Hall Including Site Development Barangay San Roque, Marikina City; 9. Rehabilitation/Major Repair of Multi Purpose Building - Rehabilitation of Tañong Barangay Hall Including Site Development, Barangay Tañong, Marikina City; 10. Construction of Philippine Children's Medical Center (Lungsod Kabataan with Pediatric Cancer and Liver Center), Agham Road, Diliman Quezon City; 11. Construction of Philippine Cancer Center Diliman, Quezon City; 12. Organizational Outcome 2: Protect Lives and Properties Against Major Floods-Construction/Maintenance of Flood	statement of contracts shall result in the following: a. Disqualification of the bidder for non-compliance with the eligibility requirement under Section 23.1 or 24.1 of the revised IRR xxx' (Emphasis supplied)
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	Mitigation Structure and Drainage Systems - Construction of Flood Control Structure along Novallas River, Barangay Sta. Cruz Viejo, Tanjay City; 13. Construction of Multi Purpose Building Facility Phase II, Barangay Dalakit, Phase II, Catarman, Northern Samar; 14. Building and other Structures - Multipurpose/Facilities - National Building Program - Construction of (4) Storey Building with Roof Deck for the Professional Regulation Commission (PRC) Regional Office VIII - Tacloban in Government Center, Brgy. CAND; 15. Construction of Bridge, Barangay Paquibato Proper to Barangay Paradise Embak, Davao City; 16. Construction of NRJ Daang Maharlika Road, Barangay San Isidro - to Fatima - Malabog Road Via Malativas, Phase 1, Davao City; 17. Construction of Multi-Purpose Facilities Including Site Development, Fish Port Complex, Phase 1, Mati City, Davao Oriental; 18. Manila Bay Rehabilitation Program: Construction of a	
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	Solar-Powered Sewage Treatment Plant along the Las Piñas River; 19. Manila Bay Rehabilitation Program: Construction of a Solar-Powered STP- San Juan River; 20. Manila Bay Rehabilitation Program: Construction of a Solar-Powered STP- Vitas River; 21. Active Transport Bike Share System and Safe Pathways Program in Metropolitan Areas - Maintenance and Upgrading of Active Transport Infrastructure Phase II; 22. Manila Bay Rehabilitation Program: Construction of Solar Powered Sewage Treatment Plant (STP); 2 Lots STP Pasig River System (Between Tributaries Estero De Tague to Estero Pandacan); 23. Manila Bay Rehabilitation Program: Construction of Solar Powered Sewage Treatment Plant (STP); 2 Lots STP Pasig River System (Between Tributaries Ilugin River to Taguig/Pateros River); 24. Construction of the Court of Appeals (CA) Building III - 6 Storey Building with 1 Level Basement and Roof	
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	Deck, Quezon City (Phase II); 25. CY 2024 Basic Educational Facilities Fund (BEFF) New Construction Program Batch-1, Construction of 3-Storey 9-Classroom School Building in STA. Maria Elementary School, Santo Tomas City Batangas; and 26. Construction of 2-Storey 4-Classroom School Building at Kabaritan Elementary School, Brgy. Sto. Domingo, Bay, Laguna	
As stated in the Notice of Post-Qualification issued to Syndrite Construction Corporation the nominated key personnel/authorized representatives are available for interview and during the Post-Qualification period.	Qualifications and experience of nominated Deputy Project Manager, Drainage/Sanitary/Plumbing Engineer, Quantity Surveyor, Safety and Health Officer were not validated since they were not available during the postqual interview.	WITH ADVERSE FINDINGS As stated in the Notice of Post-Qualification issued to Kael Construction and Supply, the availability of the nominated key personnel for interview is a critical component in validating the bidder's compliance with the technical requirements of the project. However, during the post-qualification process, the nominated personnel were not available for interview.
ITB Clause 10.5 of the Bid Data Sheet provides that Section 34.3 (b)(ii) of the 2016 RIRR of Republic Act No. 9184 provides:	During the post-qualification conducted by the Technical Working Group (TWG) for Kael Construction and	WITH ADVERSE FINDINGS Section 34.3 (b)(iii) of the 2016 RIRR of Republic Act No. 9184 provides:

The post-qualification shall verify, validate and ascertain all 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: xxx a. <u>Technical Requirements.</u> To determine compliance of the goods, infrastructure projects, or consulting services offered with the requirements specified in the Bidding Documents, including, where applicable: xxx Verification of availability and commitment, and/or inspection and testing for the required capacities and operating conditions, of equipment units to be owned/leased/under purchase by the bidder for use in the contract under bidding, as well as checking the performance of the bidder in its ongoing government and private contracts.	Supply, the following findings were noted: • Backhoe and generator set – These units were not located or presented at the time of inspection. • Three (3) dump trucks and a mobile crane were found to be in poor condition and inoperative during the inspection	Verification of availability and commitment, and/or inspection and testing for the required capacities and operating conditions, of equipment units to be owned/leased/under purchase by the bidder for use in the contract under bidding, as well as checking the performance of the bidder in its ongoing government and private contracts. xxx If the BAC verifies any of these deficiencies to be due to the contractor's fault or negligence, the agency shall disqualify the contractor from the award, for the procurement of Infrastructure Projects. xxx (Emphasis supplied)
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1. Section 25.3.f of the Revised IRR of RA 9184 <i>The Omnibus Sworn Statement executed by the bidder, or its duly authorized representative, shall contain the following:</i> Xxx <i>(f) It complies with existing labor laws and standards</i> 2. Section 3.3 of the GPPB Circular No. 01-2008 <i>"In lieu of the above requirements, however, and in keeping with the policy of ensuring compliance with labor laws and other social legislation, the procuring entity may, during post-qualification, verify, validate and ascertain the statements made by a bidder in its certificate under oath that it complies with existing labor laws and standards. Specifically, the procuring entity may verify whether the bidder</i> Xxx <u>3.3.2 Regularly remits mandated premiums to SSS, Philhealth, and PAG-IBIG"</u>	During the post-qualification conducted by the Technical Working Group (TWG) it was found that Kael Construction and Supply presented the following: • SSS: Proof of remittance presented and submitted is up to April 2025; • PhilHealth: Proof of remittance presented and submitted is up to June 2025; and • Pag-IBIG: Remitted only on 12 September 2025 for November 2024 to September 2025	WITH ADVERSE FINDINGS Based on the Notice of Post-Qualification issued to Kael Construction and Supply, proof of compliance with labor legislations, such as proof of remittances, in accordance with GPPB Circular No. 01-2008, was required. The cutoff date for the remittance was on July 2025. However, during the post-qualification, Syndtite Construction Corporation presented the following: • SSS: Proof of remittance presented and submitted is up to April 2025 only; • PhilHealth: Proof of remittance presented and submitted is up to June 2025 only; and • Pag-IBIG: Remitted only on 12 September 2025 for applicable months November 2024 to September 2025 Thus, Kael Construction and Supply failed to regularly remit the mandated premiums to SSS, Philhealth and Pag-IBIG.
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WHEREAS, on 16 September 2025, the BAC-I deliberated on the results of the post qualification, Based on findings, the BAC declared **KAEL CONSTRUCTION CORPORATION** as post disqualified;

WHEREAS, based on the aforementioned, the BAC-I declared the failure of bidding pursuant to the Section 35.1 of the 2016 Revised IRR of RA 9184, to with:

"35.1 The BAC shall declare the bidding failure when:

xxx

c. All bids fail to comply with 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 (BAC-I), hereby **RESOLVE**, as it is hereby **RESOLVED**, to recommend the following:

1. To declare a Failure of Bidding for the **CONSTRUCTION OF BUILDING 18 AND SITE DEVELOPMENT WORKS (INTERNAL ROADS AND PARKINGS) AT BATAAN TECHNOLOGY PARK, MORONG BATAAN (PHASE 1 - PACKAGE 4)** with in accordance with Section 35.1 of the 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 Section 35.2 of the 2016 RIRR of RA 9184.

RESOLVED, at the BCDA Corporate Center Office, this **16th** day of **September 2025**.

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

ATTY. ELVIRA V. ESTANISLAO
Chairperson

ATTY. MARIA SOLEDAD C. SAN PABLO
Vice Chairperson

VIRGIL M. ALVAREZ
Member

on Official Business
ENGR. RANDY S. VIACRUSIS
Member

**ATTY. MARIA CELINE ERIKA A.
LABRADOR**
Member

ENGR. EDUARDO R. ROSQUETA
Provisional Member

Approved by:

JOSHUA M. BINGCANG
President and CEO