BIDS AND AWARDS COMMITTEE (BAC)
RESOLUTION NO. 09-029-22
PB-27-22

RECOMMENDING DECLARATION OF FAILURE OF BIDDING THROUGH CONDUCT OF PUBLIC BIDDING UNDER SECTION 10 OF THE REVISED IMPLEMENTING RULES AND REGULATIONS (IRR) OF REPUBLIC ACT (RA) NO. 9184

WHEREAS, on 11 January 2022, Mr. Michael J. Dalumpines, Chairman and President, as Head of the Procuring Entity, approved the Annual Procurement Plan ("*APP*") for CY 2022 of APUI Production Unit, Inc. ("*APUI*") upon favorable recommendation of the Bids and Awards Committee ("*BAC*");

WHEREAS, included in the APP of APUI for CY 2022 is the **Supply and Delivery of Process Inks (Black and Geranium Magenta) (Lot 1 and Lot 2) (PB-27-22)**. The Approved Budget for the Contract ("*ABC*") for the said project is **One Million Three Hundred Fifteen Thousand Two Hundred Ten Pesos (PhP 1,315,210.00)**;

Lot Nos.	Description	Approved Budget of the Contract (ABC)
1	Black Ink	PhP 1,054,735.00
2	Geranium Magenta Ink	PhP 260,475.00
		PhP 1,315,210.00

WHEREAS, in compliance with the pertinent provisions of Republic Act ("*RA*") No. 9184, otherwise known as the "Government Procurement Reform Act", the BAC Secretariat advertised the Invitation to Bid for **Supply and Delivery of Process Inks (Black and Geranium Magenta) (Lot 1 and Lot 2) (PB-27-22)** dated 2 August 2022 in the Philippine Government Electronic Procurement System (PhilGEPS), APUI Website (www.apo.gov.ph), and in conspicuous place at the premises of the APUI Production Unit, Inc.;

WHEREAS, likewise in furtherance with the pertinent provisions of RA No. 9184 that will ensure the transparency of the process, observers from the Commission on Audit (COA) Resident Auditor, as well as observers from the private sector were invited to observe and witness the conduct of the Pre-Bid Conference, Submission and Opening of Bids, Bid Evaluation and Post Qualification as scheduled;

WHEREAS, on 10 August 2022, BAC convened for the scheduled Pre-Bid Conference, were two (2) prospective bidders from ASA Colors and Chemical Industries, Inc. and Ideal Marketing and Manufacturing Corporation attended the said preceding;

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WHEREAS, on 22 August 2022, the scheduled deadline for the Submission and Opening of Bids, the BAC received two (2) bid proposals from **Ideal Marketing and Manufacturing Corporation and ASA Colors and Chemical Industries, Inc.** During the preliminary examination of bids, the BAC checked the submitted documents against the checklist of required documents to ascertain if they are all present

WHEREAS, the BAC using a non-discretionary "pass/fail" criterion found and rated passed the 1st envelope containing the Technical Components and 2nd envelope containing the Financial Components of **Ideal Marketing and Manufacturing Corporation and ASA Colors and Chemical Industries, Inc.**, respectively, for complying with the all the requirements stated in the bidding documents and the provisions of RA No. 9184, with a bid proposals of as follows;

Bidder	Bid Amount (As Read)
Ideal Marketing and Manufacturing Corporation	PhP 4,968,880.00
ASA Colors and Chemical Industries, Inc.	PhP 7,005,000.00
----------Nothing Follows----------	

WHEREAS, after the conduct of detailed evaluation of bids with the assistance of the Technical Working Group (TWG) conducted on 25 August 2022, BAC identified **Ideal Marketing and Manufacturing Corporation** as the **Lowest Calculated Bidder (LCB)**. Thereafter, the BAC thru the TWG conducted the process of post qualification to determine whether the bidder concerned complies with and is responsive to all the requirements and conditions as specified in the Bidding Documents;

WHEREAS, on 26 August 2022, the End-User Representative and Member of TWG conducted the Quality Assurance Test particularly in the Test Parameters and Reference Standard specified in the Technical Specifications intended for the submitted samples of bidders. As a result, inks submitted were not comparable and failed to comply with the Standards set in the Bidding Documents; (Post-Qualification Report is attached as Annex "A")

WHEREAS, on 2 September 2022, the BAC issued a "post-disqualified" to Ideal Marketing and Manufacturing Corporation for the reason that they fail to meet any of the requirements or conditions in the Bidding Documents;

WHEREAS, notwithstanding of any pending request for reconsideration by the Ideal Marketing and Manufacturing Corporation, the BAC conducted the post-qualification on the bidder with the second Lowest Calculated Bid, ASA Colors and Chemical Industries, Inc.

WHEREAS, bidder with the second Lowest Calculated Bid is post-disqualified (Post-Qualification Report for ASA Colors and Chemical Industries, Inc. and notice of post-disqualification of the bidder are attached as Annex "B")

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WHEREAS, pursuant to Section 35.1 of the Revised IRR of RA 9184, the BAC shall declare the bidding a failure when:

c.) All bids fail to comply with all the bid requirements or fail post-qualifications;

WHEREAS, in the interest of time and to protect the best business interest of the company, BAC resolved to recommend to the HOPE the declaration of failure of bidding and to conduct mandatory review and evaluate Bidding Documents for proposed re-bidding activity or the resort to Alternative Mode of Procurement defending on the recommendation of the mandatory review;

NOW, THEREFORE, We, the Members of the BAC, by the virtue of powers vested on us by law, after duly considering the recommendation of the Technical Working Group ("*TWG*"), hereby **RESOLVED** to recommend to the HOPE:

1. To declare a Failure of Bidding for the Supply and Delivery of Process Inks (Black and Geranium Magenta) (Lot 1 and Lot 2) (PB-27-22) (PhilGEPS Reference No. 8882979) and;

2. To conduct mandatory review and evaluation of the terms, conditions, and specifications in the Bidding Documents for the same project pursuant to Section 35.5 of the Revised IRR of RA 9184.

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Done this 15th day of September, 2022 at APUI Production Unit, Inc., Philippine Information Agency (PIA) Building, Visayas Avenue, Diliman Quezon City, Philippines.

BAC MEMBERS

DOMINIC F. TAJON
Chairperson

KARL PAULO C. DAMIAN
Vice-Chairperson

FREDERICK S. TARUN
Member

JOSEFINA L. OMOL
Member

MICHAEL ROMIL D. SANTIAGO
Member

Approved:

ATTY. VINCENT STEVE P. BADONG
HOPE

/mbm 9.15.2022