BIDS AND AWARDS COMMITTEE (BAC)
RESOLUTION NO. 06-056-24
PB-20-24

RECOMMENDING DECLARATION OF FAILURE OF BIDDING FOR THE SUPPLY AND DELIVERY OF LIGHT DELIVERY TRUCK (APO-PUI QC USE)

WHEREAS, on 25 January 2024, Mr. Herman Emiliano M. Medina-Cue, President, as Head of Procuring Entity, approved the Annual Procurement Plan *("APP")* for CY 2024 of APO Production Unit, Inc. ("*APO-PUI*") upon favorable recommendation of the Bids and Awards Committee ("*BAC*");

WHEREAS, included in the approved APP of APO-PUI for CY 2024 is the **Supply and Delivery of Light Delivery Truck (APO-PUI QC Use) (PB-20-24).** The Approved Budget for the Contract ("*ABC*") for the said project is **One Million Two Hundred Thousand Pesos (PhP 1,200,000.00);**

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 the **Supply and Delivery of Light Delivery Truck (PB-20-24)** dated 29 May 2024 in the Philippine Government Electronic Procurement System (PhilGEPS), APO-PUI Website (www.apo.gov.ph), and in conspicuous place at the premises of the APO 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 5 June 2024, the BAC convened for the scheduled Pre-Bid Conference and representatives of Autokid Truck Solutions attended the said conference;

WHEREAS, on 19 June 2024, the scheduled deadline for the Submission and Preliminary Examination of Bids, the BAC received bid proposal from lone bidder, **B.M. Domingo Motor Sales, 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 ***failed*** the 1st envelope containing the Technical Components of the bid **B.M. Domingo Motor Sales, Inc.** for non-compliant with the requirements stated in the bidding documents and the provisions of RA No. 9184;

WHEREAS, after examining the technical requirements submitted by lone bidder, the BAC, with the assistance of the TWG, declared **B.M. Domingo Motor Sales, Inc.** ineligible, for failure to indicate the statement of compliance against each of the individual parameters in the Technical Specifications under Section VII of the Philippine Bidding Documents;

WHEREAS, Section VII of the Philippine Bidding Documents under Technical Specifications Statement of Compliance states that, *"Bidders must state here either "Comply" or "Not Comply" against each of the individual parameters of each Specification stating the corresponding performance parameter of the equipment offered;"*

WHEREAS, failure to indicate the statement of compliance in the minimum Technical Specifications under Section VII of the bidding documents may be a ground for disqualification for being incomplete;

WHEREAS, First (1st) paragraph of Section 30.1 of the 2016 Revised Implementing Rules and Regulations (IRR) of Republic Act (R.A.) No. 9184 which is read as follows:

"The BAC shall open the first bid envelopes in public to determine each bidder's compliance with the documents required to be submitted for eligibility and for the technical requirements, as prescribed in this IRR. For this purpose, 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." Otherwise, the BAC shall rate the said first bid envelope as "passed."

WHEREAS, on 20 June 2024, the BAC through its Secretariat, received the Motion for Reconsideration filed by **B.M. Domingo Motor Sales, Inc.** which stated the following explanations/justifications; *"failure to indicate the "Comply" was mere oversight and I pledged to confirm with that indicated in the bid documents should the project be awarded to the Corporation."*

WHEREAS, on 25 June 2024, the BAC with the assistance of its TWG, found that despite the explanation provided by the B.M. Domingo Motor Sales, Inc. on its Motion for Reconsideration, rejected and declared **"denied"** for a reason that the technical specifications submitted, even though present, is incomplete or patently insufficient;

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-qualification;

NOW, THEREFORE, We, the Members of the BAC, hereby RESOLVE, as it is hereby RESOLVED:

a) to deny the request for reconsideration filed by B.M. Domingo Motor Sales, Inc.;

b) to declare a failure of bidding for the for the Supply and Delivery Light Delivery Truck (APO-PUI QC use) *under PB-20-24.* PhilGEPS Reference No. 10899915; and

c) 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.

RESOLVED at APO Production Unit, Inc., Philippine Information Agency (PIA) Building, Visayas Avenue, Diliman, Quezon City this 27th day of June 2024.

BAC MEMBERS

KARL PAULO C. DAMIAN
Chairperson

JOSEFINA L. OMOL
Vice-Chairperson

FREDERICK S. TARUN
Member

MICHAEL ROMIL D. SANTIAGO
Member

PACIFICO D. MANALILI, JR.
Member

Approved:

ATTY. GIL CARLOS R. PUYAT
HOPE

/mbm 6.27.2024