



22 July 2020

MEMORANDUM

F O R : The General Manager
F R O M : The Chairperson, HO-BAC-PGCS
S U B J E C T : **Resolution Changing the Mode of Procurement from
Competitive Bidding to Negotiated Procurement**
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This has reference to the Bidding for the Procurement of Multi-Purpose Vehicles held on 30 June 2020 and 07 July 2020, which was both declared by the BAC as "failure of bidding" pursuant to Section 35.1 of the 2016 Revised IRR of R.A. 9184, which states that: "The BAC shall declare the bidding a failure when: a) No bids are received b) All prospective bidders are declared ineligible. xxx xxx."

Pursuant to Section 53 of the 2016 Revised IRR of RA 9184, Negotiated Procurement (Two-Failed Bidding) may be resorted to where there has been failure of bidding for the second time. However, considering that the mode of procurement indicated in the APP for the project was competitive bidding, there is a need to change said mode of procurement through a BAC Resolution.

In view thereof, we are submitting herewith BAC-PGCS Resolution No. 049-2020 Series of 2020, recommending for the change of the mode of procurement from competitive bidding to Negotiated Procurement (Two-Failed Bidding), pursuant to Section 53 of the 2016 Revised IRR of R.A. 9184 and to negotiate with a technically, legally and financially capable supplier pursuant to the Guidelines for the Alternative Methods of Procurement, for consideration and approval of the General Manager as Head of the Procuring Entity.


MARK JON S. PALOMAR

~~APPROVED/DISAPPROVED~~


JAY DANIEL R. SANTIAGO
General Manager



BIDS AND AWARDS COMMITTEE

Procurement of Goods and Consultancy Services (BAC-PGCS)
Resolution No. 049-2020
Series of 2020

**RESOLUTION CHANGING THE MODE OF PROCUREMENT FROM
COMPETITIVE BIDDING TO NEGOTIATED PROCUREMENT
BAC-PGCS-007-2020**

WHEREAS, the Philippine Ports Authority (PPA) posted an Invitation to Bid for the Procurement of Multi-Purpose Vehicles, in the website of the PPA, PhilGEPS and in the Bulletin Board located at the PPA Corporate Building, South Harbor, Port Area, Manila, first on 03 March 2020 and second on 11 June 2020, continuously for seven (7) calendar days;

WHEREAS, during the first scheduled opening of bids on 05 June 2020, only one bidder, namely: Toyota Alabang, secured the Bid Documents in the amount of P25,000.00;

WHEREAS, on the scheduled Submission and Opening of Bids for the said project, the lone bidder did not submit its Technical and Financial Proposals before the prescribed deadline for submission thereof and instead submitted a letter dated 05 June 2020, citing their reasons for the non-submission of their bid documents;

WHEREAS, the BAC-PGCS, in Resolution No. 039 Series of 2020, declared the bidding a failure pursuant to Section 35.1 of the 2016 Revised IRR of R.A 9184 which provides that "The BAC shall declare the bidding a failure when: a) No bids are received; xxx xxx xxx."

WHEREAS, the BAC-PGCS conducted a re-bidding on the said project on 07 July 2020, but the bidding was again declared a failure pursuant to Section 35.1 of the 2016 Revised IRR of RA 9184 considering that no bids are received by the BAC-PGCS;

WHEREAS, Section 53 of the 2016 Revised IRR of R.A 9184 states that, Negotiated Procurement (Two-Failed Bidding) may be resorted to where there has been failure of competitive bidding for the second time;

WHEREAS, considering that the bidding for the Supply and Delivery of Multi-Purpose Vehicles was twice declared a failure, first on 05 June 2020 and second on 07 July 2020 respectively, the BAC-PGCS may resort to Negotiated Procurement (Two-Failed Bidding) as a mode of procurement considering that procurement through competitive bidding cannot be ultimately pursued;

WHEREAS, considering that the method of procurement indicated in the APP was competitive bidding, the BAC-PGCS hereby recommends for the change of said mode from competitive bidding to Negotiated Procurement (Two-Failed Bidding);

NOW, THEREFORE, for and in consideration of the foregoing premises, the BAC hereby RESOLVE as it is hereby RESOLVED, as follows:

1. To change the original method of procurement for the Supply and Delivery of Multi-Purpose Vehicles, from competitive bidding as indicated in the APP, to Negotiated Procurement (Two-Failed Bidding), for approval of the Head of the Procuring Entity (HOPE).
2. To directly negotiate with a technically, legally and financially capable supplier pursuant to Section V (D) of Annex "H" Consolidated Guidelines for the Alternative Methods of Procurement of the 2016 Revised IRR of R.A 9184.
3. To reflect in the APP such changes in the mode of procurement to be submitted to the GPPB, pursuant to Section 7.4 of the 2016 Revised IRR of R.A 9184.

APPROVED AND ADOPTED by the BAC on 21 July 2020

DANAH S. JARAMILLO
Regular Member

JOSEPHINE M. NAPIERE
Regular Member

DIANE STEFFI T. GUILLAMON
Regular Member

ERIC E. DIMACULANGAN
Provisional Member

ANGELINA A. LLOSE
Vice-Chairperson

MARK JON S. PALOMAR
Chairperson, BAC

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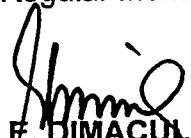
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