



**BIDS AND AWARDS COMMITTEE FOR THE PROCUREMENT OF GOODS AND
CONSULTANCY SERVICES AND FOR ENGINEERING PROJECTS
(PMO-PALAWAN-BAC)**

Resolution No. 10
Series of 2022

**RESOLUTION DECLARING FAILURE OF BIDDING FOR THE PROJECT ROXAS PORT
DEVELOPMENT PROJECT, PORT OF ROXAS, ROXAS, PALAWAN
(DOTr-LFP-PLW-01-2020)**

WHEREAS, the Philippine Ports Authority, PMO-Palawan posted an Invitation to Bid for the bidding of the project DOTr-LFP-PLW-01-2020 Roxas Port Development Project, Port of Roxas, Roxas, Palawan, in the website of the PPA, PhilGEPS and in the Bulletin Board of PMO-Palawan on 2 June 2022, continuously for seven (7) calendar days.

WHEREAS, the Approved Budget for the Contract to be Bid as posted/advertised is **₱ 14,282,875.06**.

WHEREAS, during the opening of bids on 21 June 2022 at 9:30 A.M., no bids were received to be opened;

Whereas, per Resolution No. 05-2022 dated 21 June 2022, the PMO Palawan-BAC declared a failure of bidding and recommended to the Port Manager, the Head of Procuring Entity, to conduct a re-bidding with re-advertisement and/or posting, as provided for in Section 21.2 of the 2016 Revised IRR of R.A. 9184;

WHEREAS, on 29 June 2022, the Philippine Ports Authority- Port Management Office of Palawan advertised/ posted the Invitation to Bid for the project DOTr-LFP-PLW-01-2020 Roxas Port Development Project, Port of Roxas, Roxas, Palawan in the PhilGEPS and PPA websites, and at bulletin board of PMO- Palawan continuously for seven days (7) days;

WHEREAS, on 18 July 2022, Johnstar Trading and Construction, secured bid documents and submitted their bids in a sealed envelope;

WHEREAS, at 9:30 A.M. on 18 July 2022 the Technical Bids of Johnstar Trading and Construction was opened and passed the preliminary examination. After which, the Financial Bid was opened and also passed the preliminary examination, and the result of the Financial Bid is tabulated as follows:

<i>Name of Bidders</i>	<i>Bid Amount As Read During Opening of Bids</i>	<i>ABC</i>	<i>% Variance from ABC</i>
Johnstar Trading and Construction	Php 14,282,169.55	Php 14,282,875.06	0.0049% Lower than ABC

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WHEREAS, on 21 July 2022, the TWG conducted bid evaluation and upon ascertainment of all statements and representations made, including all documents submitted, the Technical Working Group (TWG) found that the bidder failed to comply with, and be responsive to, the requirements and conditions specified in the Bidding Documents, based on the following grounds:

Requirements/Condition	Findings
<p>2016 Revised IRR of RA 9184</p> <p>Section 25.2 b) viii, (3) List of contractor's major equipment units, which are owned, leased, and/or under purchase agreements, supported by proof of ownership or certification of availability of equipment from the equipment lessor/vendor for the duration of the project, as the case, maybe; and</p> <p>Bid Data Sheet, Item 10.5 The minimum major equipment requirements</p>	<p>The bidder failed to provide the following major equipment on the list of Equipment Pledged to the Contract to be Bid:</p> <ol style="list-style-type: none"> 1) 1 unit – Clamshell, Owned 2) 1 unit – Concrete Cutter, Owned 3) 1 unit – Concrete bucket, Owned 4) 1 unit – Oxy/acetylene cutting outfit, Owned 5) 1 unit – Concrete Screeder, Owned

WHEREAS, the BAC, after a motion duly made and properly seconded, declared the bidder Johnstar Trading and Construction as disqualified and the bidding for the DOTr-LFP-PLW-01-2020 Roxas Port Development Project, Port of Roxas, Roxas, Palawan, a failure;

WHEREAS, upon declaration of failure of bidding, the BAC conducted a mandatory review of the terms, conditions, and specifications in the Bidding Documents and has agreed to revise all the major equipment to be owned or leased.;

WHEREAS, on 24 July 2022, Johnstar Trading and Construction filed a Request for Reconsideration and was immediately forwarded to the BAC Chairman. The BAC has convened on the same day to deliberate the merit of the request and thereafter decided to deny the Johnstar Trading and Construction Request for Reconsideration;

NOW THEREFORE, for and in consideration of the foregoing premises, the PMO-Palawan Bids and Awards Committee hereby RESOLVE as it is hereby RESOLVED :

1. To declare the bidding of DOTr-LFP-PLW-01-2020 Roxas Port Development Project, Port of Roxas, Roxas, Palawan, a FAILURE;
2. To recommend to the HOPE that all the equipment pledged to the contract to be owned or leased;
3. To recommend to the Port Manager/Head of the Procuring Entity (HOPE) of PMO-Palawan the conduct of Negotiated Procurement for the Infrastructure project DOTr-LFP-PLW-01-2020 Roxas Port Development Project, Port of Roxas, Roxas, Palawan as provided for in Sub-Section 35.5 of the IRR of RA 9184 and its 2016 Revised IRR which states that, "Should there occur a second failure of bidding, the Procuring Entity concerned may resort to negotiated procurement, as provided for in Section 53.1 of this IRR;


Handwritten initials and signatures

APPROVED AND ADOPTED by the PMO Palawan-BAC on 25 July 2022.


JEMUEL B. APELLIDO
BAC Chairperson

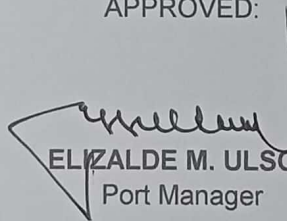

Digitally signed
7/25/2022
ERWIN S. GATPANDAN
Vice Chairperson


FRASY M. DE GUZMAN
Member


ALLAN S. MANUEL
Member


MARITES C. COHEN
Member

APPROVED:


ELIZALDE M. ULSON
Port Manager