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CERTIFICATE NO.: SCP000544G

Republic of the Philippines  
**KALINGA STATE UNIVERSITY**  
Tabuk City, Kalinga 3800  
**Bids and Awards Committee**



**BAC Resolution No. 226**  
**Series of 2021**

**A RESOLUTION RECOMMENDING APPROVAL OF THE BOARD OF REGENTS THROUGH THE UNIVERSITY PRESIDENT THE AWARD OF THE PROJECT "CONSTRUCTION OF TECHNOLOGY AND INNOVATION PARK- BULANAO CAMPUS" WITH AN APPROVED BUDGET FOR THE CONTRACT OF SIXTEEN MILLION NINE HUNDRED EIGHTY-EIGHT THOUSAND TWO HUNDRED NINETY-ONE PHILIPPINE PESOS AND THIRTY-TWO CENTAVOS (PHP 16,988,291.32), REGULAR AGENCY FUND FOR FY 2021, TO TECKCON CONSTRUCTION FOR A CONTRACT PRICE OF SIXTEEN MILLION NINE HUNDRED SEVENTY-SEVEN THOUSAND FIVE HUNDRED FIFTY-THREE PHILIPPINE PESOS AND TWENTY CENTAVOS (PHP 16,977,553.20) SUBJECT TO CONFIRMATION OF THE SAID CONTRACT BY THE BOARD OF REGENTS THROUGH THE BOR FINANCE COMMITTEE, RA 9184 AND ITS 2016 REVISED IRR, AND PERTINENT GOVERNMENT RULES AND REGULATIONS**

**WHEREAS**, as a general rule, the Head of the Procuring Entity (HOPE) must create Bids and Awards Committee (BAC), which has the functions and responsibilities stipulated in Section 12 of 2016 revised Implementing Rules and Regulations (IRR) of Republic Act (R.A.) No. 9184, otherwise known as "**The Government Procurement Reform Act**," of which to determine, among others, if the bidder with the Lowest Calculated Bid (LCB) complies with and is responsive to all the requirements and conditions as specified in the bidding documents standards, in all its procurement activities;

**WHEREAS**, on February 21, 2019 during its 97<sup>th</sup> Regular Meeting held at the Conference Room, Administration Building, Cagayan State University, Tuguegarao City, Cagayan, the Board of Regents (BOR) of the Kalinga State University passed **Board Resolution No. 1578, Series of 2019** stating the following:

*RESOLVED AS IT IS HEREBY RESOLVED that upon its agreement, the Board APPROVED the vesting of the KSU President the authority to approve procurement transactions covering infrastructure and equipment not exceeding Php 20,000,000.00, including the consequential actions such as approving the Notice of Award, Notice to Proceed and Contract Agreement; subject to the review and recommendation of the Board Committee on Finance.*

**WHEREAS**, during its 106<sup>th</sup> Regular Meeting held on April 15, 2021, the BOR passed **Resolution No. 5, Series of 2021**, approving the Approved Budget for the Contract (ABC) amounting to Seventeen Million Five Hundred Thirty-Four Thousand Philippine Pesos (Php 17,534,000.00) inclusive of engineering services for the Construction of Technology and Innovation Park- Bulanao Campus charged to Capital Outlay Regular Agency Fund in the General Appropriations Act of 2021, including the vesting of authority to the University President to cause the procurement procedures and signing on the consequential actions of the procurement process;

**WHEREAS**, on **May 21, 2021 @ 10 am**, the concerned KSU officials and units involved in the procurement conducted the **Pre-Procurement Conference** to discuss all aspects of the project, which includes presentation/review of terms and conditions, comments and suggestions, the ABC, the applicability and appropriate method of procurement and the related milestones, the bidding documents, and availability of the pertinent budget release;

**WHEREAS**, during the Pre-Procurement Conference, the Project Management Office informed the body that the approved ABC of Sixteen Million Nine Hundred Ninety-Three Thousand Five Hundred Thirteen Philippine Pesos and Thirty-Six Centavos (Php 16,993,513.36) including engineering services of Five Hundred Forty Thousand Four Hundred Eighty-Six Philippine Pesos and Eighty-Four Centavos (Php 540,486.84) by the BOR was **revised into Sixteen Million Nine Hundred Eighty-Eight Thousand Two Hundred Ninety-One Philippine Pesos and Thirty-Two Centavos (Php 16,988,291.32)** by the DPWH as part of the necessary concurrence of plans for this project;



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**WHEREAS**, in compliance with the provisions of RA 9184 and its 2016 revised IRR, the **Kalinga State University (KSU)**, through its BAC, published the Invitation to Bid in the PhilGEPS Website (<https://notices.philgeps.gov.ph/>) on **May 25, 2021 to June 1, 2021** (PhilGEPS Reference Number 7715534), for the bidding of **Construction of Technology and Innovation Park- Bulanao Campus** with an ABC amounting to **Sixteen Million, Nine Hundred Eighty-Eight Thousand, Two Hundred Ninety-One Philippine Pesos and Thirty-Two Centavos (Php 16,988,291.32)** sourced from GAA-Regular Agency Fund for F.Y. 2021 and posted the same at the KSU Website (<https://ksu.edu.ph/bid/construction-technology-and-innovation-park-bulanao-campus>), BAC Bulletin Board and conspicuous places at the premises of the University Campuses continuously for seven (7) calendar days as certified by the BAC Secretariat;

**WHEREAS**, in response to the said posting/advertisement, **seven (7) prospective bidders**, namely: S.M. Severino Construction and Trading, Delta Jo Construction, Teckcon Construction, First Reliable Builders, Four-G Construction, JBC Builders, and Decagon Construction, browsed/read the opportunity at the sites mentioned above and downloaded the bidding documents;

**WHEREAS**, the BAC and the Technical Working Group for Infrastructure Projects (TWG-Infra) conducted the **Pre-bid Conference** simultaneously via Google Meet Link: [meet.google.com/ehf-iacv-xpo](https://meet.google.com/ehf-iacv-xpo) with the bidder's representatives on **June 2, 2021 @ 10 am** whereupon no Supplemental Bid/Bulletin (SBB) was issued to amend the contents of published bidding documents;

**WHEREAS**, two (2) bidders, namely: **Decagon Construction and Teckcon Construction**, purchased the bidding documents amounting to Twenty-Five Thousand Philippine Pesos (Php 25,000.00) each bearing Official Receipt Numbers 734572 and 734784 dated June 3 & 7, 2021, respectively;

**WHEREAS** during the **Receipt of Bids on June 14, 2021 @ 10 am**, both bidders submitted, before the scheduled timeline and through manual submission, their sealed bid envelopes containing the technical documents and financial proposal;

**WHEREAS** during the **Opening of Bids on June 14, 2021 @ 10:01 am**, the BAC, using the "pass/fail" criteria, rated **Decagon Construction as "failed"** in Item Letter "C" or the Statement identifying the Bidder's Single Largest Completed Contract (SLCC) under the Checklist for Eligibility and Technical Components (1<sup>st</sup> Envelope) and was eventually declared as **"ineligible"** by the BAC upon the recommendation of the TWG-Infra;

**WHEREAS**, the BAC informed the authorized representative of Decagon Construction of their right to file a motion for reconsideration pursuant to Section 55 of the 2016 revised IRR of RA 9184 within the next three (3) days or submit a written waiver, whereupon their bid envelopes were re-sealed for custody by the BAC secretariat;

**WHEREAS**, during the **Opening of Bids** of the second bidder, the BAC, upon the recommendation of the TWG-Infra, declared the bid of **Teckcon Construction as "eligible"** and passed the technical evaluation of the bidding;

**WHEREAS**, the TWG-Infra recommended to the BAC, upon opening the Financial Bid Envelope, to declare the bid of **Teckcon Construction as "complying"** in the amount of **Sixteen Million, Nine Hundred Seventy-Seven Thousand, Nine Hundred Eight Philippine Pesos and Sixteen Centavos (Php 16,977,908.16)** as the **Single Calculated Bid (SCB) As Read** as follows:

Name of the Project	CONSTRUCTION OF TECHNOLOGY AND INNOVATION PARK- BULANA0 CAMPUS	
Approved Budget for the Contract	PHP 16,988,291.32	
Name of Bidder	DEQAGON CONSTRUCTION	TECKCON CONSTRUCTION
Address of Bidder	PROVINCIAL ROAD, MAGSAYSAY, TABUK CITY, KALINGA	PROVINCIAL ROAD, MAGSAYSAY, TABUK CITY, KALINGA
Total Amount of Bid		Php 16,977,908.16
Form of Bid Security		BID SECURING DECLARATION
Rank in the Bid		1 <sup>st</sup>
Remarks	"INELIGIBLE" AS TO TECHNICAL REQUIREMENTS	"ELIGIBLE" AS TO TECHNICAL REQUIREMENTS; "COMPLYING" AS TO FINANCIAL COMPONENTS



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**WHEREAS**, on **June 15, 2021**, the BAC Secretariat informed the two bidders of the bidding results through its physical addresses by sending the notice of bid receipt and eligibility pursuant to Section 25.7 of 2016 Implementing Rules and Regulations of R.A. No. 9184;

**WHEREAS**, on **June 17, 2021**, the TWG-Infra presented their Arithmetic Bid Evaluation to the BAC about the Financial Bid of Teckcon Construction as follows:

Approved Budget for the Contract (ABC)	As per Bid Opening (Bid As Read Out) June 14, 2021	As per Bid Evaluation (Bid as Calculated) June 18, 2021	Variance from ABC
<b>Php 16,988,291.32</b>	<b>Php 16,977,908.16</b>	<b>Php 16,977,553.20</b>	<b>0.06%</b>

**WHEREAS**, at the closed of working office hour on **June 17, 2021**, the BAC neither receive a motion for reconsideration nor a waiver to file the same of Deqagon Construction;

**WHEREAS**, the TWG-Infra, upon the conduct of **Post-Qualification Evaluation**, or the process of verifying, validating and ascertaining all the statements made and documents submitted by the bidder with the SCB, which includes ascertaining the said bidder's compliance with the legal, financial and technical requirements of its bid under Section 34.3 of the 2016 IRR of RA 9184, by the composite Post Qual Team on **June 18, 2021 @ 10 am** rated the bid of **Teckcon Construction** as **"post-qualified"** and was declared by the BAC as the bidder with **"Single Calculated and Responsive Bid (SCRB),"** thus:

Name of Bidder	Findings	Remarks
<b>Teckcon Construction</b>	<b>Post-Qualified</b>	<b>Single Calculated and Responsive Bidder</b>

**WHEREAS**, the BAC likewise determined and verified Teckcon Construction's compliance with and responsiveness to the requirements set forth in the Instructions to Bidders concerning Section 36 of the 2016 revised IRR of RA 9184, thus:

**Section 36. Single Calculated/Rated and Responsive Bid Submission**

*A Single Calculated and Responsive Bid (SCRB) or a Single Rated and Responsive Bid (SRRB) shall be considered for award if it falls under any of the following circumstances:*

....

*b) If after advertisement, more than one prospective bidder applies for eligibility check, in accordance with the provisions of this IRR, but only one bidder meets the eligibility requirements or criteria, after which it submits a bid which is found to be responsive to the bidding requirements; or*

....

**WHEREAS**, according to the provisions of RA 9184 and its revised IRR, the Lowest/Single Calculated Responsive Bidder (L/SCRB) at its submitted bid price or its calculated bid price, whichever is lower, shall be awarded the contract under bidding in the proviso that said L/SCRB is technically, legally, and financially capable and compliant with all the technical specifications as required and stated on the bidding documents;

**NOW, THEREFORE, BE IT RESOLVED AS IT IS HEREBY RESOLVED**, for and in consideration of the foregoing premises, as follows:

1. to declare Teckcon Construction as the bidder with Single Calculated and Responsive Bid (SCRB) for the Project "Construction of Technology and Innovation Park- Bulanao Campus," with an Approved Budget for the Contract (ABC) of Sixteen Million Nine Hundred Eighty-Eight Thousand Two Hundred Ninety-One Philippine Pesos and Thirty-Two Centavos (Php 16,988,291.32), sourced from Regular Agency Fund (RAF) of the General Appropriations Act (GAA) for F.Y. 2021; and

*[Handwritten signatures and initials]*



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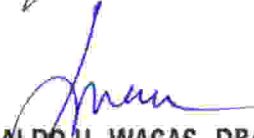
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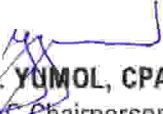


- to recommend to the Board of Regents through the KSU University President Dr. Eduardo T. Bagtang the approval of the award for the Project: Construction of Technology and Innovation Park- Bulanao Campus to Teckcon Construction for a Contract Price of Sixteen Million Nine Hundred Seventy-Seven Thousand Five Hundred Fifty-Three Philippine Pesos and Twenty Centavos (Php 16,977,553.20), sourced from RAF of GAA FY 2021, in relation to its vested approving authority embodied under Board Resolution No. 1578, Series of 2019, subject to the review and recommendation of the Board Committee on Finance; and
- to recommend to the Board of Regents through the BOR Finance Committee the confirmation of the award of contract of the above-stated project.

**RESOLVED FINALLY** to post this Resolution at the PhilGEPS and KSU Websites and conspicuous place at the University's premises, including the BAC Bulletin Board, for transparency and information purposes.

**RESOLVED** this 21<sup>st</sup> day of June 2021 at the BAC Conference Room, Procurement Management Office, Administration Building, KSU-Main Campus, National Highway, Purok 6, Bulanao, Tabuk City, Kalinga, Philippines.

Concurred by the BIDS AND AWARDS COMMITTEE:	
 <b>ARSENIA M. BAYONGAN, MAED</b> BAC Member	 <b>ENGR. NOEL B. ESTILONG</b> BAC Member
 <b>JOHN JOHN C. VENUS JR, DPA</b> BAC Member	 <b>ROMUALDO U. WACAS, DBA</b> BAC Member

Endorsed for HOPE Approval:
 <b>EDNA P. YUMOL, CPA, PhD</b> BAC Chairperson





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**Office of the University President**



Date: JUN 27 2021

To the Bids and Awards Committee:

**Action of HOPE on BAC Recommendation through BAC Resolution No. HO, Series of 2021**

By the power vested in me by the Kalinga State University Board of Regents, I hereby:

**APPROVE** the attached Resolution of the BAC based on the foregoing:

*Section 34.4, 2016 R-IRR of RA 9184: Lowest Calculated and Responsive Bid (LCRB) or Highest Rated and Responsive Bid (HRRB).*

*Section 36, 2016 R-IRR of RA 9184: Single Calculated and Responsive Bid (SCRB) or Single Rated and Responsive Bid (SRRB). subject for BAC confirmation.*

*Annex "D", 2016 R-IRR of RA 9184: Appropriate adjustments in the delivery of contract schedule, or contract price, or both, with modification of contract.*

**DISAPPROVE** the attached Resolution of the BAC due to the following Reservation Clauses:

*Section 41(a), RA 9184: there is prima facie evidence of collusion.*

*Section 41(b), RA 9184: the BAC failed to follow bidding procedures.*

*Section 41(c), RA 9184: any justifiable and reasonable ground where the award of contract will not redound to the benefit of the government.*

**APPROVE BAC DECLARATION ON FAILURE OF BIDDING** based on the foregoing:

*Section 35.1(a), 2016 R-IRR of RA 9184: No bids received.*

*Section 35.1(b), 2016 R-IRR of RA 9184: Bids received, but no one was eligible.*

*Section 35.1(c), 2016 R-IRR of RA 9184: All bids failed to post qualify.*

*Section 35.1(d), 2016 R-IRR of RA 9184: Someone post qualified but refused without justifiable cause to accept the award.*

**SUBJECT FOR RE-BID** based on the following:

*Section 35.2, 2016 R-IRR of RA 9184: Task the BAC and TWG to conduct mandatory review and evaluation of the terms, conditions, specifications, and cost estimates in the bid documents.*

*Section 35.3, 2016 R-IRR of RA 9184: To task the BAC to conduct a re-bidding with re-advertisement and/or posting.*

*Section 35.5, 2016 R-IRR of RA 9184: To resort to negotiated procurement, specifically Two Failed Biddings (Sec. 53.1).*

Issued at KSU Main Campus, National Highway, Purok 6, Bulanao, Tabuk City, Kalinga, Philippines.

**EDUARDO T. BAGTANG, CPA, DBM**  
SUC President III

Enclosure: BAC Resolution